STATE OF NEW HAMPSHIRE

CONVENING DAY

January 3, 2018

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

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

When John XXIII became Pope in 1958 one of his jobs, of course, was to govern the worldwide Catholic Church. Daily he heard stories of troubles all around that world: priests and nuns who were killed in Africa, the plight of war and poverty, refugees who needed help, and on and on; the problems seem endless. One temptation is to think that being given a role of power means that you can save everyone, everything, every situation. And so when the sky seemed to be falling, Pope John had a prayer every night so that he could sleep. He would pray I've done the best that I could in your service, O Lord, I'm going to bed now, it's your Church, you take care of it. It's a prayer that's not about indifference to problems; it's not about an abdication of responsibility, but it recognizes our human limitations. The fact that because we can do some things, we have to realize we cannot do everything. And just because we can't do everything doesn't mean we can't do something. So, recognizing those human limitations let us turn our own thoughts and minds to prayer to the limitless and infinite One.

Almighty God, we give over to you ourselves, our state, those whom we serve. We give them over to your kind caregiving. Help us to see that the world is not as bad as we fear it is. Help us to see that the world is not as good as we pretend it is. Help us to do what we can, but not more. For we are all your people and this is your world; take care of us, O loving God. Amen.

Senator Woodburn led the Pledge of Allegiance.

SENATOR CAVANAUGH ASSUMES DISTRICT 16 SENATE SEAT

President Morse recognized that Senator Kevin J. Cavanaugh, representing Senate District 16, has taken his seat today as a member of the Honorable Senate, having been sworn into office by the Honorable Chris Sununu, Governor, and the Honorable Executive Council, on August 23, 2017.

Senator Hennessey is excused for the day.

INTRODUCTION OF GUESTS

PRESIDENT MORSE: Senator D'Allesandro, can you join me up here with Anthony?

SENATOR D'ALLESANDRO: Thank you, Mister President. Tomorrow is my grandson's 10th birthday, and he couldn't be with us tomorrow because his chess club has a meeting. But ten years ago at the Brigham and Women's Hospital this young boy was born. He was born in the intensive care unit of the NICU at Brigham and Women's and there were real questions about his life expectancy. He has a very rare mosaic, Mosaic Trisomy 22, but what I really want to emphasize to all of my colleagues is that miracles do happen. And we have before us, today, a miracle, and it's just wonderful to be able to share that story with you so we all become believers that no matter what we can make it happen. And my lovely wife is here, my daughter is outside, but Anthony is a living example. This young man has undergone thirteen surgeries before the age of five. He's had open heart surgery, and a series of other difficult procedures, but he's courageous, he hangs in, and he's as tough as nails. So I wanted to present him to all of you because I know all of us believe in miracles and we've had one in the D'Allesandro family, and we thank you, Mister President.

PRESIDENT MORSE: Senator Avard why don't you start with "Happy Birthday?"

Senator Avard led the Senate in "Happy Birthday" to Anthony Smith.

ANTHONY SMITH: Thank you everyone for being so nice and supportive and not turning me out at the doorway because of that sign over there…

PRESIDENT MORSE: You know as we were being led in prayer everything's going through my head today on what's being removed, how the process is going to work, and then I looked up and I saw Shawn Jasper and Laurie out there and I got a little smile because, you know, I've lightened up just a bit because we have a different relationship now. Matter of fact, he told me where his office is, today. It's just right down the barrel from the third floor to the second floor in the next building. So, I'd be careful. But the reality is…I hope you can join me up here… Laurie. Everything you've given to the State, the Senate just wants to recognize you for everything you've done.

I said I wanted to take an opportunity today to recognize a long-time friend and colleague in the House, Shawn Jasper. Many of you don't know this but I started in the House in '98, and I'm fortunate enough to have been through half of the positions I'm going to read to you today that he's served in. But we certainly gained a relationship over the last couple of years, and while we lost him as a leader in the House I think we've gained a great leader in Agriculture. Like many of you and Senator Woodburn doesn't have to worry about it, I've already said he needs to make a stop up at Fadden's and talk about maple syrup. I didn't hit you about the nursery business yet but that will be next, just don't charge me for anything, and remember we write the budget. In any case, I'd like to read this resolution:

> Shawn Jasper, for his service and dedication to the State of New Hampshire
>
> WHEREAS, Shawn Jasper was first elected to the New Hampshire House of Representatives in 1984, serving on numerous committees on behalf of the towns of Hudson and Pelham in Hillsborough County, District 37 and in varying leadership roles in nearly 24 years of service to the state until 2017; and

WHEREAS, Shawn Jasper was elected by his colleagues to serve as Speaker of the House of Representatives in 2014, having previously held roles including Deputy Majority Leader, Assistant Majority Leader, Majority Whip and Minority Whip; and

WHEREAS, Shawn Jasper service to his community also includes membership in the Hudson Historical Society, serving as a member of the Hudson Board of Selectmen and on the Hudson Municipal Budget Committee as well as Town and School District Moderator, among other roles in town government; and

WHEREAS, Serving as House Speaker, Shawn Jasper has been a strong advocate for the state of New Hampshire, willing to work with disparate views to do what is right for the state and its citizens; and

WHEREAS, Shawn Jasper's leadership in public service is highly regarded and evident by the many accomplishments that bear his name; and

Now, therefore, be it resolved that the New Hampshire Senate joins in celebrating the Honorable Shawn Jasper for his contributions to the state of New Hampshire as Speaker and as a long-serving member of the House of Representatives…[we wish you] the very best.

COMMISSIONER JASPER: Thank you so much for this honor. And thank you for the honor of being able to stand here at this President's podium. I've been acting Governor, but never been able to stand here and speak, so this is a unique honor. Thank you so much for your friendship over the years. It's been a pleasure working with all of you. I think we've accomplished great things in the last few years, and I know that you will continue to do so for the rest of the year and in years to come. My office is just across the street in the Annex on the second floor right across from the Secretary of State's Office. I invite all of you to come over, stop by, but particularly to work with me on any issues related to agriculture, markets and foods that you have. I stand ready to work with you. Some of you have already taken that opportunity, and I look forward to more of that in the future. Again, thank you so very much. Laurie and I are very honored.

INTRODUCTION OF PAGES

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. Colleagues, on this special session day I have the privilege of introducing two special students from Nashua High School South, who will be serving as our pages today. And in the tradition of ladies first, I will tell you about Margaret Mikailov, who is a junior at Nashua High School South; seventeen years old, her favorite school subject is Spanish. Extracurricular activities include swim team. My family and I know a little bit about that. Orchestra, brass quintet, jazz band, League of Women Voters, ski club and as a swim teacher. In the future she plans to apply after college, apply for work in the State Department, ideally taking the Foreign Service exam to become a Foreign Service officer. So Happy New Year Margaret, thank you for being here and welcome.

Our next guest is a student, as well, at Nashua High School South, a junior and who happens to be a neighbor of mine. His name is Ben Telerski and his favorite school subject is government. He's aptly placed here for the day. And his extracurricular activities include campaigning for elections over all, general elections and he's president of the Nashua

South High Young Democrats. He is a member of Granite State Challenge, marching band, jazz band, junior class treasurer and on the swim team as well. In the future after high school he wants to study political science in college and pursue a career in government and politics, and I know for a fact he is well on his way. So thank you, Ben for being here, Happy New Year and we hope you both have a wonderful morning with us. Thank you.

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, January 18, 2018. Adopted

COMMERCE
SB 92, relative to the consumer complaint process at the banking department.

MOTION TO VACATE

Without objection, the following Senate Bill was vacated from the Committee on Commerce and referred to the Committee on Public and Municipal Affairs. Adopted.

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

FN REPORT FOR JANUARY 3, 2018

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

CONSENT CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 214-FN, relative to privatization of state services.

JUDICIARY
SB 98-FN, eliminating the statute of limitations on sexual assault.
SB 164-FN, removing the limitations on actions for sexual assaults on victims under 18 years of age.
SB 165-FN, authorizing periodic payments as security after a motor vehicle accident.
HB 614-FN, relative to forfeiture of personal property.

REGULAR CALENDAR:

COMMERCE
SB 87-FN, relative to on-premises sales by liquor manufacturers.
SB 189-FN, requiring insurance policies to cover 3-D mammography.
HB 79-FN, relative to New Hampshire products purchased and sold by the liquor commission.

EDUCATION
HB 557-FN, relative to school attendance in towns with no public schools.

ENERGY AND NATURAL RESOURCES
SB 195-FN-L, relative to fees for operation of a heating and agitation device in public waters.
HB 225-FN, relative to information collection concerning electric renewable portfolio standards.

HEALTH AND HUMAN SERVICES
SB 220-FN, relative to the definition of mental illness for purposes of mental health services.

PUBLIC AND MUNICIPAL AFFAIRS
SB 172-FN, relative to dams on residential property.

TRANSPORTATION
SB 178-FN, relative to motor vehicle registration transfer credits.

WAYS AND MEANS
SB 1-FN-A, reducing the rate of the business profits tax.
SB 75-FN, establishing a tax credit against business profits taxes for donations to career and technical education centers.
SB 76-FN-A, establishing an option to rebate the research and development tax credit against business profits taxes, and making an appropriation therefor.
SB 183-FN, establishing the New Hampshire technology sector marketing tax credit.
HB 560-FN-A-L, establishing keno.
HB 574-FN, increasing the limit on contributions to the community development finance authority for which an investment tax credit may be taken.

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

REGULAR CALENDAR:

COMMERCE
HB 549-FN, relative to beverage vendor fees.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 561-FN, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.

HEALTH AND HUMAN SERVICES
SB 63, relative to record management of abuse and neglect reports—if Committee Amendment is adopted.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 55, by Senator D'Allesandro

JUDICIARY
HB 143, by Senator Carson
HB 614-FN, by Senator Sanborn

CONSENT CALENDAR

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

ELECTION LAW AND INTERNAL AFFAIRS
SB 47, relative to enforcement of election laws.
Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

> This bill would authorize the secretary of state to conduct investigations to determine whether election laws have been violated and to institute enforcement proceedings and impose penalties. With the passage of SB 3, which addresses the enforcement of election laws this bill is no longer relevant and therefore inexpedient to legislate.

HB 390, relative to parties on certain election forms and ballots and relative to the voter registration form used on the day of the general election. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

This bill as amended authorizes the inclusion of additional parties on election forms used to request an absentee ballot and to change party registration on the day of the primary.

Election Law and Internal Affairs
November 29, 2017
2017-2540s
03/04

Amendment to HB 390

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

AN ACT relative to parties on certain election forms and ballots.

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

1 Change of Registration. Amend RSA 654:34, V(a) to read as follows:

V.(a) At any primary, the supervisors of the checklist shall make available within the polling place a card or list of undeclared voters from the statewide centralized voter registration database to enable a voter who was registered as an undeclared voter but who changed registration on the day of the primary in order to vote as a registered member of a party to change registration so that the voter is registered once again as an undeclared voter. The card or list shall be in substantially the following form:

Name _____
(Print)

Address _____

_____

_____

I hereby request that my political party registration be changed as follows:

From: Democrat [ ]**,** or Republican [ ]***, or (name of any party determined by the secretary of state to have achieved official status under RSA 652:11) []***

To: Undeclared [ ]

Signed under the pains and penalties of perjury.

_____

Date _____

2 Absentee Voting; Forms. Amend RSA 657:4, I to read as follows:

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance, and Disability:

I hereby declare that (check one):

_____ I am a duly qualified voter who is currently registered to vote in this town/ward.

_____ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot because (check one):

_____ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.

_____ I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.

_____ I cannot appear in public on election day because of observance of a religious commitment.

_____ I am unable to vote in person due to a disability.

_____ I cannot appear at any time during polling hours at my polling place because of an employment obligation. For the purposes of this application, the term "employment shall include the care of children and infirm adults, with or without compensation.

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

_____ Presidential Primary to be held on _____
(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

_____ State Primary to be held on _____
(MM/DD/YYYY)

_____ General Election

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

_____ Republican Party

_____ Democratic Party

_____ ***(name of any party determined by the secretary of state to have achieved official status under RSA 652:11)***

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

_____
(Last) (First) (Middle) (Sr., Jr., II., III)

Applicant's Voting Domicile (home address):

_____
(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Mail the ballot to me at this address (if different than the home address):

_____
(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Applicant's Phone Number (optional): _____

Applicant's Email Address (optional): _____

Applicant's Signature: _____

Date Signed: _____
(MM/DD/YYYY)

The applicant must sign this form to receive an absentee ballot. The signature on this form must match the signature on the affidavit envelope in which the absentee ballot is returned, or the ballot may be rejected. Any person who assists a voter with a disability in executing

this form shall make a statement acknowledging the assistance on the application form to assist the moderator when comparing signatures on election day.

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

2017-2540s

AMENDED ANALYSIS

This bill authorizes the inclusion of additional parties on election forms used to request an absentee ballot and to change party registration on the day of the primary.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 136, eliminating the land use board and requiring approval of federal land acquisitions by the governor and council.

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

This legislation would eliminate the land use board and require approval of federal land acquisitions by the Governor and Council. The prime sponsor of this legislation requested the vote of the committee to be Inexpedient to Legislate. Further information is needed from the federal government prior to introducing new legislation.

SB 214-FN, relative to privatization of state services.

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

This bill would regulate the use of private contractors for public services. The Department of Administrative Services reviewed this legislation and stated in order to have a firm opinion further studies would need to be completed on the impact it would have on multiple departments. The committee believes further study is warranted.

JUDICIARY

SB 98-FN, eliminating the statute of limitations on sexual assault.

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

This bill would have eliminated the statute of limitations on prosecuting sexual assault and incest cases. The Committee believes this matter needs further clarification and has therefore, placed the goals and interests of this bill into a study commission in SB164-FN, which is of a similar subject matter.

SB 164-FN, removing the limitations on actions for sexual assaults on victims under 18 years of age.

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

This bill would have eliminated the limitations on prosecuting sexual assault and incest cases, where the victim was under 18 years of age at the time of the offense. This important issue needs further clarification and examination and therefore, this bill as amended would form a study commission to determine the best and most effective direction forward.

Senate Judiciary
December 5, 2017
2017-2545s
04/05

Amendment to SB 164-FN

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

AN ACT establishing a commission to study repealing the statute of limitations and limitations on actions for sexual assault.

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

1 New Section; Sexual Assault and Related Offenses; Commission to Study Repealing the Statute of Limitations and Limitations on Actions for Sexual Assault. Amend RSA 632-A by inserting after section 10-c the following new section:

632-A:10-d Commission to Study Repealing the Statute of Limitations and Limitations on Actions for Sexual Assault.

I. There is established a commission to study repealing the statute of limitations and limitations on actions for sexual assault.

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

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

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

(c) A representative from the New Hampshire Coalition Against Domestic and Sexual Violence.

(d) One member of the New Hampshire Association of County Attorneys, appointed by that association.

(e) One member of the New Hampshire Bar Association, appointed by that association.

(f) One mental health professional, appointed by the National Alliance on Mental Illness.

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

IV. The commission shall:

(a) Review current statutes in New Hampshire relating to the statute of limitations and limitations on actions for sexual assault.

(b) Identify current barriers facing victims of sexual assault accessing justice.

(c) Identify current trends in reforming statutes of limitations and limitations on actions on sexual assault across the country.

(d) Develop recommendations for future legislation.

(e) Solicit information from any person or entity the commission deems relevant to its study.

V. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 30 days of the effective date of this section. Five members of the commission shall constitute a quorum.

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

2 Repeal. RSA 632-A:10-d, relative to the commission to study repealing the statute of limitations and limitations on actions for sexual assault, is repealed.

3 Effective Date.

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

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

2017-2545s

AMENDED ANALYSIS

This bill establishes a commission to study repealing the statute of limitations and limitations on actions for sexual assault.

SB 165-FN, authorizing periodic payments as security after a motor vehicle accident.
Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

This bill would authorize the director of the division of motor vehicles to order periodic payments as security after an accident which resulted in death, personal injury, or damages to property. The Committee amended the bill to allow for rulemaking by the director in order to ensure the most appropriate and effective process.

Senate Judiciary
December 5, 2017
2017-2546s
03/08

Amendment to SB 165-FN

Amend RSA 264:4-a as inserted by section 1 of the bill by inserting after paragraph VI the following new paragraph:

VII. The director shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The periodic payment hearing process.
(b) A definition of the ability to pay.
(c) Process for minors subject to suspension under this section.

SB 199, relative to limited driving privileges after an administrative license suspension.
Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

This bill authorizes limited privilege drivers' licenses for certain persons whose licenses have been administratively suspended for operating under the influence or for the refusal to take a sobriety test. The Committee amended the bill to clarify any ambiguity within the statute.

Senate Judiciary
December 5, 2017
2017-2547s
03/08

Amendment to SB 199

Amend the bill by replacing section 1 with the following:

1 Limited Driving Privilege; Administrative Suspension. Amend the introductory paragraph of RSA 263:57-b, I to read as follows:

I. Notwithstanding any provision of law to the contrary, if a person is convicted of a first offense under RSA 265-A:2, I, not including any conviction involving driving a commercial motor vehicle, ***and a person's license is administratively suspended under RSA 265-A:30,*** he or she may petition the court for a restoration of his or her operator's license with limited driving privileges. To qualify for consideration, the person shall submit proof of financial responsibility in accordance with RSA 265-A:28 and an application that demonstrates the need for the license. Satisfactory evidence of at least one of the following must be presented, including satisfactory proof from the employer, program, medical treatment facility, state-approved educational institution, or other destination:

2017-2547s

AMENDED ANALYSIS

This bill limits eligibility for limited privilege drivers' licenses to persons who have been convicted of a first DWI offense and whose licenses have been administratively suspended for operating under the influence or refusal to take a test.

PUBLIC AND MUNICIPAL AFFAIRS

SB 169, relative to the definition of agritourism.

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

This bill would modify the definition of agritourism. The Committee felt that the definition of agritourism was addressed in statute effective in 2016. This legislation would not serve to improve upon that, and the Committee requests Inexpedient to Legislate.

SB 170, relative to the authority of towns to issue bonds for the expansion of broadband infrastructure.

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

This bill as amended allows a municipality (and town) or county to raise funds through infrastructure or revenue bonds in order to finance public-private partnerships that improve broadband connectivity for locations unserved. Unserved locations are those lacking "broadband," capability as defined by section 706 of the Telecommunications Act of 1996, irrespective of the network technology used. Currently, a location is unserved if 25 megabyte download and 3 megabyte upload service is unavailable. These amendments allow a municipality to bundle unserved areas into a single request for proposals from existing service providers and others. Selection of a private partner is at the discretion of the municipality based upon criteria including, but not limited to, a provider's ability to deploy, manage, and maintain a broadband network which meets or exceeds the anticipated needs of the community.

Public and Municipal Affairs
November 1, 2017
2017-2497s
06/01

Amendment to SB 170

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

1 Municipal Finance Act; Definitions; Location. Amend RSA 33:1, III to read as follows:

III. "Net indebtedness," all outstanding and authorized indebtedness, heretofore or hereafter incurred by a municipality, exclusive of the following: unmatured tax anticipation notes issued according to law; or notes issued in anticipation of grants of federal or state aid or both; debts incurred for supplying the inhabitants with water or for the construction, enlargement, improvement or maintenance of water works; debts incurred to finance the cost of sewerage systems or enlargements or improvements thereof, or sewage or waste disposal works when the cost thereof is to be financed by sewer rents or sewer assessment; debt incurred pursuant to RSA 31:10; debts incurred to finance energy production projects, the reconstruction or enlargement of a municipally owned utility, or the

manufacture or furnishing of light, heat, power or water for the public, or the generation, transmission or sale of energy ultimately sold to the public; debts incurred to finance small scale power facilities under RSA 374-D; debts incurred outside the statutory debt limit of the municipality under any general law or special act heretofore or hereafter enacted (unless otherwise provided in such legislation); and sinking funds and cash applicable solely to the payment of the principal of debts incurred within the debt limit[~~.~~]***;***

IV. "Location," property, parcel or address where broadband could be purchased by a customer.

2 Municipal Finance Act; Purpose of Issue of Bonds. Amend RSA 33:3 to read as follows:

33:3 Purpose of Issue of Bonds or Notes. A municipality or county may issue its bonds or notes for the acquisition of land, ***for economic development,*** for planning relative to public facilities, for the construction, reconstruction, alteration, and enlargement or purchase of public buildings, for other public works or improvements***, or for the financing of improvements,*** of a permanent nature including broadband infrastructure as defined in RSA 38:38, I(e), [~~to be purchased or constructed in areas not served by an existing broadband carrier or provider,~~] ***to serve any location within a municipality unserved by broadband as defined in RSA 38:38, I(c)*** for the purchase of departmental equipment of a lasting character, ***and*** for the payment of judgments[~~, and for purposes of economic development which~~]***. The issuance of such bonds or notes*** shall include***, but not be limited to,*** public-private partnerships involving capital improvements, loans, ***financing,*** and guarantees. The public benefit in any public-private partnership must outweigh any benefit accruing to a private party. Bonds or notes for the purposes of economic development may be issued only after the governing body of the municipality or county has held hearings and presented the public benefit findings to the public and after such issuance has been approved by the legislative body. A municipality or county shall not issue bonds or notes to provide for the payment of expenses for current maintenance and operation except as otherwise specifically provided by law.

3 Municipal Finance Act; Issue of Bonds for Preliminary Expenses. Amend RSA 33:3-c, I to read as follows:

I. A municipality or county may issue its bonds or notes for the purpose of defraying the cost of preliminary or final plans and specifications or other preliminary expenses incidental to, or connected with, any proposed public work or improvement of a permanent nature consisting of the construction, reconstruction, alteration, enlargement, [~~or~~] improvement***, or the financing of the construction, reconstruction, alteration, enlargement, or improvement*** of the following:

(a) A public building.

(b) A water works.

(c) A sewerage system or sewage or waste treatment facility.

(d) A solid waste disposal or resource recovery facility.

(e) Broadband infrastructure as defined in RSA 38:38***, I(e)*** [~~to be purchased or~~] constructed [~~in areas not served~~] ***to serve any locations within a municipality unserved*** by [~~an existing~~] broadband [~~carrier or provider~~] ***as defined in RSA 38:38, I(c)***.

4 Municipal Finance Act; Broadband Infrastructure Bonds. Amend RSA 33:3-g to read as follows:

33:3-g Broadband Infrastructure Bonds.

I. A municipality may issue bonds for the purpose of financing the development, construction, reconstruction, [~~renovation,~~] ***and*** improve-

ment[~~, and acquisition~~] of broadband infrastructure in [~~areas not served by an existing broadband carrier or provider that would be provided at a fee to broadband carriers that provide broadband services~~] ***any locations within a municipality unserved by broadband as defined in RSA 38:38, I(c).*** Without limiting the foregoing, broadband infrastructure may be the subject of public-private partnerships established in accordance with the provisions of RSA 33:3.

II. Bonds issued under this section shall be payable in annual payments so that the amount of annual payment of principal and interest in any year on account of any bond shall be not less than the amount of principal and interest payable in any subsequent year by more than 5 percent of the principal of the entire bond. The total amount of payments shall be sufficient to extinguish the entire bond at such bond's maturity. The first payment of principal on any bond shall be made no later than 5 years and the last payment not later than 30 years after the date issued. Each authorized issue of bonds shall be a separate and distinct loan.

III. A municipality shall not issue bonds for the purpose of financing the development, construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure in [~~areas not served by an existing broadband carrier or provider~~] ***any location within a municipality unserved by broadband as defined in RSA 38:38, I(c)*** unless a request for [~~proposals~~] ***information*** has been issued [~~and no broadband carrier or provider has responded positively within 2 months or deployed broadband service within 14 months of the issuance of the request for proposals~~]***, at a minimum, to all providers serving the issuing community and such providers have been given 2 months to respond to the request. The request for information may include, but is not limited to, information identifying locations within a municipality unserved by broadband as defined in RSA 38:38, I(c). After completing, issuing, and receiving responses to such request for information, a municipality may issue a request for proposals for the purpose of engaging in a public-private partnership pursuant to RSA 33:3 or RSA 33-B for the deployment of broadband infrastructure, as defined in RSA 38:38, I(e), and the provision of broadband service as defined in RSA 38:38, I(f). A municipality may select a proposal based on criteria including, but not limited to, provider ability to deploy, manage, and maintain a broadband network which meets or exceeds the anticipated needs of the community. A municipality may determine that no provider has met the criteria included in the request for proposals and may issue bonds for purposes pursuant to RSA 33:3 and RSA 33-B, including but not limited to, open networks***.

5 Municipal Revenue Bonds; Definitions; Revenue-producing Facilities. Amend RSA 33-B:1, VI to read as follows:

VI. "Revenue-producing facilities" means water works, broadband infrastructure as defined in RSA 38:38, I(e), purchased or constructed [~~in areas not served by an existing broadband carrier or provider~~] ***to serve any location within a municipality unserved by broadband as defined in RSA 38:38, I(c)***, sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource recovery facilities, parking facilities, facilities for the production, generation, transmission, or distribution of electricity or gas, any other real or personal property or interests in a municipality or regional water district owned or controlled by the municipality or regional water district, from the operation of which revenues are or are expected to be derived by the municipality,

or regional water district, and qualifying energy conservation and clean energy improvements for which a municipality provides financing pursuant to RSA 53-F.

6 Broadband Access; Definitions. Amend RSA 38:38, I to read as follows:

I. In this subdivision:

(a) "Access tariff" means the fee charged on a monthly or annual basis to broadband [~~carriers~~] ***providers*** for access to the broadband infrastructure.

(b) "Areas not served" means any part of a municipality without a wireless or facilities based broadband service or a wireless or facilities based broadband service provider. Wireless shall not include subscription satellite service.

(c) "Broadband" means the transmission of information, between or among points specified by the user, with or without change in the form or content of the information as sent and received, at rates of transmission defined by the Federal Communications Commission as [~~"broadband."~~] ***a wireline advanced telecommunications capability as defined by section 706 of the Telecommunications Act of 1996, irrespective of the network technology used.***

(d) "Broadband [~~carrier~~] ***provider***" means any provider of broadband services, except aggregators of broadband services, as defined in section 226 of the 1996 Telecommunications Act.

(e) "Broadband infrastructure" means all equipment and facilities, including all changes, modifications, and expansions to existing facilities, as well as the customer premises equipment used to provide broadband, ***as defined in subparagraph (c),*** and any software integral to or related to the operations, support, facilitation, or interconnection of such equipment[~~, including upgrades, and any installation, operations and support, maintenance, and other functions required to support the delivery of broadband~~].

(f) "Broadband service" means the offering of broadband for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(g) "Open network" means any broadband infrastructure which is open to any third party users in a nondiscriminatory manner on a fair and equitable basis using publicly available access tariffs for services.

(h) "Open network interfaces" means the technical and operational means, manners, and methods for any third party access to the broadband infrastructure, which shall be provided on the basis of generally acceptable industry standards available at the time of access.

7 Broadband Fund. Amend RSA 38:40, I to read as follows:

I. The funds received from the collection of access tariffs shall be kept as a separate fund to be known as the broadband fund. Such fund shall be allowed to accumulate from year to year, shall not be commingled with town or city tax revenues, and shall not be deemed part of the municipality's general fund accumulated surplus. Such fund may be expended only for the purposes specified in RSA [~~38:38, or for the previous expansion or replacement of broadband infrastructure~~] ***33:3 and RSA 33-B***.

8 Repeal. RSA 38:38, I(b), definition of areas not served by broadband, is repealed.

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

HB 173, relative to regulations restricting the use of water for outdoor usage. Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

This bill would extend the authority of selectmen to restrict outdoor water usage. The Committee felt that this bill would adversely affect some commercial businesses over others. Due to the unintended consequences this would cause, the Committee requests Inexpedient to Legislate.

HB 296, allowing counties to authorize and fund forensic audits.
Inexpedient to Legislate, Vote 5-0. Senator Gray for the committee.

This bill would allow the county convention to authorize a forensic audit and pay for it from the contingency fund. The Committee believes this legislation is unnecessary as municipalities already have the authority to do this in statute. Therefore, the Committee requests Inexpedient to Legislate.

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

REGULAR CALENDAR

COMMERCE
SB 84, relative to payment of workers' compensation benefits by direct deposit.
Ought to Pass with Amendment, Vote 3-2. Senator Sanborn for the committee.

Commerce
December 8, 2017
2017-2552s
01/06

Amendment to SB 84

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

AN ACT relative to payment of workers' compensation benefits by direct deposit and authorizing electronic payment of payroll.

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

2 Payment of Wages; Weekly or Biweekly. Amend RSA 275:43, I(e) to read as follows:

(e) With checks on a financial institution convenient to the place of employment where suitable arrangements are made for the cashing of such checks by employees for the full amount of the wages due[~~; provided, however, that if an employer elects to pay employees as specified in subparagraphs (b), (c), or (d), the employer shall offer employees the option of being paid as specified in subparagraph (e), and further~~], provided that all wages in the nature of health and welfare fund or pension fund contributions required pursuant to a health and welfare fund trust agreement, pension fund trust agreement, collective bargaining agreement, or other agreement adopted for the benefit of employees and agreed to by the employer shall be paid by every such employer within 30 days of the date of demand for such payment, the payment to be made to the administrator or other designated official of the applicable health and welfare or pension trust fund.

3 Payment of Wages; Weekly or Biweekly. RSA 275:43, II(b) is repealed and reenacted to read as follows:

(b) Provide its employees the option of being paid by direct deposit under subparagraph I(c). If, after the employer has offered an employee direct deposit and provided the employee with the written disclosures required by subparagraph (a), the employee does not designate an account at a financial institution for direct deposit, the employer may arrange to pay the employee using a payroll card.

4 Payment of Wages; Weekly or Biweekly. Amend RSA 275:43, II(c) and (d) to read as follows:

(c) Provide written notice of any change to any of the terms and conditions of the payroll card or payroll card account, including but not limited to an itemized list of all fees that may have changed[~~, and obtain written assent from the employee that the employee voluntarily consents to receive wages to a payroll card or payroll card account subject to the changes~~]. The employer shall be responsible for any increase in fees charged to the employee before the employer provides written notice of such changes to the employee.

(d) Provide the employee the option to discontinue receipt of wages by a payroll card or payroll card account at any time, without penalty to the employee ***and to instead receive wages by direct deposit or another method offered by the employer, if any***.

5 Effective Date.

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

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

2017-2552s

AMENDED ANALYSIS

This bill authorizes payment of compensation under the workers' compensation law to be made to the injured worker by direct deposit.

This bill also deletes the requirement that an employer who pays wages by electronic fund transfer offer employees the option of being paid by check and permits an employer to pay wages with a payroll card after offering employees the option of being paid by direct deposit.

SENATOR SANBORN: Thank you, Mister President. Mister President, I move Ought to Pass with Amendment on Senate Bill 84. Mister President, as introduced this bill would authorize payments of workers compensation to be made to the injured worker by direct deposit. This legislation is for those injured individuals who have already spent six weeks or more out of work at a 40 percent reduction in pay. The policy question Mister President, was whether or not we believe that paying people directly, versus having them get a check is the right type of policy and the committee felt that it was. So they included an amendment to this bill that is very business friendly. It also authorizes employers to do the same type of electronic payment that we're discussing about workers compensation. In fact in 2013 this exact language was passed by the full Senate on a vote of 20-4 in a bipartisan vote out of the Commerce Committee. Testimony was heard at that hearing from Elliot Hospital, that this bill would save them over $67,000 a year, money they testified which could be spent on health care rather than writing paper checks. This amendment will also allow the employee to opt out and receive a payroll card if they so choose. Please join the Commerce Committee on voting Senate Bill 84 Ought to Pass with Amendment. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the committee amendment. The underlying bill was a very, very simple bill that affected a small discrete group of people. And what this amendment is in addition to being non-germane, is an amendment that never had a public hearing, and yet this amendment has the potential to impact every employee in the state of New Hampshire, not that small discrete group of injured workers that I was trying

to address in the underlying bill. What the amendment does is it turns decision making on its head by changing the ability of employees to make decisions about the method of payment they receive, and instead gives that determination to the employer; a real sea change in our labor laws. Section 2 of the amendment removes the employee's choice, their liberty to receive a paycheck, a physical check every week or every two weeks. Section 3 of the amendment says that an employee will now be paid by direct deposit or if the employee fails to provide a bank account, their bank information to their employer, the employer can now pay them with a payroll card. Now current law states that employers need to get written consent, it allows payroll card payment to employees, but it requires that the employer seek written consent from their employees before making those payments. And even more important, and I really want to emphasize this because we recognize the importance of individuals to make their own choices, having worked the hours they were required to, having done the work they were required to, current law says that after attaining consent, it says that accepting this form of payment of wages cannot be a condition of hire or of employment.

So the last section of the law, that it can't be a condition of hire or employment, has been stricken in this amendment. So we're now saying that it's permissible in the state of New Hampshire to fire someone who refuses to accept a payroll card as a medium of payment. Section 4 of the amendment provides for notice of changes to the payroll card terms and conditions by the employer. But once again, they no longer need the consent of the employee, so I guess if circumstances change, well that's too bad. Now I'm sure in a moment one of my colleagues is going to say, but section 4 (d) of this amendment is what gives the employees their choice and I see one of my colleagues nodding his head. But let's look at what 4 (d) provides the employee. What it says is that the employee can choose not to accept the payment of their wages in a payroll card, and instead what happens, well of course we now revert back to the direct deposit, or, and here's the egregious part, or another method of payment offered by the employee if any. If any. That means that if they don't offer them, well seriously, you're out of luck and it's tough luck. Mister President, I represent, as do many of us in this body, a large number of people for whom banks and credit unions are not where they do their financial transactions. They're people that prefer paychecks, they're people that use money transmitters, they're people that use other ways of dealing with their finance; they're people who use cash. There are people who are in the midst of acrimonious situations like divorce who don't want money going into a joint account, but it's the only account they have. Mister President, this amendment imposes such a sea change in our labor laws and who can make determinations about how they're paid, that I can't imagine how we could move forward on this amendment today without at the very least as I said, having had a public hearing, having had input. We did not have input from the Labor Department. I can't tell you if this is going to increase the number of complaints, because there wasn't an opportunity to ask them. I think for a lot of employees this will have a profound effect on them. I can't tell you if the Banking Department, or banks and credit unions in our state can accommodate payroll accounts for credit cards. Will they open increased hours to allow for people to transact with the payroll cards? Or will they install new ATMs that dispense coins, or individual dollar bills? I don't believe so. I think there are a number of flaws, a number of questions with this amendment and I implore my colleagues not to

make such a significant change in our payment method process here in the state, not to completely take away the liberty of employees and shift it without more information. So I ask you to please vote down this amendment so that we can get to discussing what the underlying bill really does. Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. In addition to what my friend said from District 18 about why this is bad for workers, I want to say this unequivocally; this is bad for employers. If you want to open the floodgates to complaints and litigations against employers, vote for this amendment. Indulge me a second and look at page 9 of the calendar and look at the amendment. Section 4 of the amendment deletes the requirement that there's written assent from the employee, that the employee voluntarily consents to receive wages to a payroll card or a payroll card account subject to these changes. Voluntarily consents and you've got it in writing. That's changed to 4 (d), which doesn't say anything about the option. The reason why it's in writing and it says voluntary consent is it covers both the employee and the employer. Now we're interjecting all this murkiness and vagueness in this and that's going to lead to many more complaints against employers; much more litigation against employers. Employers are not covered by this amendment, this is anti-employer. 4 (d); you can instead receive wages by direct deposit or another method. Again, vagueness; what is another method mean? Is that bitcoin? Could be bitcoin I guess, the Senate Commerce Committee liked bitcoin last year so, it could be bitcoin. But either way it's vague and again, leading ourselves down the road of more litigation, more complaints and as the Senator from District 18 said, we haven't heard from the Department of Labor about the consequences in terms of complaints and litigation. The reason why it says written assent from the employee, in writing, that they're voluntarily consenting to this is to cover the employer and the employee, there's no debate. We interject this vagueness, there's debate, there's complaints, there's litigation. So I urge you to vote down this amendment so we can go to the underlying bill. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President. I rise again and I appreciate the opportunity, and I look around this wonderful body we have, and I celebrate the fact Mister President, 2018 and congratulations on a new year. But with a new year in my view and I happen to succumb to the same issue is, I see a lot of gray hair, I see a lot of middle aged people that sometimes struggle with this new found thing called technology. When we think about technology Mister President, when I think about my business where thirteen years ago when I opened up my little business on Main Street, nearly 60 percent of my business was done in cash. Today it's under 5 percent. Ladies and gentlemen, the world has changed. There's these new things called iPhones, and Samsung's. We have fourteen different types of crypto-currency today and to my great friend from District number 15, you're absolutely right. The Senate Committee's trying to be very, the Commerce Committee's trying to be very progressive and keep up with technology in the changing world. The world is different today, all of my employees pay for everything on their phone, it's all electronic. None of them actually have checking accounts, because they've seen and they've embraced the technology and the future about how it works. Now we have to remember

Mister President, that this is a bill that came to us through the great work of the Senator from District number 3 in 2013. Passed 20-4, the exact same language. It worked pretty well then. It was good language, we think it works today. So Mister President, the question I think we should always be asking is isn't it more important to make sure that employees get paid, that they actually get paid for the hours they work, that they actually have the access to the money in an expedient manner.

You know Mister President, I come from a background of skiers in my family, I've spent most of my life teaching people how to ski. And I think of all the great ski areas in the North Country today and the hundreds of employees that they have that are part-timers that come up on the weekend. There might be a week or two weeks before they actually get back to their place of employment and that check is waiting for them up there, they actually don't have access to their payroll checks without having to get into their car and driving from southern New Hampshire all the way up to the North Country. What this bill will allow people to do is actually get the money they worked hard for, quicker and easier, because at the end of the day this is about making sure that the employers are trying to get that money to their employees. And if we believe that the world is going electronically and as a lover as I'm sure my Senator from District 3 is as well of tube amplifiers, technology has changed, and our ability to actually pass legislation to embrace the fact that the world has changed and using different currencies and using their phones or whatever means it is, is something we should be keeping up with. So I ask my colleagues in this chamber to join the Commerce Committee and the great work that the chair has done to recognize that we're actually trying to move the ball forward, get money in people's hands quicker and let them use it. This will be good for our businesses, this will be good for our employees and this will let people know that we're actually marching with them in 2018 and beyond. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Just to make clear something I said earlier in light of my colleague's comments; there is nothing in the current law that precludes people from making choices to use technology. Employers can pay using pay cards, they can pay using direct deposit, they can pay using any of those mediums today. The fundamental issue that's changing here is the choice of the employee to still and even if it's a small number, to still receive a paycheck. There is nothing precluding the advancements of technology, nothing precluding those from making choices from making them today. What this does though is take away choice and that is the problem Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Mister President, I apologize I didn't declare earlier; I am an employer and this bill may or may not affect my business but I'd like to declare I'll still be participating. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

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

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

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

The following Senators were excused: Hennessey.

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

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

SB 87-FN, relative to on-premises sales by liquor manufacturers.
Ought to Pass, Vote 5-0. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in support of this legislation. This was a bill that I put in for a constituent of mine, Stark Brewing Company of Manchester. In order to expand their business they began producing liquor. However because of our current liquor laws, the Liquor Commission required the company to sell their liquor back and physically move it back to the warehouse at a 33 percent profit to the state. After the bill was re-referred back to committee last year, the Liquor Commission has worked with my constituent and the issue has been addressed. Yet the committee felt that this bill was still important to pass in order for other such entities around the state to be able to sell their liquor at their place of consumption, at their retail establishment, so that they would not have to physically transport to the warehouse and bring back. So I ask all of you to please join with me and the committee in voting Senate Bill 87 Ought to Pass. Thank you, Mister President.

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

SB 91, relative to the title loan default process.
Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

Commerce
November 7, 2017
2017-2506s
08/10

Amendment to SB 91

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

1 Title Loan Renewals. Amend RSA 399-A:19, II-III to read as follows:

II. A title loan lender may allow such loan to be renewed no more than [~~10~~] ***9*** additional periods each equal to the original term, provided however, that at each such renewal the borrower shall pay at least 10 percent of the title loan's original principal balance in addition to any finance charge owed, to reduce the principal balance outstanding. ***No action shall be required of the borrower to renew the loan.***

III. If the borrower cannot pay this principal reduction at any renewal, the title loan lender [~~may~~] ***shall*** either: (a) declare the borrower in default; or (b) allow the loan to be renewed, provided that***, in either event,*** the lender shall reduce the current principal amount of the loan by 10 percent of the original principal amount for the purposes of calculating interest thereafter. This reduction in principal shall continue to be owed by the borrower, but such amount shall not be entitled to accrue interest thereafter. ***No interest shall accrue on a title loan 60 days after the borrower has been declared in default, unless the borrower cures such default.***

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

2017-2506s

AMENDED ANALYSIS

This bill requires a title loan lender to cease accruing and collecting interest on a title loan which is in default for over 60 days.

SENATOR SANBORN: Thank you, Mister President. Mister President, I move Ought to Pass on the amendment and as amended on Senate Bill 91. The original bill was brought forth by the Banking Department to clarify the existing statute on title loans. An issue arose where a title loan lender misinterpreted the law on renewals in the declaration of default. This bill was sent to study because there were concerns among the industry that the proposed fix would send more consumers into default. The department and industry worked over the summer to address this problem. The committee amendment is the compromise reached that clarifies how a missed payment by a borrower will be handled by a lender. In any event a borrower that is declared in default of a loan shall not accrue interest on the balance for more than sixty days unless the default is cured. This language is based on Virginia law and was supported by all stakeholders. Please join the committee in voting Senate Bill 91 Ought to Pass with Amendment. Thank you, Mister President.

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

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

SB 189-FN, requiring insurance policies to cover 3-D mammography. Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

Commerce
December 8, 2017
2017-2553s
01/04

Amendment to SB 189-FN

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

AN ACT requiring insurance policies to cover 3-D mammography under certain circumstances.

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

1 Low-Dose Mammography; Definitions. Amend RSA 417-D:1, III to read as follows:

III. "Low-dose mammography" means the ***2-demensional*** X-ray examination of the breast using equipment dedicated specifically for mammography, including the X-ray tube, filter, compression device, screens, films, and cassettes, with a radiation exposure which is diagnostically valuable and in keeping with the recommended "Average Patient Exposure Guides" as published by the Conference of Radiation Control Program Directors, Inc.

2 Low-Dose Mammography; Coverage. Amend the introductory paragraph of RSA 417-D:2, I to read as follows:

I. Each insurer that issues or renews any policy of accident and health insurance providing benefits for hospital expense, medical-surgical expense, or major medical expense shall provide in each group or individual policy, contract, or certificate of insurance issued or renewed

for persons who are residents of this state, coverage for screening [~~by low-dose mammography~~] for all women 35 years of age or older for the presence of occult breast cancer within the provisions of the policy, contract, or certificate ***by low-dose mammography, or Digital Breast Tomosynthesis (DBT) after a physician consultation with the patient about the potential patient-specific risks and benefits of DBT***. The coverage shall be as follows:

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

2017-2553s

AMENDED ANALYSIS

This bill requires insurance coverage for 3-D mammography under certain circumstances.

SENATOR SOUCY: Thank you, Mister President. Mister President, I move Ought to Pass with Amendment on Senate Bill 189. This bill as amended would require insurance companies to cover 3-D mammograms following a consultation with the patient's physician. For years the health care industry has done 2-D mammograms which essentially squish the breasts together and require having to look through very dense breast tissue. 3-D mammograms go from film to digital which results in looking at sliced images through dense breast tissue to find cancers. 3-D technology is actually saving the health care system money because the benefits outweigh the cost of the technology. With 3-D technology there are fewer false positive test results, therefore fewer callbacks for unnecessary screening and testing. 3-D technology also detects cancer and growths faster especially invasive cancers which allow for earlier and less expensive intervention with improved outcomes. On a personal note, I would state that as a member of the committee I felt responsibility to speak on behalf of this amendment, but in light of additional information that I have received specifically about radiation and about outcomes, I personally will be voting against the amendment and I think some of my colleagues will speak to that issue. Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I would ask that the body vote down the committee amendment so that I can introduce an alternative motion which will be Ought to Pass. And let me just echo the words of our colleague from Manchester about the efficacy of 3-D technology. I don't think there's any dispute about that. I spent quite a bit of time talking to a radiologist who is an associate professor of radiology at the Geisel Medical School and the Director of Radiology and Breast Imaging at Dartmouth Hitchcock. Her name is Doctor Zuurbier. Exactly as our colleague from Manchester said, better detection, earlier detection and the result of that is not just saved lives and less radical alternatives for people facing the threat of breast cancer, chemotherapy, radiation, surgery, loss of life but earlier detection also saves medical costs and so I'll freely admit, this is a mandate but I will say it's popular with physicians and with the New Hampshire Medical Society all of whom you have heard from, that this is a cost saving measure because of earlier detection, less callbacks, less exposure to radiation from the callbacks for more tests. This is the twenty-first century technology and we should be making sure that we've done everything possible to ensure that people in New Hampshire have access to it. Unfortunately in my opinion and I think in the opinion of the Medical Society, the amendment takes a step backwards from what the current law says.

And the current law does not define low dose mammography, but the committee amendment would define it as the 2-D technology, the step backwards and that in my opinion, and I think in the opinion of doctors in the Medical Society, is going to lead to barriers to care, for people that need to get this preventative care called a mammogram. And so, while I appreciate the hard work that the Commerce Committee did, I think the amendment is a little misguided, which is why we should defeat it so that I can introduce an alternative motion of Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I just wanted to say that I agree with my two colleagues here in that we vote down the amendment so that we can introduce another one, but just for the record, my mother-in-law has been doing mammographies for over fifty-five years. My wife has been doing mammography for about twenty-seven years. So I get a lot of shop talk and one of the things that we discovered about the 3-D is that it does save callbacks; 2-Ds if you have breast tissue that is dense, you're going to have an automatic callback, which is going to drive up the cost, 3-D can eliminate that and is better at early detection and I think that when we think about, well is it a mandate? Yeah, well so is 2-D, so if we're talking about one mandate over another mandate it seems to me that if we're talking about technology and saving lives, this is the way to go and I whole-heartedly support this. Thank you.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. As chair of the Commerce Committee I want to thank Senators Bradley and Soucy for their work to move this forward in a positive way. We never had any intention of reducing care, actually we wanted to increase access to care for women and men and I think that the work of the two Senators will move us in that direction so thank you on behalf of myself and my constituents.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise in favor of overturning the committee amendment. There's a lot of talk here about breasts today; what exactly is a dense breast? A dense breast is one that you can't really see through with the 2-D mammography and that happens for a variety of reasons. Upwards of 40 percent of the women of this country have what are considered to be dense breasts. They could be dense genetically, they could be dense because a woman has had multiple procedures whether they have been lumpectomies or biopsies but there's a lot of scar tissue within the breast, or a woman has enhanced breasts, she has an implant. You cannot see through those. But what happens with the 3-D is you can really see through those, so you can actually see the beginnings of calcium deposits, which are precursors of cancer for many women. So this really is a time saving measure for many, many women, and as someone who's had to go through some of these procedures, believe me there's a worse thing that you ever really want to do is to wait for that phone call to come, that they're asking you to come back. And the time period that you have to keep going back and back and back. This really empowers the patient, it empowers the doctor and provides for quicker diagnosis and quicker treatment options. So again I would encourage my colleagues to please vote down the amendment and we will have a discussion on the underlying bill. Thank you very much.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and want to give a shout out to the committee members who have spent a fair amount of time on this bill and to those advocacy groups that bothered to show up and participate. I think there were some great discussions. And I'm a little concerned that the conversation on this bill might be getting a little bit off track and want to re-emphasize the fact that the Commerce Committee from day one has always tried to have the best interest of people and their ability to get the right type of heath care at the forefront of their discussions. I think it's very important at this point to state that this amendment was specifically designed to stop government from wedging in between a doctor and their patient. We talk about that a lot in this building. In the eight years I've been in this building we've had a lot of conversations about whether or not we want to use the power of the legislature to wedge between a doctor and the patient. What this amendment specifically said was that if a doctor made a determination for their patient that if they should get a 3-D mammogram that it would not be withheld. It's a positive amendment that allows doctors and their patients to communicate on the risks and benefits and allow the doctor and the patient to make the decision of what's best for the patient. Nowhere in that discussion was there ever any conversations about limiting, stopping or backing up. This was about empowering patients and empowering doctors. And I think it's a very important point of this discussion because it seems like it's going sideways, so again Mister President, I applaud the work that the committee did in trying to find a way to empower patients and empower doctors so they can make the best decisions for themselves, and I'd like a roll call of the amendment, please.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise on behalf of my view of the Commerce Committee and with all due respect to my colleague, he is correct. We did spend a lot of time on this, we did hear a lot of testimony to this. But in particular the comment that he made that it does not forbid or you know say that you can't have the discussion with your doctor about choosing 3-D mammography. But once that door is closed, or seemingly closed without coverage by the insurance company, that is a woman or any patient sort of hears well, that's not an option for me. I can't afford to go forward and I'm not quite sure if that would be the right direction if in fact they believe a 2-D is enough to cover it. So I think that just by having the discussion and allowing this to go forward will save countless of lives and therefore save costs as well. I think it would be unconscionable for us knowing that this technology is out there, knowing that there are so many women who fall into the dense breast category, for one reason or another, that we do not move forward with this and to keep the Commerce Committee report I voted against the amendment. As such knowing what we know again we would be derelict in our duties in serving the people of New Hampshire, particularly the women. Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you for the opportunity to speak a second time. I just want to in response to what our colleague from Bedford said about interjecting government in between a patient and a doctor, read from the Medical Society letter that we all received yesterday, so the 1,2,3, 4th paragraph, the Commerce Committee amendment moves in the opposite direction from the original bill by explicitly excluding, rather than including 3-D technology from the definition of low dose in

our statute and by differentiating insurance coverage for 2-D versus 3-D screening by mandating a pre-screening physician consultation for 3-D only. This opens the door to further differentiation such as prior authorization requirements for 3-D only which could create barriers or barriers to or delays of care. So while I certainly appreciate the intention of the Commerce Committee amendment, I think that on further reflection, it has created that wedge between a doctor and a patient as the Medical Society letter I think informs all of us. So again, I would urge the body to vote no so that I can introduce an Ought to Pass motion. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Mister President, I rise again to point people to the amendment itself starting on line 15 where it talks about each insurer that issues or renews a policy of accident health insurance providing benefits with hospital expense, medical-surgical expense or major medical expense shall provide each group or individual policy contract or certificate of insurance issued or renewed for persons who are residents of the state covered by screening, eliminates low dose mammography for all women thirty-five years of age or older for the purpose of occult breast cancer within the provisions of the policy, contract or certificate by low dose mammography or digital breast, someone help me out, tomosynthesis, which is 3-D. So it specifically provides in the amendment 2-D or 3-D after a physician consultation with the patient about the potential patient specific risk and benefits of 3-D. So again Mister President, even though the Medical Society may have weighed in, it would have been nice if they had read the amendment because it provides specifically one or the other at the discretion of the doctor of which the cost of the ability to get it shall not be withheld. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: French, Sanborn.

The following Senators voted No: Woodburn, Giuda, Bradley, Watters, Gray, Ward, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators were excused: Hennessey.

Roll Call, Yeas: 2 - Nays: 21. Failed.

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

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

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, 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)

The following Senators were excused: Hennessey.

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

HB 79-FN, relative to New Hampshire products purchased and sold by the liquor commission.
Inexpedient to Legislate, Vote 5-0. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Inexpedient to Legislate on House Bill 79. This bill essentially directs the Liquor Commission on product placement in the liquor stores for New Hampshire

made products. As passed by the House this legislation gives preferential placement in our stores and significant financial accommodations would be made based on how we classify New Hampshire products. This committee felt this bill would be confusing to New Hampshire businesses in regards to words packaged, grown or made in New Hampshire. Please join the committee in voting House Bill 79 Inexpedient to Legislate. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise as a business owner and licensee that this bill may or may not affect my business but with current ethics laws I'm compelled to say that it might but I'm still participating and would use the same thing for SB 87 which I apologize I missed earlier. Thank you, Mister President.

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

HB 305, clarifying lessee liability for month-to-month leases.
Ought to Pass with Amendment, Vote 4-1. Senator Sanborn for the committee.

Commerce
December 8, 2017
2017-2551s
05/04

Amendment to HB 305

Amend RSA 540:11, II as inserted by section 1 of the bill by replacing it with the following:

II. A tenancy at will, from month to month, may be terminated by the lessee upon 30 days notice; provided that if the date of termination given in the notice does not coincide with the rent due date, the lessee is responsible for the rent for the entire month in which the notice expires, up to the next rent due date, unless the terms of the lease provide otherwise.

2017-2551s

AMENDED ANALYSIS

This bill clarifies lessee liability for rent when the notice of termination does not coincide with the rent due date in a tenancy at will.

SENATOR SANBORN: Thank you, Mister President. Mister President, I first rise to state that as a business owner and someone that rents property I may or may not be affected by the byzantine ethics laws we have today, I feel compelled I have to say declare and I will still be participating. That said Mister President, I move Ought to Pass with Amendment on House Bill 305. This bill clarifies notice requirements for month to month leases. Under existing case law a tenant must give thirty days' notice in order to terminate a month to month lease. If the tenant does not provide the appropriate notice, they will be responsible for the next month's rent or the proportion thereof. This bill codifies case law into statute to make it easier for tenants to understand their legal obligations. The committee amendment clears up some cross referencing terminology between tenancy and lessee. Please join the committee in voting HB 305 Ought to Pass with Amendment. Thank you, Mister President.

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

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

HB 549-FN, relative to beverage vendor fees.
Ought to Pass, Vote 4-1. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on House Bill 549. The intent of this legislation is to remove a perceived barrier for out of state beverage manufacturers to offer some of their labels in New Hampshire and make us more competitive with the beer brewing industry. The bill replaces the current flat $750 fee with various fees on a sliding scale, based on the amount of beer produced by the brewer. With this change a small brewer can bring in a single label to the state for a fee as low as $100. There are four brewers which fit the definition of the largest brewers. The $10,000 fee is in line with what they are paying today and supported by the beer industry. Please join me and the committee in voting HB 549 Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise looking for confirmation from you, a) that this is going to the Finance Committee if this does pass this body, but more importantly rise about my concern about what may be the biggest fee increase in the state of New Hampshire we're about to roll call vote on. Now Mister President, I fully understand that right now there's a $1200 fee for anyone wishing to bring beer into this state.

And for the record, did I declare ethics on this? I have to declare. I did not? Mister President, I declare as a business owner and licensee I buy and sell beer regularly so I may or may not have a conflict but I'm still participating. Can you please change these ethics laws for me, Mister President?

That said, we presently have a $1200 fee today for someone to have the right to bring their beer into our state, let that sink in for a second. Someone has to pay a $1200 fee for the right to sell something in our state. There's a word for that Mister President. Now I recognize small beer companies that might only sell a half a dozen or a dozen kegs of beer, that the cost of the license exceeds what they retail the beer for to the distributor. Clearly there's a problem with that, Mister President. And clearly we should fix that. But I do not believe the fix to help the little guy includes raising the fee from $1200 to $15,000; $1200 to $15,000. In addition to that Mister President, this fee increase isn't just so egregious, there's an 1100 percent increase for those of you who decide to vote for this, but it's going to result in almost doubling the income to the state of New Hampshire.

So it's not even just a fee increase, we're doubling the revenue in the general ledger account, Mister President. Mister President, I don't know about you but I'm thinking if this was a tax on roses or flowers come April, there would be a lot of outrage about this. Look, I recognize the fact that we want to do everything in our power to encourage small brewers across the country to bring their product into our state. But doing so by instituting an 1100 percent increase in a fee, that doubles state revenue, I'm just not sure that jives with my low tax live free or die let's cut a bunch of taxes philosophy that we have previously been operating from in the state of New Hampshire.

So Mister President, it would be my recommendation to this body if they do not want to vote for an 1100 percent increase in a fee, and double a revenue income, that we vote down the Ought to Pass, move to ITL and let someone introduce a bill with a better fix next year. Thank you, Mister President. And I would like a roll call, please.

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

SENATOR CARSON: Thank you, Senator for taking my question. Senator, I'm looking at the hearing report that came out of the Commerce Committee and first of all I saw that no one objected to this bill. And secondly that the beer distributors are in full support of this and this is basically a type of a question, it's, what I'm bringing is, they support this. Did they think this is a great idea, they came together to solve a problem. And that they're paying money and I'm quoting, "by paying more money for one fee, cutting out the additional legal costs for the multiple existing fees that add up to around $15,000 anyway, distributors are saving money. So, my question to you is basically what's the story here? They seem to support it.

SENATOR FRENCH: You are actually seeing it the way most of the Commerce Committee saw it.

SENATOR CARSON: Alright, thank you. Thank you very much.

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

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

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

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

The following Senators were excused: Hennessey.

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

EDUCATION

HB 122, relative to withdrawal from a cooperative school district. Ought to Pass, Vote 4-0. Senator Kahn for the committee.

SENATOR KAHN: Thank you, Mister President. I move House Bill 122 Ought to Pass. This bill amends procedures for withdrawal from a cooperative school district. Recently a commission has been repopulated to decide what should be done about withdrawing from a cooperative school district. In the meantime the Education Committee has reviewed the bill, believes that this should pass and looks forward to other legislation that may be brought forward from the commission. Therefore, the majority of the Education Committee asks for your support in the motion of Ought to Pass on House Bill 122. Thank you, Mister President.

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

HB 557-FN, relative to school attendance in towns with no public schools. Inexpedient to Legislate, Vote 4-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 557-FN Inexpedient to Legislate. This bill would allow a school district to assign a child to another public school in another school district or to an approved private school if there is no public school for the child's grade

in the child's resident district. The bill would also allow a school board to make a contract with a private school to provide for the education of a child who resides in a district which does not have a public school at the child's grade level. It is the committee's understanding that SB 8 which passed the body last year was signed into law, addresses all of these issues already, therefore this bill is no longer necessary. I ask for your support in the motion of Inexpedient to Legislate on House Bill 557-FN. Thank you, Mister President.

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

ELECTION LAW AND INTERNAL AFFAIRS
SB 106, relative to eligibility to vote.
Inexpedient to Legislate, Vote 4-1. Senator Gray for the committee.

SENATOR GRAY: Thank you, Mister President. I move that Senate Bill 106 Inexpedient to Legislate. The expands the definition of domicile for voting purposes, requires voter registration, have voters be residents of the state for thirteen days and modifies the registration form, due to passage of other legislation this bill is unnecessary, therefore I would ask that you would support the committee recommendation of Inexpedient to Legislate. Thank you, Mister President.

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

SB 112, establishing a council on the creative economy.
Ought to Pass, Vote 4-1. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 112 Ought to Pass. This bill establishes a council on the creative economy whose duty it will be to identify ways to develop, strengthen and promote the creative economy through partnerships and joint programming initiatives. This will include coordination between state agencies when seeking federal or private funding in support of the creative economy. Furthermore the council will be able to analyze related data in order to have a greater understanding of the role it plays with the economy of the state. This is a pro-business, pro-economic initiative that will benefit all of New Hampshire citizens around the state. Therefore, I ask that you support the committee's recommendation of Ought to Pass. Thank you, Mister President.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
December 19, 2017
2018-0009s
05/10

Floor Amendment to SB 112

Amend the bill by replacing section 1 with the following:

1 New Section; Department of Natural and Cultural Resources; Council on the Creative Economy. Amend RSA 12-A by inserting after section 10-m the following new section:

12-A:10-n Council on the Creative Economy Established.

I. There is established a council on the creative economy.

II. The council shall consist of the following members:

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

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

(c) The director of arts, department of natural and cultural resources, or designee.

(d) The director of travel and tourism development, department of business and economic affairs, or designee.

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

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

III. The council shall:

(a) Identify ways to develop, strengthen, and promote the creative economy through partnerships and joint programming initiatives.

(b) Develop coordination between state agencies when seeking federal or private funding in support of the creative economy.

(c) Review and analyze data related to the creative economy in order to have a greater understanding of the role the creative economy plays with regard to the overall economy of the state.

(d) Pursue such studies and joint initiatives as the council deems appropriate to strengthen and promote the creative economy in the state of New Hampshire.

(e) Solicit information and testimony from such agencies, individuals, and organizations as may assist the council in the performance of its duties.

IV. The members of the council shall elect a chairperson from among the members. The first meeting of the council shall be called by the commissioner of the department of natural and cultural resources, or the commissioner's designee. The first meeting of the council shall be held within 45 days of the effective date of this section. Three members of the council shall constitute a quorum.

V. Beginning November 1, 2018, and each November 1 thereafter, the council shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

SENATOR BIRDSELL: Thank you, Mister President. This amendment does three things; because this was a re-referred bill, we had to change the November date of November 1, 2017 to November 1, 2018 on a report date. We also updated the name instead of DRED is the Commissioner of the Department of Business and Economic Affairs and then we also added a Director of Arts Department in natural and Cultural Resources as a designee. So with that Mister President, I ask for your support on amendment 2018-0009s.

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

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in support of the committee's recommendation of Ought to Pass as Amended on Senate Bill 112. This bill is the result of the work of the commission to study the economic impact of arts and culture in New Hampshire. It will ensure communication and the exchange of ideas and policies among the relevant agencies listed in the bill and in order to further promote and strengthen arts and culture as a significant economic driver in the state of New Hampshire, and I would like to thank the committee for the work and the time that they put into moving this bill forward. Thank you.

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, Gray, French, Ward, Kahn, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Sanborn, Daniels.

The following Senators were excused: Hennessey.

Roll Call, Yeas: 21 - Nays: 2. Adopted, bill ordered to Third Reading.

HB 372, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."
Ought to Pass with Amendment, Vote 3-2. Senator Birdsell for the committee.

Election Law and Internal Affairs
November 30, 2017
2017-2536s
03/04

Amendment to HB 372

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

1 Purpose. New Hampshire's constitution uses the terms "domicile," "residence," "resident," and "inhabitant" to recognize or establish specific rights and responsibilities. New Hampshire's supreme court has construed the statutory definitions for these terms to create different meanings for the terms residence and domicile. Therefore, under current law, a person who is not a resident of New Hampshire can vote and hold public office in New Hampshire. A nonresident voter or office holder is not subject to the responsibilities imposed on voters and public office holders who are residents of New Hampshire. The statutory definitions for these terms, other than the inclusion of a requirement that a resident has manifested an intent to remain in New Hampshire for the indefinite future, are substantially the same. Laws that permit a nonresident to vote and hold public office are confusing and contradict the basic premise of government of the people, by the people, and for the people. As amended by the general court and construed by the courts, these terms create different classes of voters, those subject to the obligations imposed on residents and those that are not. The use of the terms has evolved away from the plain meaning of these words. The general court has determined that all similarly situated people should be treated equally, sharing equally in rights and responsibilities. Accordingly, the terms residence, domicile, and inhabitant shall have the same meaning for all purposes in statute, unless the law explicitly establishes a different meaning for a specific limited purpose. A person must be a resident of New Hampshire to vote or hold office in New Hampshire.

2 Statutory Construction; Resident; Inhabitant. Amend RSA 21:6 and 21:6-a to read as follows:

21:6 Resident; Inhabitant. A resident or inhabitant or both of this state and of any city, town or other political subdivision of this state shall be a person who is domiciled [~~or has a place of abode or both~~] in this state and in any city, town**,** or other political subdivision of this state, and who has, through all of his ***or her*** actions, demonstrated a

current intent to designate that [~~place of abode~~] ***domicile*** as his ***or her*** principal place of physical presence [~~for the indefinite future~~] to the exclusion of all others.

21:6-a Residence. Residence or residency shall mean a person's place of [~~abode or~~] domicile. [~~The~~] ***This*** place of abode or domicile [~~is~~] ***must be*** that [~~designated by a person~~] ***place the person has, through all of his or her actions, demonstrated a current intent to designate*** as his ***or her*** principal place of physical presence [~~for the indefinite future~~] to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is an intent to return to such residence or residency [~~as the principal place of physical presence~~].

3 New Section; Severability. Amend RSA 654 by inserting after section 46 the following new section:

654:47 Severability. If any provision within this statutory chapter, or if any penalty associated with any provision within this statutory chapter, is held invalid, in whole or in part, either on its face or as applied to any person or circumstance, the invalidity shall not affect any other provisions or applications of this statutory chapter that can be given effect without the invalid provisions, and to this end, the provisions of this statutory chapter shall be severable.

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

SENATOR BIRDSELL: Thank you, Mister President. I move HB 372 Ought to Pass with Amendment. The committee amendment replaces the original bill in its entirety. It modifies the definitions of resident or inhabitant and residence or residency to require that a person be a resident of New Hampshire in order to vote or hold office in the state. The terms residence, domicile, and inhabitant will now have the same meaning for all purposes in the statute and in this statute only. This will create consistency and clarity going forward and bring us in line with our surrounding states of Vermont, Massachusetts and Maine. We owe it to the people of New Hampshire to have complete confidence in our voting system.

HB 372 as amended will bring further integrity to our elections without preventing anyone from voting who can already legally do so. It establishes where a person votes, not who may or may not vote. Voter registration and identification obligations remain unchanged in this legislation. Anyone who voted in 2016 will continue to be allowed to vote in 2018. I have worked with our states top election officials in the secretary of state's office and they want this legislation because it would simplify and clarify New Hampshire's voting laws. I ask for your support for the motion of Ought to Pass with Amendment. Thank you, Mister President, and I ask for a roll call.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the committee amendment and I do so for a number of reasons. The most fundamental reason is because our constitution, the bill of rights portion, part 1st Article 11 states that all elections are to be free and every inhabitant of the state of eighteen years of age and upwards shall, shall have an equal right to vote in any election. And I feel that this legislation is like other pieces we've considered lately, where we're giving people pause, we're making people hesitate, we're giving them concern about exercising what is their fundamental constitutional right. And how are we doing so? Well, we're doing so in this amendment,

I think, by creating potentially some unintended consequences. We're doing so because we're not just looking at where somebody is a resident or where they actually live with respect to the voting laws. If we were doing that we would only be amending the voting laws.

But instead, what this amendment seeks to do is to amend the statutory construction portion of our laws in RSA 21, which affects everything; which affects all laws that use the word resident or domicile. When this hearing was originally held the representative of the attorney general's office said beware of unintended consequences. I think there are a lot of unintended consequences that we have yet to realize with the amendment that is before us right now. You know I keep asking myself, what is it that we're trying to fix? What is it that we're trying to solve? If there is concern about our electoral process, we have laws on the books to deal with any problems of people seeking to register that shouldn't. Those exist today and yet we keep chasing after this myth, this fiction, that somehow there are people registering to vote in New Hampshire that shouldn't. Really, really for the life of me can't understand why something as fundamental as a constitutional right we feel the need to fiddle with year after year after year.

You know what is a primary concern is that this law and some people have called it a tax, well it is to the extent that if somebody registers to vote in New Hampshire, this amendment would require them within sixty days of that initial registration to register their motor vehicle. Well, that costs a lot of money, that is imposing a cost on someone simply for exercising their constitutional right, and that my friends is a concern, that my friends is a serious problem. And I guess I'm wondering why we're dealing with this now when in fact we just passed last year Senate Bill 3. Many of you recall Senate Bill 3 made some changes to how people register to vote. Well, Senate Bill 3 had some problems as well, and for that reason there is currently litigation pending on Senate Bill 3. One of the orders that came forward and I just want to read a brief portion: Regarding Senate Bill 3 the judge said under the plain language of the statute, it appears that such a voter will be subject to a $5,000 fine or even a year in jail for simply failing to return paperwork. The state's argument at the hearing today that these harsh penalties would be saved by prosecutorial discretion, was unconvincing to say the least. The average voter seeking to register for the first time very well may decide that casting a vote is not worth the possible $5,000 fine, a year in jail or throwing him or herself at the mercy of the prosecutor's discretion. For the court to accord these provisions of Senate Bill 3 act as a very serious deterrent to the right to vote, and if there is indeed a compelling need for them, the court has yet to see it. So therefore the court finds in any event any voter fails to provide documentation as required by this section. The defendants are enjoined from seeking any civil or criminal penalties. The courts, we haven't even convinced them on the previous bill, that we have a reason to treat people exercising their constitutional right in this manner. Once again, I have to emphasize, we're searching for, we're creating solutions to problems that don't exist, to myths. We have in our election laws a process that is viewed by people from around the world. We have the first in the nation primary. Our elections have integrity. The secretary of state's office runs smooth, fair, open elections now. Why do we need to continually put up these deterrents and these barriers to people be they young or old or be they people who moved here two weeks ago or be they people who intend to stay here for two years or for twenty? What are we so afraid of? Why do we need to continue

to put up these barriers? I ask you, my friends, please, please seriously consider the impact to those new residents of our state who want to exercise their rights and please vote against this motion. Thank you so much, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise in defense of the constitutions of the state of New Hampshire and hope in the spirit of John Adams 1787, defense of the constitution of the United States, to make a conservative Republican defense of the constitutions of New Hampshire. As Adams noted, a conservative defense approaches changes to the liberties of the people only with a trepidatious necessity and recognizes that it is a Republican process that best protects the liberties of the people through balanced constitutional process. That's why the voting qualifications for voting in the constitutions of New Hampshire, whether it's from 1776, 1784, 1792, through the nineteenth century amendments, and most notably respecting qualifications to vote in 1903, 1958, 1968, the constitutional convention of 1974 and the amendment on voting rights and domicile and taxation related to voting rights which passed in 1976 always recognized that the constitutional Republican defense of our liberty should be protected by the amendment process, not through bills like 372. Look explicitly at how our founders treated qualifications to vote in the constitution of 1776 and then in 1784. Article 11, as has been noted; all elections are to be free and every inhabitant of the state having proper qualifications has equal right to elect and be elected to office. Now they put that notion of equal right of inhabitants in the Bill of Rights. They dealt with the qualifications however where it is applied to actual elections so it's actually in the elections for Senate that we have in 1784 that you have that right to vote in the town or parish wherein he dwells and every person qualified as the constitution provides shall be considered an inhabitant for the person of electing and being elected into any office or place within the state and that town, parish and plantation where he dwelleth and hath his home. And that's what becomes his domicile in 1976. So there are the words; inhabitant, dwelleth and domicile. Why these words, why are they seen as the core of the protection of the equal qualification to vote? There's some history to this and why New Hampshire went this way in 1776 and 1784. It goes back to the Massachusetts body of liberties which governed New Hampshire in the 1630s when voting required both property and church membership. That's why John Wheelwright was stripped of his political rights by reason of his free speech, he was expelled from his church, he was imprisoned and then he escaped to New Hampshire when he founded Exeter he made pretty darn sure that principles of liberty would be defended and not qualified by church.

So too in Dover in 1638, it's why John Underhill, another one driven from Massachusetts drove out the minister with a book of common prayer at the end of the halberd so that church qualifications would not be used to exclude people from the right to vote, and that's why our charter of 1689, very interesting removes these qualifications for the first time. And then property too was seen as a limitation that needed to be separated from the habitation, from domicile and from dwelling. This is because they looked at that history of England, where citizenship had been constrained by serfdom; that you only existed under the identity of your lord who owned the property and in a sense owned you. And surely this is a decision under the head of the king. That's where your rights

were controlled, and that reeked of serfdom. People in New Hampshire wanted to own land and be simple. New Hampshire's resistance to Governor Andrews in 1689 was over this notion of property. Property and citizenship therefore were explicitly separated when Jefferson wrote those words, life liberty and pursuit of happiness as inalienable rights. Now notice you had to change Locke's source for that from life, liberty and property because property couldn't be an inalienable right because you didn't want slaves to have an inalienable right in the property of their own bodies, nor did you want women to have inalienable rights of property in their bodies and therefore the right to vote because their identity would be owned and covered first by their father and then by their husband. It took 150 years to deal with that problem, but it was recognized by Jefferson in those words as necessitating a separation from the rights of citizenship and voting from property. And this is why the revolution first came to New Hampshire in 1774, when Winthrop took a boat and went to the Isles of Shoals and we were left without a government. Now some of the fury at Wentworth had been because there was a plan in London to create landed country estates in America and tie identity and create serfdom here, that's why he built his seat of government in Wolfeboro; that was going to be where one of those great noble landed estates would be. And there was a particular resentment against this, this was some of the reading why we have this careful choice of wording in our constitution; inhabitant, domicile, dweller particularly dwelling, that old Anglo-Saxon word dwelling, King Alfred said that our life is impermanent, it's not a permanent place, it's like a sparrow who flies out of the dark into the mead hall in the bright light and flies out the other window into the darkness again. Nothing is permanent about our residence and this is meant to emphasize then that the rights defining these terms they use in the constitution are separated from a kind of permanence, inhabitance, a property right that is implied and sealed by taxation and registration in 372. Now these are complicated constitutional issues and I think that's of course why they should be done by constitutional amendment, not in this bill.

There are some men in black in Washington who think by constitutional necromancy they can recall the revivify the minds of the founders, but really the best we can do to get to the meanings of inhabitant, dwelling place and domicile is to look to the first American Dictionary by Noah Webster in 1828. He created it as he had his earlier grammatical institutes to the American language in 1792 because he thought, we needed a language that was American language that reflected American democracy and those are the meanings of the words that we should have. And you can look what he did with these words. He's very particular; dwell, dwelling house, the place of residence, the house where one lives, to abide as a permanent resident or to inhabit for a time. To live in a place, have habitation for some time or permanence, dwell imports some continuance. We use abide for the resting of a night or hour but we never say he dwelt in a place for a day or night, dwell may signify a residence for a life or for a much shorter period but not a day. The scripture denotes a residence is seven days during the feast of tabernacles. Now you know how dictionaries sometimes loop around, he mentions residence there. Well he wanted to make sure when he defined residence that this notion of not necessarily permanent connection to place that is serfdom and property would be excluded. So he says residence; or the act of a body of dwelling in a place for some continuance of a time as a residence of an American in France or Italy for a year; maybe a student on you know

overseas education. They wanted then a dwelling and a habitation and residence to allow for this kind of citizenship based on the equal rights to vote. They did not want serfdom. When Webster defines serf he says a servant or a slave employed in husbandry in sub countries attached to the soil and transferred with it. The serfs in Poland are slaves. Well, this is why this language matters in our constitution. This is why this debate matters, so in short what we'll do today does have profound constitutional implications and I really think that this kind of change should be accomplished if at all, through constitutional amendment as was done in 1976 when domicile replaced half his dwelling place. Town or ward where he is domiciled. Now you can look at the con con debates in the journal of 1974 and they talked a lot about domicile and there was some sense that you know confusions are mentioned that domicile might be more permanent than resident in particular ways but Delegate Hall said, domicile and the word residence in that context would be considered synonymous by our courts in reference to voting. And habitation does have a more restrictive meaning though it would not apply to the election laws I speak specifically to the point of citizenship. And in particular they said in the documents word domicile we do not mean to attach it to taxation. This is why the constitutional convention the same time that it made this change took out the notion that you could be prevented from voting because you did not pay your taxes. See they saw it, they saw it. You cannot restrict that equal right of voting and being domiciled by property or any kind of restriction of property. So here's where we are with that. I think that it should be by constitutional amendment, I think it's very clear whether domicile, residence or inhabitant that the founders knew what they were doing, we ought to be conservative and recognize that Republican purpose.

But I do want to mention one other function of elections and their openness that John Adams pointed to in 1787 as a great defense of our liberties. He said elections are the best possible schools of political art and address. What may appeal to any man who with equal experience in election and in courts meaning royal courts, whether address and art and even real political knowledge is not to be acquired more easily and in a shorter time in the former elections than in the latter. The King of France was asked his most able and honest ambassador to cite where he had learned that wonderful dexterity in which he would penetrate in the bosoms of men of all nations and characters unravel every plate and human soul and every intricacy of affairs and events, the cardinal answered, sire I learned it all in my youth at the election of a parish officer. It's a common observation Adams says, in England, that their greatest statement and their favorite chatter among the rest were formed by attendance on elections. What better means of promoting citizenship and residence in our state but through education in elections. And so I conclude Mister President, if elections are the fundamental actions and education of citizenship, to make those so domiciled, ensured of equal qualification as citizens then those who would join me as conservative Republicans in defense of our constitutions and our precious liberties would vote no on 372. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President I rise obviously in support of the bill and I listened to one of my colleagues from District 18 said in her remarks, what are we trying to fix, what are we trying to solve? We're trying to fix trust, we're trying to fix accuracy,

we're trying to fix the belief that your vote counts. Every one of us in our election process, every one of us who go out to vote every single year wants to make sure that our vote counts. Now sure for some people in this room and for some people across the hall, the governor, whoever, they could be winning or losing by hundreds if not thousands of votes. But what if it's one vote? What if we were in Virginia today? There's some of you may have been watching what's happened down in the Commonwealth that the vote for control of the body for complete control of the body first came down to one vote and then with an additional recount it went back to zero, and then control of the body's going to be based upon the flip of a coin, which some might suggest isn't even a vote. In this state on a regular basis we see elections that come down to who wins and who loses by single digits. Now I don't remember any case where control of the body has gone to a flip of the coin, like what happened a couple of weeks ago in Virginia, but people want to know that their vote counts. And we know people are very concerned about that. We know overwhelmingly if you talk to people who go to the vote that's their issue. Of course people want to be able to vote, this bill doesn't change that, as the chair of the committee had said. If you voted in 2016 you get to vote in 2018. Same thing with Senate Bill 3. You know we hear from the secretary of state, all of us believe that our elections are as good as they possibly can, but the secretary of state himself has said we have a trust issue in our state and we need to fix that. Because we need to make sure that every vote counts. Now I hear some arguments against this bill Mister President, where some would suggest well, you know if you're going to vote in our state some people would suggest that you have to go register your car that there's a poll tax, and that's obviously as the Senator from District 4 had said something we don't want to see or don't want to do. But if you own a car in the state of New Hampshire and you vote and you have to register that car, I assume Mister President, if you lived in Massachusetts, Vermont, Maine, Connecticut or all the other states we have, you'd have to register your car there too. So I'm not sure that the argument of owning a car and having to register it in the state that you live can be equated to a poll tax. So, in the hearing, in the testimony it was brought to our attention that this bill does a simple thing; it responds to the State Supreme Court who said they didn't like four words, for an indefinite period. But the State Supreme Court when looking at a case said they felt it was confusing and they asked us to remove that. That's what this bill does. I understand every time we use the word vote or access to polls or anything within this body it can be a very emotionally charged experience. Both sides of the political spectrum, some thinks it works some thinks it doesn't some thinks it's trying to limit, other people think it doesn't limit enough. But this bill isn't that fight. This bill is defining for an indefinite period as a request of the Supreme Court. Mister President, we all love great political debate, we've had a lot and a large one on this bill both in committee, on this floor and in the general public. But I would submit to you that all we are trying to do is comply with the State Supreme Court, and all the Election Law Committee is trying to do every day is to guarantee to the people of this state that their vote counts as we can determine the future of our state by one vote. I ask the members of this committee to support this bill and we'll get on with our business. Thank you, Mister President. And by the way Mister President, I vote and therefore may have an ethics conflict so I'm going to declare, I'm still going to participate. Thank you very much.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. First let me applaud the eloquence of the Senator from District 4. He gave us a significant history lesson. Thank you very much, I thought it was magnificent. I'm going to try to talk to my colleagues as an old civics teacher. I began teaching civics in 1961 at Kennett High School in Conway, New Hampshire. Now obviously somebody listened to me because the Speaker of the House was one of my students. The secretary of state was one of my students, and I think I have a number of them floating around this state. But let me talk to you as a civics teacher and how the real reason citizens participate is the right to vote and the obligation to vote. We have an obligation to vote. We don't exercise that obligation very well. We have a terrible percentage of people who vote, we're among the lowest in the civilized world, the lowest percentage. People don't come out to vote and yet we instruct them. Now as our country evolved we didn't think women were good enough to vote. We had to amend the constitution to get women to vote. In New Hampshire we had a woman run for Governor who didn't have the right to vote; in New Hampshire. She exercised what she perceived of was her constitutional right, ran for election without the right to vote for herself. One vote does count, she might have won by one, if the law had allowed her to vote. I was in the Constitutional Convention in 1974. I served on the Bill of Rights Committee, that's when the Senator from District 3 had dark hair. That's a long, long time ago. A long, long time ago. So I say to you, let's look at the history of our country when it comes to voting. Initially you had to own property to vote. You even counted people as your property, because we had the three-fifths compromise. We said that three minorities, three blacks, constituted for one white and we compromised and you got a vote. Now what would we think of in today's world if we did something like that? What would we think of? Inhumane, certainly not acceptable, but we did it.

Then we said women weren't good enough to vote, so we eliminated them, so you had to own land, we did the three-fifths compromise and we eliminated women from the process. So we've gone through a series of changes, a series of changes and we talk about open and free elections. Well we had to pass the Civil Rights Act to get that done. Can we get the Civil Rights Act to pass in Congress now that we got in 1964? I don't think so, and New Hampshire has been under scrutiny for a number of years for our voting practices, discriminatory practices. So why do we discriminate more? We are perceived of as the best place in the country to live, it's the best place in the country to raise your children. We have the healthiest situation in the world; we want people to come here. And when they come here, we want them to participate in the process, in the process of voting. That's a fundamental right; it's something that gives us something to be very, very proud of. Hey, we're all equal; the billionaire, the individual worker in the shoe shop in Manchester, we all have one vote, we pride ourselves on that, and yet we have repeatedly tried to deny people the one thing that makes us equal; the right to vote, the right to participate in the process. I've been in the process for a long time. I have encouraged my students, you've got to vote, you've got to participate, because the result will determine your future. So why year after year after year do we try to compress the right to vote, rather than expand the right to vote? Why do we do that? I don't understand it. I just can't understand it. We had the head and poll tax when I first started voting in New Hampshire. I think it was $10. I had to pay the poll tax so that I could vote in Manchester, New Hampshire. We did away with that. Why? Because we

said it was discriminatory right? You had to pay to vote? That's awful. So we did away with that. So look at the good things we have done in New Hampshire. We got women the right to vote, you don't have to own property to vote, you don't have to pay a head and poll tax to vote. Why do we discriminate? Why? Our goal as public officials should be to get 100 percent of those who are eligible to vote, to vote. That, to me, that's what we should be doing; we should be encouraging people. And I will continue to do that as a teacher, a fundamental teacher. People should be participating in the process and we shouldn't discriminate. That in essence is why we're all here. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I can't compete with the clarity and the logic of the Senator from Manchester or the compelling linguistic history of the Senator from Dover or the eloquence of the great civics teacher from Manchester, but I hope to bring this issue to home, bring it to a place where we can understand what the true meaning of domicile and residence is. Mister President, I woke up yesterday morning, January 2 in Whitefield, New Hampshire, my home town was the coldest place in the continental United States. Whitefield is famous for its frigidity and my home, I should say my grandfather's home, sits down in the lowest part of town and I tell you it was forty below zero and I got a picture Mister President, I'll show it to you if you don't believe me. Forty below zero, that's cold. But I've always felt in the town of Whitefield, in that tight little common where I, my history and my family go back many years. The warmth of that community, the warmth of that hand in that cold, cold house yesterday morning, always warmed my heart and quite frankly always warmed my grandfather's. My grandfather grew up in the Webster House Orphanage. The first peck of affection came when he was adopted by Mr. Woodburn and Mrs. Woodburn. And unfortunately she died a few years later and he was returned to the orphanage and in 1948 he found this home and this home settled his nerves and gave him roots that he never had. And I have that same feeling about my home town. I always had an interest in politics and this town conspired to support my interest and involvement. I was invited to be a ballot clerk, vote, count election night results before I was old enough to vote, and at eighteen I became a supervisor of the checklist so I could register kids to vote. A little while later I was elected to the Constitutional Convention, came to Concord represent my community. And all this while people who didn't agree with me, who thought my ideas were impractical, conservative Republicans like Harold Burns who held this seat and who I had the bad judgment of running against, but he fixed me by beating me and remained my friend all his life and a mentor. I wish those days were still with us. And as a civics teacher I wanted my students to believe in democracy. But more important I want them to participate in democracy, to care enough about the rules of the game to participate. But the notion of domicile is something that I think is lost in our society today. The origins of those words, domicile has an origin, where you come from matters, substantial connection in other word use, substantial connection to place, to land, our agrarian Jefferson notion. Residency is where you put your head down, domicile is where you put your roots down. It's a difference between a home and a house. It's hard to understand our modern transient nearly nomadic world, where people don't even know the names of their great-grandparents, not to mention their stories. I wonder how they get through the tough times if you don't know where your family was and how they overcome their challenges.

Our country was formed with the spiritual connection to the land, yet today, the last three years I've live in my ancestral home, I've owned it for seventeen years and I've lived there for three. And I want to basically ask, I'll give you two stories, two people. The first is my son, my son John, who is twenty-three years old and between him, between his mother and myself, we've moved around a lot. Thirteen homes before he turned twenty-three, but through sixteen of those years the Woodburn house, my grandparents' house was the only solid thing, building in his home, since he was a little kid, was the place that we went to, place we had historical connections to. And in 2016 he got interested in politics, never was interested when his father was running but got interested in Bernie Sanders for some reason and registered to vote in his, where he was going to college. Now I wish he would have registered in Whitefield, I would have had a better story to tell you, but he chose to do that in spite of that long connection he chose to participate in the democracy, in the college town that he was living in in Pennsylvania. And I want to tell you another story, and I'm not going to tell you the name because I want to protect her but trust me it's a good source. A hundred year old woman grew up in the neighboring town of Lancaster, family deeply rooted in the community and the history of her town, known as a local historian correspondence and really an amazing, amazing woman. And come to the point where she couldn't live at home and she moved to Whitefield to be in a nursing home and for her, I don't know if people can understand this today, the idea of becoming a resident, or becoming engaged in a different community than the one you have deep, deep roots is very troubling and difficult. And I talked to the supervisor of the checklist; I said did you take her name off? He said, of course not, we wouldn't take her name off the checklist, she's been here all her life, family's been here all her life. So how did we measure who should make this decision; where one chooses to vote in terms of the domicile, their connection to their property to their place, the place where they come from? Now I would just ask you if domicile is the same reason why I spent money that I don't have to fix a ceiling in my grandparents' house because for sixty years friends and relatives wrote their name on the ceiling and I got stuck having to fix it because I couldn't let it fall down. And it's the same reason that I keep that old rhubarb patch out back behind the barn, because my grandfather planted that. That's domicile. This world, this transient world where people are moving all the time, don't forget, these things matter. Maybe more to rural people than other folks but these things matter and let's not rip up the history that Senator Watters talked about and how people are connected to their communities to their places and let them be the determination of their success. Now this is just a sly cynical political ploy to stop progress from happening, to keep young people away from our democracy by placing a de facto poll tax. It's a ruse built on the notion, the myth made by Governor Sununu that there were buses of people coming into New Hampshire and voting and then picked up and expanded by President Trump who claims that he won New Hampshire because of massive voter fraud. New Hampshire does democracy better than any place in the world, and our first in the nation primary is a beacon of hope that we do it right in the local little hamlets of New Hampshire, from Dixville throughout the rest of the state of New Hampshire, we do democracy right here, and it's locally driven and we need to cherish our values, cherish our traditions and don't just throw this thing out. Let's vote this thing down, let's do the right thing. Thank you very much, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. One of the things that I find interesting being in the Senate is the imagination that it takes. One of the things that we have to do is when we disagree with things we have to figure out a reason why. Taking some of the notes that I did today, we talked about article 11 in the State Constitution and talking about the elections should be free and open was also referred to by one of the other speakers. But there's a second sentence in that that the original speaker didn't bother. The first one: "All elections are to be free, and every inhabitant of the state 18 years of age and upwards shall have an equal right to vote in any election." Period. The second sentence is: "Every person shall be considered an inhabitant for the purposes of voting in the town, ward or unincorporated place where he has his domicile."

When you look at that, that second part of that part of the Constitution is very important. You can't just be there, going back to what the good Senator from District 1 said. You can't just show up one night as the good Senator from District 4 said. You have to establish your domicile, but what does that mean? Well, one of the things that we've heard about, and I receive many phone calls on, is students. Students can't vote if we pass this. Well, again I go back to the election law book I mean we need not everyone's got one of these but all of this is in the RSAs and I'm looking at RSA 654:1. And the title of that is Voters/Office Holders and if I look at sub-paragraph 1 of that it specifically talks to students. A student of any institution of learning may lawfully claim domicile for voting purposes in New Hampshire, in the New Hampshire town, city which he or she lives while attending such institution of learning if the student claims domicile, if their claim of domicile otherwise meets the requirements of the RSA above. So okay. RSA specifically tells them they can claim domicile. Interesting.

So, what do we do then? Well we talk about auto registration. Why auto registration, because it could be very expensive can't it? We have a tax on auto registration. I don't know about you but all the time my children were going to school, whether in state or out of state, cars were registered in my name. Kids couldn't afford them, but no matter what state that car had to be registered, but no matter what state if they had a driver's license and they wanted to maintain that driver's license, they had to have a driver's license.

Now when we look at the bill, the bill, in section 2 of the bill talks about resident, inhabitant and residence or residency. And it specifically talks about one of the items that are in the *Goud* decision, and that is the permanence, okay. It's that the current law and those words are crossed out. If you look at 21:6-a and let me find it, "for the indefinite future" which are the words that the court took exception to and said, yes there is a difference between domicile and residency and if there is a difference that's why you can't put that paragraph on the voter registration form; at least that's the way I interpret what they say. So, one of the things that we did was just say okay, we can take those words out. We can make residence or residency and domicile and inhabitant, and those words have a much closer definition. But remember the things that we've heard in all of the phone calls, all of the other things that we've talked about is it's going to stop students from voting. It's not going to stop students from voting; they can claim their domicile. RSA 654:1, subparagraph I-a. It's right there. It's not going to stop them.

The military, I haven't figured out yet how the military got involved in this. Maybe if we go back and say well gee, under SB 3 which people are talking about, which is really a smoke screen; it's…we'll go find something they really hate, and we'll say that it affects that, or that affects this bill. That's not the case. It doesn't affect the military at all. The one person that did call me up early in this process said to me, well you know, I change duty stations a lot and because of that I don't spend amount of time in one particular place or another and so I need, you know, residency. I said well this bill doesn't have anything to do with residency. Doesn't have anything that would affect a military person that wouldn't affect a regular person. In fact, there are special laws in the federal level that would make sure that that person can vote. Military person overseas, they can vote by email. Wow, that's a thing a lot of people don't know about.

So, half of the conversation from two of our speakers I thought was actually speaking on our side. Domicile, yes, we believe that domicile is a special place. It is a place where you participate, where you choose to participate. And the word choose, that's another word that I want to go back to the definition too. Says, again, reading through it, "demonstrates a current intent to designate as his or her," and the same thing in the paragraph above. Who is the one that's choosing New Hampshire? It's that person who decides they want to vote here. They are telling us that they want too. We should respect their decision but remember this is the government of the people by the people and for the people. If they are going to participate they should participate. Thank you.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise because I think we create ambiguities in some of our definitions. I feel that here we're creating more ambiguity than we're creating clarity. It's around the words of "through all his or her actions." "All his or her actions."

So, I want to set up a scenario for you and this has to do with a college student. And that college student is dependent on financial aid as to where they attend school. Financial aid, fast of forms, many of you have filled them out. You know that it's dependent on a parental income. A parent has to claim that student on that form on their income tax. Perfectly legal, they can do that. Through all his or her actions, is that student now, because they haven't become emancipated from their parents, that their parents are in some way still contributing to their college education? But now they come to a college in New Hampshire. In fact, most of the students that attend colleges in New Hampshire are coming from out of state; and what do we say to that student when he comes? Every college president that I know, and I know a lot, everyone will say, first day that they come to the campus, you are now a member of this community. We expect you to participate in this community, abide by the laws of this community, participate and become active citizens and engaged in your community. Those are the high principles that we try to establish. That's how you maintain balance and order and commitment to a place. That student has made a commitment to that place. They have established where they want to be, and that commitment forms.

One of the great attractions of New Hampshire is as many have said today, it's that we are so politically aware. It's that we encourage political participation; candidates to come here, the first in the nation primary, this is an exciting place to live. It's an exciting place to participate. I

can think of so many out-of-state students who've been in my life, who continue to be in my life, who are now residents and contributing to schools as teachers, principals, in the hospitals as nurses, in the banks as banking managers, in an insurance company, in a wholesale grocery company. These are the people who made a commitment when they were eighteen, yeah at sixteen they got a driver's license, at eighteen they made a commitment: I'm going to school; and along that path they said, you know, I've bought in. The commitment I'm making to this campus, to this community, to this state is something I want to validate and demonstrate through my ability to vote in this state, which we've said exists.

It's the ambiguities we've set up that challenge whether am I or am I not. And I believe that in this bill with those few words through all of his or her actions, we're setting up more ambiguity. I think we can do better. I don't think this is the right time and the right way in which to clarify voting rights. I don't think it does that and I will certainly encourage my colleagues to vote against it.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. I have to agree with the Senator from District 10 that when people come here, they become a part of the community, which is why I put this bill in. Based on the *Goyard* decision, the *Goyard* decision made a two-tier system. We have tier one: that is non-resident, domiciled, eligible to vote, and hold office. You have tier two: who is a resident, who is also domiciled, who is eligible to vote, and hold office. But the tier two, the resident, is the only one that is going to be required to live under the, live by the laws of New Hampshire.

So, for me we have a have and a have not system, and if you consider the fact that registering your car is considered a poll tax, then am I being told that only residents have to pay a poll tax? That is a ridiculous argument as far as I'm concerned. This is not equality under the law.

And based on the info from the secretary of state, the more our election system is clarified, the more participation we show in this state. Our participation rate has substantially increased over the years because of our clarifying of our laws and when you talk about voter fraud, do I believe in voter fraud? I don't know, but I do know that the secretary of state is in the process of looking into potentially several hundred individuals with the same name voting in two different locations on the same election. So, for me clarification is very important. I think SB 372 does that and I ask my colleagues for their support. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I know everybody wants to go to lunch and we've beaten this up pretty good, but I just wanted to respond to two words and themes that came up. One is trust and one is imagination.

Imagination: I don't think you need to be Thurgood Marshal to imagine the constitutional lawsuit that's going to come if this bill is passed and is signed by Governor Sununu. And I don't see a fiscal note on the bill, but just like Senate Bill 3, our resources at the attorney general's office are going to defending Senate Bill 3 and they're going to be going to defend this bill too, when shouldn't those resources be dedicated to investigating allegations of potential voter fraud or enforcing our existing election

laws, lobbying laws and campaign finance laws? I think that's where our resources should go. Don't see a fiscal note, we know it's coming, you don't have to imagine it, there is a credible plan.

Trust: I trust the City Clerk in Concord. I trust the election workers in Concord, Hopkinton, Henniker and Warner. I trust our local poll workers. I trust the hundreds of people around our state who volunteer their time on Election Day to make this the best democracy on the planet. I trust them. And you know what? The rankings have us as one of the cleanest, best run elections in the country. I trust the process and I trust our democracy. So let's not do this, let's have trust and faith in the people who implement our democracy and do it in such a good way. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator 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, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Hennessey.

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

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

A roll call was requested by Senator Sanborn, seconded by Senator 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, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Hennessey.

Roll Call, Yeas: 14 - Nays: 9. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES
SB 49, relative to permits for solid waste facilities.
Interim Study, Vote 4-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Excuse me for one moment. Thank you, Mister President. I move Senate Bill 49 be Interim Study. The issue presented by this bill has been addressed between the stakeholders and the staff of the Department of Environmental Services through rulemaking. The Energy and Natural Resources Committee ask for your support for the motion of Interim Study while rulemaking is being taken under consideration. Thank you, Mister President.

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

PRESIDENT MORSE: And let me be clear on House Bill 372. I ordered it to Third Reading.

SB 195-FN-L, relative to fees for operation of a heating and agitation device in public waters.
Interim Study, Vote 4-0. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 195-FN be Interim Study. This bill would have raised the fee structure for the operation of a heating and agitation device in public waters. The Energy and Natural Resources Committee asks for your support for the motion of Interim Study. Thank you.

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

HB 225-FN, relative to information collection concerning electric renewable portfolio standards.
Interim Study, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you very much, Mister President. I ask the body to overturn the motion of Interim Study so that I can introduce a subsequent amendment of refer back to committee for the purposes of consideration of an amendment to this bill that was proposed during the Christmas break by the PUC.

PRESIDENT MORSE: Senator Bradley, I believe what you want to do is refer HB 225 back to the committee and that does have to come out by the fourth legislative day. Is that your motion?

SENATOR BRADLEY: Yes, it is.

Senator Bradley moved Re-refer to Committee.

The question is on the adoption of the motion of Re-refer to Committee. Adopted.

HB 337, relative to municipal regulations of small wind energy systems. Ought to Pass, Vote 3-1. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you again, Mister President. I move House Bill 337 Ought to Pass. This bill aligns state and municipal standards for acceptable noise levels for wind energy systems to a single standard. The site evaluation committee adopted rules in 2015 that specify a sound level on wind systems shall not exceed 45 decibels during daytime and 40 decibels during the night time hours. This bill would place those rules in statute. The Senate Energy and Natural Resources Committee asks for your support of the motion of Ought to Pass. Thank you.

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

HB 342, establishing a commission to study the transition of certain regulatory authority to the department of environmental services from the Environmental Protection Agency.
Inexpedient to Legislate, Vote 4-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Thank you, Mister President. I move House Bill 342 be Inexpedient to Legislate. This bill establishes a commission to study the transition of certain regulatory authority from the Environmental Protection Agency to the New Hampshire Department of Environmental Services. House Bill 342 is identical to Senate Bill 121 which was passed in the last legislative session. Senate Bill 121 created a national pollutant discharge elimination system study commission. This commission examines whether the New Hampshire Department of Environmental Services should assume authority over the national pollutant discharge elimination system from the EPA and how that might be accomplished. The commission has completed its work and filed a report with recommended legislation for the upcoming session. The Energy and Natural Resources Committee asks for your support for the motion of Inexpedient to Legislate on House Bill 342. Thank you, Mister President.

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

Recess. Out of recess.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 561-FN, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.
Ought to Pass with Amendment, Vote 3-2. Senator Carson for the committee.

Senate Executive Departments and Administration
December 5, 2017
2017-2549s
10/08

Amendment to HB 561-FN

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

AN ACT relative to part-time employment of a retirement system retiree by a participating employer.

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

1 Retirement System; Definition; Part-Time. Amend RSA 100-A:1, XXXIV to read as follows:

XXXIV. "Part-time" for purposes of employment of a retired member of the New Hampshire retirement system but excepting per diem court security officers and court bailiffs, means employment [~~during a calendar year~~] by one or more ***participating*** employers of the retired member which shall not exceed [~~32 hours in each normal calendar week. Employment in some instances may exceed 32 hours in any normal calendar week provided that in such case, the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.~~] ***1,040 hours in a calendar year. Notwithstanding the foregoing, no retired member shall be employed on a part-time basis by any participating employer for a period of 60 days from the member's effective date of retirement.***

2 Restoration to Service; Working After Retirement. Amend RSA 100-A:7 to read as follows:

100-A:7 [~~Restoration to Service~~] ***Working After Retirement; Exceeding Part-time Hourly Limit***.

I. [~~If a disability beneficiary or any other beneficiary is~~] ***Any retired member returning to work for a participating employer in a position requiring mandatory membership pursuant to RSA 100-A:3 shall be*** restored to service[~~,~~] ***and*** the [~~beneficiary's~~] ***retiree's*** retirement allowance shall cease, the [~~beneficiary~~] ***retiree*** shall again become a member of the retirement system and the [~~beneficiary~~] ***retiree*** shall contribute at the percentage payable pursuant to RSA 100-A:16, I(a). Anything herein to the contrary notwithstanding, any credit for membership service and for any prior service on the basis of which the [~~beneficiary's~~] ***retired member's*** creditable service was computed at the time of [~~the beneficiary's~~] ***his or her*** former retirement shall be restored to full force and effect; upon subsequent retirement, the [~~beneficiary~~] ***retiree*** shall receive a retirement allowance based on [~~the beneficiary's~~] ***his or her*** combined creditable service and [~~the member's~~] average final compensation.

II. Any retired member who, in any calendar year, works part-time for one or more participating employers and exceeds the

maximum permitted hours as provided in RSA 100-A:1, XXXIV, shall forfeit the state annuity portion of his or her retirement allowance, and any allocable cost of living adjustments, with such forfeiture commencing as soon as administratively feasible in the next calendar year and continuing for a period of 12 months.

3 Annual Notice Required. Amend RSA 100-A:7-a to read as follows:

100-A:7-a Certain Part-Time Employment; Notice Required. The retirement system shall annually provide written notice to all retired members of the retirement system of the [~~hourly~~] limitations on part-time employment as defined in RSA 100-A:1, XXXIV and the potential effect that exceeding such hourly limitations could have on the retired member's retirement benefits, including restoration to service as required in RSA [~~100-A:7~~] ***100-A:7, I and the forfeiture of the state annuity portion of his or her retirement allowance for exceeding the maximum permitted part-time hours under RSA 100-A:7, II***.

4 Retirement System; Employer Reports. Amend RSA 100-A:16, VII(a) to read as follows:

VII.(a) Every employer shall report to the retirement system [~~monthly~~] ***annually***, in a format provided by the retirement system, all compensation paid by***, and the total hours worked for,*** the employer [~~to retired members~~] ***by each retired member*** of the retirement system, including the name of, and the total hours worked, for each retired member of the retirement system, except that an employer shall not include in the report the compensation and hours worked by a retiree for serving as an elected state official or as an elected official of a political subdivision in either a group I or group II position.

5 Application to Existing Employment Contracts. The amendments to the provisions of RSA 100-A made by this act shall not apply to service after retirement by a retired member pursuant to a valid employment contract effective as of the effective date of this act, but shall apply upon the expiration of such employment contract.

6 Repeal. RSA 100-A:7-b, relative to an emergency exception from the weekly part-time limit on retiree employment, is repealed.

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

2017-2549s

AMENDED ANALYSIS

This bill changes the limit on part-time employment of a retirement system retiree to an annual 1,040 hourly limit and prohibits part-time employment in the first 60 days after retirement. The bill also establishes a penalty for retired members' exceeding the annual part-time hourly limit.

This bill is a request of the decennial retirement commission under RSA 100-A:57.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you, Mister President. I move an even higher motion then the committee motion is to Rerefer House Bill 561 back to committee for purposes of having a public hearing. So that's what I move.

Senator Bradley moved Re-refer to Committee.

The question is on the adoption of the motion of Re-refer to Committee. Adopted.

FINANCE
SB 219-FN-A, relative to a one-time allowance for certain state retirees. Inexpedient to Legislate, Vote 4-2. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President and members of the Senate. Rather than vote Inexpedient to Legislate, I would move that we vote that motion down and pass a motion to Interim Study this bill. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I rise in favor of the motion of Interim Study. I sat on the Decennial Commission as well as my colleague from District 4, and this was one of the areas that was identified by the commission as it needs work. We haven't paid a COLA to our employees, retired employees since 2012, and we need to figure out a way to do this; and I think an Interim Study motion is appropriate so that way we can go ahead, we can continue to work on this, talk with the interested parties and be prepared for the next session so it can be part of the budget discussion. Thank you very much, Mister President.

PRESIDENT MORSE: Thank you, Senator Carson. The parliamentary situation is to get to Interim Study you would have to vote down Inexpedient to Legislate.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I will support the motion that's the replacement motion and say to my colleagues that when Senator Downing and I sat beside each other here in this Senate we brought forth a proposal, and that's the last time it was done, to give a one time, let's call it a stipend to the state employees. We gave them a $1,000 at the time. We did it because of the fact that COLAs hadn't been given for a long, long period of time and given the new methodology for getting a COLA, it's got to go through the entire legislature to pass, and that's not a highly probable situation.

But in looking at the numbers, I just want to tell my colleagues if you retired prior to 1980, your average benefit is $13,797.37. That's your retirement benefit; this includes group 1 and group 2. That was a question that was brought forth. From the period 1981 to 1990 your benefit is $16,012.77. If you retired between 1991 and 2000, your benefit is $18,465.06. If you retired between 2001 and 2010, your benefit is $19,758.73. If you retired 2011 and later, your benefit is $21,684.59. For all of the years, all of the years the average retirement benefit is $19,943.66.

And remember that a significant group of these people don't get social security and they have to partially pay for health benefits, so I think it's worth looking at. It's certainly worth looking at at this time and I applaud the work of Senator Carson in trying to move this forward. It's really important that we help the most needy people; they really need our help. I mean, we have 171 people whose average retirement is $13,000 a year. The average income, U.S. wide, for a family, the average family is $55,000; so think of that retirement benefit in contrast to that. So it's something we have to work on. Thank you, Mister President.

Recess. Out of recess.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: I'd like to introduce my daughter who has just returned after six months in Australia, including a week or so in Bali while the volcano was erupting and we're very happy to have Molly Woodburn with us. My daughter, welcome to the Senate, Molly.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Just briefly, this is the poorest of the poor, state retirees, and who haven't seen an increase, as the Dean said, in a very, very long period of time. Many of whom live in my own neighborhood in the south end of Concord, who are struggling to get by, afford heat, basic necessities like medicine, rent, shelter and have dedicated their entire lives to service to the state of New Hampshire. And so, I feel strongly that my good friend from District 14 that her bill, although it may not go as far as some folks would like, it provides some modest relief to those who need it most. And I would hope that at some point this body will embrace some support for our retirees. Doesn't sound like it's going to happen today, but at some point I hope we do. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I want to offer my thanks to the Senator from District 14 for her tireless work on behalf of our retirees and doing something about COLAs not only through this bill but also in the Decennial Pension Commission. And, you know, just to add on what we heard from the Senator from District 20 that the average pension is $20,000 and there's been no COLA since 2009, that buying power's down to $17,338, and consider a lot of our pensioners do not have social security so they have not that nor the benefit of a COLA that at least social security offers. We had an email, and perhaps all of us received it: a gentleman who is a retiree with a little pension he said well, if the $500 will just barely cover the increased cost of one of my medications. So that's the reality of where the folks in our retirement system are, and that's why the Decennial Commission voted in near unanimity to recommend that we try to do a one-time payment in the context of the next budget. So, I see the Interim Study here as a way of taking the good work that has been done so far and melding it with what we have proposed doing through the Decennial Commission that we can really, in the next budget, try to do something about this. It really, really is needed for these aging retirees. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I agree with what my colleagues have said in terms of House Bill 219, of which I was a co-sponsor, having led efforts in 2011 on retirement reform there were two one-time payments in 2011 and 2012, but it's been since then that there has not been a cost of living adjustment for any of our retirees. I think by having an Interim Study motion we put all of ourselves on notice that this becomes a priority in the next budget and that we have to figure out, as we've tried to figure out funding for mental health, for the opioid crisis, for DCYF, for families with a disabled child, how we're going to help our retirees. And I think that by virtue of the Interim Study motion that should put us all on notice that we need to accomplish this. Thank you, Mister President.

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

Senator Giuda moved Refer to Interim Study.

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

SB 240-FN-L, relative to the monitoring and treatment of contaminated wells.

Interim Study, Vote 5-1. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Interim Study on Senate Bill 240-FN-LOCAL. This bill may require routine testing of private wells if a certain level of contaminants is found. The Department of Environmental Services states there are more than 250,000 private wells in New Hampshire. If the responsible party is identified as a source of the contaminants, Senate Bill 240 requires the party to either treat the water or provide an alternative source of drinking water. DES may however require periodic monitoring, even though the concentration of the contaminant does not exceed an existing ambient ground water quality standard. As the New Hampshire Drinking Water and Groundwater Advisory Commission is working on similar matters and has already made proposals to address local and statewide water issues the Senate Finance Committee recommends Interim Study for Senate Bill 240 and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President I encourage this body to vote down Interim Study, so we can do a substitute motion of Ought to Pass. I respect the comments from my friend from District 11. I will note that the Groundwater Commission of which the Senate President is the Chair and I serve on, is in my view doing good work. However, it doesn't deal with the issue of when polluters have been identified to have caused contaminants in wells, what happens then. That's what this bill does. Senate Bill 240 which is sponsored by my friend from District 24, my friend from District 3, my friend from District 23, and my friend from District 21 have sponsored this piece of legislation to do exactly that. It requires DES to identify the polluters; to then say to the polluters, you've got to pay for the monitoring of these wells; and then if there's an escalating trim line of the contaminants in the well, pay to provide some alternative water supply to the folks who need it. It's not unlike, Mister President, what happened with DES and Saint-Gobain on a voluntary basis. And DES' testimony if you read it says that this is largely what they do already. So, what this does is codify what DES largely does already so that there's some statutory teeth to dealing with, perhaps, a polluter who will not provide alternative water supply like Saint-Gobain, or not pay for monitoring testing of wells like Saint-Gobain did. That's very important; very, very important. So, Mister President, I'm hopeful that we can vote down this motion of Interim Study and move forward with this bill. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President the only entity that's responsible now for replacing a well when it's contaminated is the state; and it's DOT. When I served on the council, when we had plowing that disrupted wells that were close to the road, we replaced those wells because they were contaminated. The state assumed and fulfilled that responsibility. All of us know that the majority of people in the state of New Hampshire are on wells. There's a significant, significant number on wells. We also know that contaminants abound as we speak, and that's a result of things that have happened in this state over the years. The contamination is highly problematic in terms

of what it does to the individual's health and the ramifications that occur to the individual are very, very costly. Think of how they affect the chain in terms of health. So, we recognize our responsibility as a state.

And how many thousands of miles of road do we have that we plow every time we have a storm? We're talking about a storm tomorrow night. That storm, if it's six or eight inches, it's going to be plowed. There will be salt on the roads and it's better than it used to be when we had an abundance of salt, but it's still going to be there. And if a well gets contaminated, and remember a lot of people live very close to those roads, we're going to pay for those. We are going to replace them and we are going to pay for them. So, think of that.

What's wrong with others bearing that same responsibility? Shouldn't everybody be responsible for actions? Saint-Gobain ponied up. Sure they ponied up because they knew they were in deep trouble. Very deep trouble and they also had deep pockets; very deep pockets.

But indeed, it's a problem, and it's a problem that's been recognized by the majority leader and others sitting in this, Senator from District 24 and others recognize that it's a problem and have been on committees over the years that have recognized this problem. And the problem does not go away; the problem remains. That is something that we are going to have to deal with. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. This bill is good in principle, it fails in execution. We have 240,000 wells in the state and no way to fund the testing. It goes too far, it's a bridge too far. It enables DES to preemptively start looking for the possibility and to require remediation if they find something that doesn't even rise to the threshold of a problem. It's a bridge too far. So I think this bill needs to be reworked and I would recommend we stick with the committee recommendation. Thank you.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. This bill as written doesn't require the DES to go out and seek contaminated wells. If you read it, it indicates that upon receiving information that drinking water is contaminated, then the monitoring would begin. So it's not DES that is seeking this out, rather the information comes to them and then the process begins. So, it may not be quite so intrusive as it appears. Thank you.

Recess. Out of recess.

Senator Bradley moved Re-refer to Committee.

Recess. Out of recess.

PARLIAMENTARY INQUIRY

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

SENATOR FELTES: Thank you, Mister President. Does the motion to Re-refer mean that this bill needs to come out of Senate Finance by the fourth session day?

PRESIDENT MORSE: Yes.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I support the motion of Re-refer. I know my colleagues on Senate Finance

are committed to working together to move this bill and because of that commitment to work in good faith to move this bill I support the motion to Re-refer. Thank you, Mister President.

The question is on the adoption of the motion of Re-refer to Committee. Adopted.

HEALTH AND HUMAN SERVICES
SB 63, relative to record management of abuse and neglect reports. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Health and Human Services
November 28, 2017
2017-2532s
05/10

Amendment to SB 63

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

AN ACT relative to record management of abuse and neglect reports and establishing a pilot program and making an appropriation therefor.

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

3 Child Protection Act; Records Management of Abuse and Neglect Reports; Pilot Program Established. There is hereby established a pilot program to assess the cost and feasibility of the statewide electronic storage of abuse and neglect records as required by RSA 169-C:35-a. Under the pilot program, the department of health and human services shall scan and store electronic copies of its records of screened-out, closed unfounded, and closed founded reports from a selected district office or offices. On or before November 1, 2018, the department shall provide a report to the house and senate committees with jurisdiction over health and human services and the house and senate finance committees containing its assessment of the pilot program and the projected costs and feasibility of expanding the program statewide.

4 Department of Health and Human Services; Division for Children, Youth and Families; Classified Positions Established. The following classified positions are hereby established in the department of health and human services, division for children, youth, and families:

I. Program assistant I, at labor grade 12

II. Program assistant I, at labor grade 12

5 Department of Health and Human Services; Division for Children, Youth and Families; Classified Positions Established. Subject to approval by the fiscal committee of the general court, the following classified positions are hereby established in the department of health and human services, division for children, youth and families:

I. Program assistant I, at labor grade 12

II. Program assistant I, at labor grade 12

6 Department of Health and Human Services; Appropriation. The sum of $24,000 for the fiscal year ending June 30, 2018, and the sum of $156,000 for the fiscal year ending June 30, 2019, are hereby appropriated to the department of health and human services for the purpose of establishing the pilot program under section 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 sums out of any money in the treasury not otherwise appropriated.

7 Effective Date.
I. Section 5 of this act shall take effect January 1, 2019.
II. The remainder of this act shall take effect upon its passage.

2017-2532s

AMENDED ANALYSIS

This bill revises the record retention requirements for founded, unfounded, and screened-out reports of abuse or neglect; establishes a pilot program regarding electronic storage of abuse and neglect records and makes an appropriation to fund the program; and establishes certain classified positions within the department of health and human services.

SENATOR BRADLEY: Thank you, Mister President. Senate Bill 63 revises the record retention requirements for founded, unfounded and screened out reports of abuse and neglect of children in New Hampshire. The retention of screened out reports would extend to seven years. The retention of unfounded reports would extend to ten years and founded reports would now be retained indefinitely. The Division of Children, Youth and Family uses these reports to establish patterns of behavior in cases of abuse and neglect. It is important to make sure the department has the resources they need to protect children. The amendment creates a pilot program where the department would scan and store records from selected district offices to make sure reports are being processed in an efficient manner. The amendment does also add two positions in 2018 to establish this program and then with the approval of the Fiscal Committee adds two more positions in 2019. I realize that there was some controversy about creating these positions. The Health and Human Services Committee put the department through their paces and came up with this pilot program approach. I know it's going to go to Finance. That's obviously appropriate. As I think all of us know, the Division of Children, Youth and Family has been a troubled agency. Retention of records to make sure that when case workers are interviewing parents and there's been past unfounded or founded with reasonable concern reports that there are these records so that the agency can do a better job of protecting our children. The Health and Human Services Committee absolutely supports the policy; we leave it to the Finance Committee to look at the finance end of this initiative. Thank you, Mister President.

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

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

SB 151, relative to arbitration agreements in nursing home contracts. Interim Study, Vote 4-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Thank you very much, Mister President. I move Senate Bill 151 be referred to Interim Study. This bill prohibits a nursing facility from requiring that a patient sign a mandatory arbitration agreement prior to admission and receiving medical care. There is still significant disagreement among the stakeholders regarding this legislation. With many unanswered questions remaining the committee felt the best course of action would be to refer this bill to Interim Study to allow the stakeholders an opportunity to find compromise on this important issue. Please support the committee's recommendation of Refer to Interim Study. Thank you, Mister President.

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

SB 154, making oral contraceptives available without a prescription.
Interim Study, Vote 4-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Thank you very much, Mister President. I move Senate Bill 154 to Interim Study. This bill would allow pharmacies to dispense oral contraceptives to persons eighteen years of age or older without a prescription. There was a study commission working on this issue over the summer and legislation has been filed based on the recommendations of the commission. The Health and Human Services Committee believes it would be best to review the legislation filed based on the recommendations of the study commission in the hopes that it will answer the many questions raised on this issue. Please support the committee recommendation of Interim Study. Thank you, Mister President.

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

SB 220-FN, relative to the definition of mental illness for purposes of mental health services.
Interim Study, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. This bill would change the definition of mental illness for the purpose of involuntary commitment to include use of opioid substances. The committee supports the merits of the bill but believes there are a number of unanswered questions. First and foremost being lack of capacity for mental health and opioid abusers that voluntarily want to get treatment. And so because of the lack of capacity and other unanswered questions the committee at this time recommends Interim Study. Thank you.

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

HB 472, permitting qualifying patients to cultivate cannabis for their own therapeutic use.
Interim Study, Vote 4-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Thank you very much, Mister President. I move House Bill 472 be referred to Interim Study. This bill would allow home cultivation of cannabis for patients enrolled in the therapeutic cannabis program. The committee felt that there were too many unanswered questions, once again, surrounding the implementation and enforcement of this program to move the bill forward at this time. Interim Study would give the stakeholders an opportunity to see if there is a compromise that best balances the needs of the patients and also will ensure the safe regulation of the program. Please support the committee's recommendation of Refer to Interim Study. Thank you very much, Mister President.

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

JUDICIARY
HB 151, relative to industrial hemp as a controlled substance.
Ought to Pass with Amendment, Vote 4-1. Senator Carson for the committee.

Senate Judiciary
December 5, 2017
2017-2548s
08/03

Amendment to HB 151

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

AN ACT establishing a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers.

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

1 Committee Established. There is established a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers.

2 Membership and Compensation.

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

(a) Three members of the house of representatives, one of whom shall be a member of the criminal justice and public safety committee and 2 of whom shall be members of the environment and agriculture committee, appointed by the speaker of the house of representatives.

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

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

3 Duties. The committee shall:

I. Study the feasibility of hemp usage in providing animal feed, biofuels, and soil conservation and restoration.

II. Further study the licensing, registration, and permitting of industrial hemp growers and allowing for the growth and processing of hemp in New Hampshire.

III. Review the Federal Industrial Hemp Farming Act of 2017, H.R. 3530, 115th Cong. (2017), along with the 2018 farm bill as they relate to New Hampshire laws.

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

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

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

2017-2548s

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers.

SENATOR CARSON: Thank you, Mister President. I move House Bill 151 Ought to Pass with Amendment. This bill will establish a committee to study the feasibility of using hemp in agricultural and industrial processes and study the licensing, registration and permitting of industrial hemp growers. The committee amended the bill to allow this legislation into a study committee in order to allow the appropriate parties to come together to examine the issue. The hemp industry is one that continues to expand, and it is affected by various factors including federal regula-

tion. Therefore, it is our duty as legislators to further study this issue from all sides. Due to the growing nature of this issue and the need to determine how this would affect New Hampshire specifically, the majority of the committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 151. 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.

PUBLIC AND MUNICIPAL AFFAIRS
SB 172-FN, relative to dams on residential property.
Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

Public and Municipal Affairs
November 14, 2017
2017-2529s
08/10

Amendment to SB 172-FN

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

AN ACT relative to non-menace dams.

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

1 Menace Dams. Amend RSA 482:12, I to read as follows:

I. It shall be the duty of the department from time to time to cause all dams in the state which, by reason of their condition, height or location, may be a menace to the public safety to be inspected by competent engineers. ***A dam that is classified as a non-menace structure as of February 20, 1981 shall retain such status until the department determines conditions downstream have changed since the dam was classified that warrant reclassification or until such reconstruction of the dam is needed requiring a permit to reconstruct the dam.***

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

2017-2529s

AMENDED ANALYSIS

This bill requires that certain dams shall not be declared a menace unless the department of environmental services determines that there has been a change in conditions downstream.

SENATOR GRAY: Thank you, Mister President. I move Senate Bill 172 Ought to Pass with Amendment. This bill is a result of the classic battle between new regulations and long standing conditions within New Hampshire. There are multiple dams on private property that have been evaluated and classified as a non-menace structure by the Department of Environmental Services. Recently new regulations threatened to force these New Hampshire residents to adhere to new and unnecessary regulations. Under this bill, dams that have been evaluated as non-menace structures before February 1981 will be able to retain that status unless the department has determined that conditions down the stream have been altered significantly. This will relieve the dam owners of undue burden of new regulations. Furthermore, the bill amended requires the Department of Environmental Services to cause all dams in the state that may

be a menace to public safety to be inspected by engineers. Please join the committee on Public and Municipal Affairs in support of Ought to Pass with Amendment. Thank you, Mister President.

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

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

HB 121, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees.
Ought to Pass, Vote 3-2. Senator Woodburn for the committee.

SENATOR WOODBURN: Thank you, Mister President. I move House Bill 121 Ought to Pass. This bill increases the maximum optional fee for transportation improvements that may be charged by municipalities when collecting motor vehicle registration fees. This fee increase adjusts the maximum amount to account for inflation. This is enabling legislation, it gives municipalities the option to increase the fee which is collected at the local level; and used for local improvement projects. Communities rely on this revenue source when the state aid is not enough to cover certain transportation projects. Please support the committee recommendation of Ought to Pass. Thank you, Mister President.

Senator Woodburn offered a Floor Amendment.

Sen. Woodburn, Dist 1
December 19, 2017
2018-0011s
03/05

Floor Amendment to HB 121

Amend the bill by replacing section 2 with the following:

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

SENATOR WOODBURN: Thank you, Mister President. I have a very simple amendment here just of the, change the effective date to the present as opposed to the past.

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

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Just like to point out. Thank you, Mister President. I'd like to point out on this bill that this is merely an opt in; that when you go through the statute for 261 there are lots of ways in which both towns and municipalities have to hold public hearings. Towns have to bring this to a vote of the town, municipalities do the hearing, they vote as they would vote on anything else that is permitted giving them authority by the state. So, I have towns in my district that are at zero. I have towns that in my district have been at $5 for a long time and have just recently, in another town that has just recently put it on the ballot and brought it to $5. I think towns are all over the place on this depending on their local needs and what they're able to raise through taxation and what they're able to raise through this mechanism and their constituencies have the opportunity to vote. Finally, if any town is upset with the fact that these dollars are not being spent in the right way, there's opportunity to rescind this through a vote. So, I'd encourage us to look at this as something to give some local options to road improvements and that we ought to pass.

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

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

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

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

The following Senators were excused: Hennessey.

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

Senator Bradley moved Refer to Interim Study.

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

TRANSPORTATION
SB 178-FN, relative to motor vehicle registration transfer credits.
Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 178-FN Inexpedient to Legislate. This bill allows a refund for a leased vehicle registration transfer which shortens the registration period. Currently, when a person leases a new vehicle and registers it in a different month than the month in which their previous vehicle was registered the credit or excess funds are not refunded to the person but are instead placed in the municipalities' general fund. The committee has been informed that the Department of Safety and the Town Clerk's Association are working together to write new legislation so that a late bill may be introduced regarding the ability to transfer all of the customers credits in similar situations. Therefore, all members of the Transportation Committee ask for your support in the motion of Inexpedient to Legislate on Senate Bill 178-FN so that alternative legislation may be introduced. Thank you, Mister President.

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

SENATOR FULLER CLARK: Thank you very much for taking my question. I just wanted to have you re-affirm that there is going to be ongoing efforts to solve this situation so that an individual who paid excess dollars is, currently has no way to be refunded yet that those monies remain with the municipality instead. So, it's my understanding that we all agree that this is an issue that needs to be resolved, and that there will be efforts going forward to do that?

SENATOR BIRDSELL: Thank you for the question, Senator. And yes, I'll be following up with the Department of Safety and the Town Clerk's Association within the next week to see where they are in the process and try and get a late bill in. If not, I'll look at some of the bills that are coming through Transportation to try and amend it; because the money should be going at least a credit to the owners rather than the municipalities.

SENATOR FULLER CLARK: Thank you.

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

WAYS AND MEANS
SB 1-FN-A, reducing the rate of the business profits tax.
Interim Study, Vote 3-2. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President and members of the Senate. I move Senate Bill 1 be referred to Interim Study. The bill sought to reduce the BPT from 8.2 to 7.5 percent over the next two biennia. But given the recent significant changes to the federal tax code, our obligation as a committee is to try and ensure that we have a revenue stream that doesn't get interrupted. We would strongly recommend and ask your support for a motion to Interim Study on this bill. Thank you, Mister President.

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

SB 75-FN, establishing a tax credit against business profits taxes for donations to career and technical education centers.
Interim Study, Vote 3-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 75 be referred to Interim Study. This bill sought to establish a new tax credit against business profits tax for qualifying donations to career and technical education centers. While I understand the goal of the legislation was to try to better integrate local businesses with CTE centers, the majority of the Ways and Means Committee believes this is not the right time, as we need to take a cautious approach with regard to revenues. I therefore ask for your support for the motion of refer to Interim Study. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise to ask the body to overturn the pending motion, so I may offer a floor amendment and a motion of Ought to Pass. This bill should be familiar to everyone, we've talked about it quite a bit and I think there's general agreement that it actually will do what it says that it should do to increase the investment of businesses and our career and technical education centers.

It would appropriate a $500,000 tax credit against the Business and Profits Tax for three reasons: one donations of equipment. So here, like New Hampshire Ball Bearing and auto dealers have done, we could form partnerships between CTEs and area businesses so that students might get trained on the actual machinery they would be able to use if they took a job in the community at those plants.

Secondly, because we really do want to make sure that students are getting membership, mentoring and apprenticeships with businesses that would provide a tax credit for part of the personnel time that a business might give for instruction either in the CTE center or on the shop floor.

Thirdly, I think and most importantly for those communities such as Rochester that are trying to build CTE centers and sooner or later each one of our districts is on that list to renovate or build their CTEs it would let a business make a contribution towards the municipal portion of the funding needed for the CTE center. And what better way for a business to feel invested in a new CTE than to be able to help contribute and make, perhaps, equipment, provide personnel to help the CTE center.

There's not much argument that this will work and that it's a good idea and I will say that what else have we heard from the BIA at the summit or at the meeting down in Bedford about workforce development. Our businesses, particularly our manufacturers, are crying out for workers. This bill is the one thing we can do today for workforce development. It will work, it just comes out of the Career and Technical Education Advisory Committee, the director of those directors, Eric Felberg, and the directors say we can sell this. This is just what we need to cement these partner-

ships. The commissioner of the Department of Education– he knows that he can sell this as well. Businesses– Sal Vanchuck, other people who are on that committee say yes, this is what we need to leverage this.

Now, we can do this, we can do it today if I offer a floor amendment then let's put the date of the implementation out to July 1st, 2019. That'll do two things: it'll mean we'd have a year for the CTEs and the businesses to get ready to develop these programs and it will mean we'll have the context of the budget next year. So that will be that opportunity for all of the $500,000 that this is going to use to get going. We can do it; we can overturn this motion; we can have a floor amendment to kick it out to July 1st, 2019; we can get this going and we can leave here today saying we did something for workforce development. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, in our Capital Budget we made a commitment to CTE centers because we thought it was vital. Those centers train youngsters for what they will do in the job market. With this bill they will be working on equipment that makes them immediately employable. Gets them to work. That's why we're investing in the CTE centers, we just invested significantly in Salem. We put a ton of money into the CTE center there. We're doing it in Rochester, we did it in Dover, we missed out in Whitefield. Heck, who needs it more than the North Country? These companies want people who are ready to work on the equipment that's out there. New Hampshire Ball Bearing, dying for employees, dying for machinists. The automobile industry, dying for people who can work with the new diagnostic equipment. If this equipment is donated to the CTE centers, and you get a tax break, they'll continue to do that. That's money that we, the state of New Hampshire, will not have to spend. That just makes common sense. Where's Thomas Paine when we need him? Common sense. Just seems to me if we want to get the best for the students we're training, this is an opportunity. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise in support of the motion of Interim Study, on what's going to be a common theme, so I hope I don't have to repeat myself too much. And for the record, I apologize both SB 1, SB 75 and most of them as a business owner and based upon the byzantine ethics rules we have today I feel compelled to have to say that I may or may not have a conflict but clearly, I'm still participating.

Mister President, as we heard from my colleague from District number 20, this state has made huge investments, I think he used the word huge, in Rochester, in Dover, in Salem to make schools that are up and running without a tax break. They've made investments, tens of millions of dollars and the system's working well. When I hear that if we go and make another tax cut, my colleague from District 15 uses a regular statement that a tax cut doesn't provide money, we're not spending money, but we are.

This is a math equation that I ask you all to consider; we generate about $600 million in business tax income. We have about $360 million of specific tax breaks, specific tax cuts for our friends. Now in full disclosure, Mister President, I have voted for some of them. I may think that I may have made a mistake in doing so, because we have a lot of talk around here on a very regular basis about specific benefits financially for specific demographical groups. We have the same conversations about

campaign finance. This is the same thing. This is providing specific groups of specific people breaks for behavior, and if we're really that concerned as I am that concerned about what we can do, $360 million of existing specific deals for specific entities today on a $600 million gross. Said in other words we could cut our business taxes by 50 percent if there were no special deals. How would our state look like if we had a 4 percent business profits tax? It would be remarkable around here. In addition to that Mister President, we have to remember that last year alone, the Ways and Means Committee considered a $176 million in additional specific tax considerations for specific entities or industries on top of the 360 we already have.

We need to be careful at what point the specific tax advantages we're doing and they're all well intended Mister President, I don't want to say that they're not. But if we passed all of these we'd now be sitting on $500 million of specific tax breaks on a revenue stream that only brings in $600 million today. So again, it's all worthy to consider, but at some point we need to be concerned about the fiscal health and the stability and if we are going to stop providing additional tax cuts maybe it's high time we provide them to everybody equally versus picking winners and picking losers. With that Mister President, I support the motion of Interim Study. Thank you very much.

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

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

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

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

The following Senators were excused: Hennessey.

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

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider SB 75-FN, the bill having previously been found Referred to Interim Study. Adopted.

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

A roll call was requested by Senator Woodburn, 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, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Hennessey.

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

SB 76-FN-A, establishing an option to rebate the research and development tax credit against business profits taxes, and making an appropriation therefor.
Interim Study, Vote 3-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 76 be referred to Interim Study. This bill seeks to provide an option to

companies qualifying for the research and development tax credit to take a rebate equal to 75 percent of the credit awarded, rather than taking the credit in the full amount. While I understand the goal of the legislation was to provide an option for those companies who may not have a BPT obligation to apply the credit to, the majority of the Ways and Means Committee believes we need to maintain the current balance with revenues and if they should improve then this bill could be revisited in the future. I therefore ask for your support for the motion of refer to Interim Study. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I don't want to sound like a broken record, but I will. Lo and behold, we passed this bill in the last session 24-0. 24-0! Came out of committee 5-0! What did it do? Take another dance while it was away? It provides an opportunity for the state to save 25 percent, and it provides an opportunity for companies to get going, for new companies to get started. We thought so much of this that we passed it 24-0. The majority leader is on the bill. What is this, what are we doing here? What are we doing here? That gray hair gets grayer, I understand it. But we passed it 5-0, it was a good idea then; 24-0 it was a good idea and now we put it to bed; and it's an untimely death. And we can work on it again; we worked on it twice already. We passed it, with unanimous vote put it to bed. Now it's out of bed and we passed it again but now we're putting it back to bed. It seems to me there's a sleeping problem here. We got to address it. Let's wake up! What's going to wake us up? It was a good idea. Everybody voted for it. It's like apple pie, everybody loves apple pie. All of a sudden this became the worst thing in the world. My goodness gracious, my colleagues. Just a thought, as I said Deja vu all over again. But it was a good idea, I think it's still a good idea, hopefully my colleagues can overturn the Interim Study so that I can bring forth a motion of Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, again sounding like a broken record, as a business owner and based upon our byzantine ethics laws, which I hope you change, which you'll hear me say every single time, I am compelled to say I may or may not have a conflict with this, but I'm still participating.

And to my colleague from District 20, if it truly is true, because I don't think I voted for this last time for the same reason I'm about to talk, if I did I'll ask for reconsideration from two years ago, because maybe I was sleeping during that vote and could have been, and if I was sleeping surely I must have been having a nightmare because, Mister President, although I completely appreciate what the colleague from District 20 is trying to do, he's trying to help start-up companies get access to free capital, with a 25 percent haircut. We all want small companies to grow, we all want small companies to expand, but I'm not sure it is the obligation and the role of state government to become an angel investor with no ownership or return by allowing companies to get a 75 percent cash payout when they don't actually have a tax obligation. That's what this does; they would qualify under the tax credit for the potential to get money back, but not having any obligation to offset it, this bill would look to cut them a check. Cut them a check.

The state investing in start-up companies. I'm just not sure that egg has cooked Mister President, so that's why we're asking for Interim Study.

And again, as I said, had I voted for this before it would have been my apologies. So, I ask the body to stick with the Interim Study recommendation. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I share the Dean's views on these being good programs, but they cost revenue that we currently have and would lose further. I would ask my colleagues to consider the "C" change in federal tax legislation on businesses and our obligation to maintain as best we can a stable revenue stream without interruption or change. And for that reason, although I strongly support initiatives like this, I think an abundance of caution, until the federal rules are written, and they have their impact on our economy in the state, is probably the better way to go. Thank you, Mister President.

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

SENATOR INNIS: Thank you, Mister President. Thank you for taking my question. I'm looking at the bill and I'm trying to understand: "Each credit shall be used to offset the taxpayers tax liability within the subsequent 5 tax years, or rebated as provided in sub-paragraph (d)." Isn't it apples and apples? It's the same amount of money whether it's a tax credit or a rebate. There's no net additional cost to the state.

SENATOR SANBORN: So, Senator thank you for the question. So, first and foremost, the cost to the state is future tax liability potentially based on future profit. They have the ability to take 75 percent of that back as cash.

SENATOR INNIS: Yes.

SENATOR SANBORN: Right? So typically people have a tax obligation and they would have a tax credit against that. In this case they don't, they may potentially have a tax obligation in the future, but we're actually cutting them a check today if they take option number B, of 75 percent.

SENATOR INNIS: Thank you, Senator. So if I'm to understand this correctly, the rebate would then reduce their tax exposure to the business profits tax?

SENATOR SANBORN: Thank you for the question again. Again, you're making an assumption that they're profitable. They may never be profitable. Start-up companies.

SENATOR INNIS: Thank you, Senator.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I serve as a member of the Senate on the New Hampshire Innovation Research Center, and I would draw your attention to the testimony that came before Ways and Means as to why this is an important initiative to go forward at this time.

I would just like to point out to you that we currently are only investing $275,000 to underwrite the New Hampshire Innovations Research Center. Our neighbor state of Maine is currently investing $8.1 million in the same type of program, and if you were to look across the country we would see a number of other states who understand the significance in having us on the cutting edge of new, potentially very successful, businesses that will bring more revenue to the state, that will bring more jobs and that will advance our attractiveness to new and innovative companies.

I think that this is very short-sighted, not to be willing to make these types of investments and recognize that in the end the entire economy of the state of New Hampshire has the potential to benefit. We're not talking about a huge additional amount of money, and we're also talking about the fact that one, that businesses applying for this are thoroughly vetted before they would receive the support and that they also have to come up with a match.

So, I would urge you to overturn Interim Study and move this significant tax credit forward because of all that it means for the economy and the future of the state. Thank you.

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

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

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

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

The following Senators were excused: Hennessey.

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

SB 183-FN, establishing the New Hampshire technology sector marketing tax credit.
Interim Study, Vote 3-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 183 be referred to Interim Study. This bill would establish a new technology sector marketing tax credit to be used against taxes imposed by the BPT, BET and insurance premium tax. The proposed bill allows a tax credit equal to 75 percent of the contribution made to the Community Development Finance Authority by an eligible business. The total amount of tax credits that could be awarded is $1 million. In keeping consistent with a cautious approach to revenues, this is not the time for additional tax credits. I therefore ask for your support for the motion of refer to Interim Study. Thank you, Mister President.

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

HB 560-FN-A-L, establishing keno.
Interim Study, Vote 3-2. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. Mister President, I don't know if I have to declare since Concord voted against Keno and my business is in Concord, but in all due respect I guess I'm going to declare anyway that I may or may not have a conflict and I'm still participating.

So, Mister President, I move House Bill 560 be referred to Interim Study. As this body knows, Keno has already been voted on and passed into law, and several towns in New Hampshire are already operating in a number of cities. While as Chair of Ways and Means I have significant concerns of keno's ability to raise the amount of money that was projected to raise, having another bill that does the same thing seems a bit rhetorical. So therefore, I would move that we move this bill for Interim Study. Thank you, Mister President.

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

SENATOR LASKY: Thank you, Senator for taking my question. I don't understand, what is there to study now? Aren't we watching it anyway where places have opted to have keno?

SENATOR SANBORN: Senator, thank you very much for the question, it's very astute as you always are. There was conversation in committee as to whether or not we were going to bring forward some other piece of legislation to try and supplement the revenue stream that we were concerned about if keno doesn't match its income projections. But in the end we decided not to do that. So it was sitting there as an Interim Study to buy us some time. We could just as well ITL it if we had wanted to, but we were just being lazy.

SENATOR LASKY: Alright. Thank you.

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

HB 574-FN, increasing the limit on contributions to the community development finance authority for which an investment tax credit may be taken. Interim Study, Vote 3-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move to refer House Bill 574 to Interim Study. This bill proposed increasing the annual allowable contributions to the Community Development Finance Authority that may be used as a tax credit from $5 million to $6 million. Given the amount of tax credits on the books, a majority of the committee believes it would not be fiscally prudent at this time to pass this increase. I therefore ask for your support for the motion of refer to Interim Study. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition to Interim Study so we can do Ought to Pass. Take a look at these votes, 3-2, 3-2, 3-2, 3-2, 3-2, 3-2 and that often looks like that coming out of Ways and Means; doesn't often look like that coming out of other committees. And we can work, we could potentially work in a bipartisan way, including on this bill. How is that possible? Well the House Ways and Means Committee voted unanimously for this bill. All Democrats and Republicans voted to have the CDFA tax credit to go from 5 million to 6 million. There's been recurring debates about whether or not to go to 5 to 8 million, 5 to 7, this bill was initially filed going 5 to 7, a compromise was reached; bipartisan work. Then it comes over to Senate Ways and Means and another 3-2 vote. Pretty par for the course and it's unfortunate because the CDFA does great work.

Everybody knows the projects in your communities that the CDFA has helped support, from economic development, to non-profits, to homeless shelters from Franklin, to Concord, to the Seacoast. We've seen the great work that they've done, and we've received the reports about how this program is cost effective and valuable, and it even does work for the arts community. And this is a modest change; 5 million to 6 million to support an organization and a tax credit program we know works. We know it works.

You know we hear a lot about well we can't do anything right now because we've got a federal tax bill change and we don't know how it's going to affect us, and we're looking at our own budget situation and maybe we don't have as much money as we thought, but if that's the excuse to Interim Study this, I'll just bring it up– when all of the bills have been filed on tax cuts this year, from the tax cut for the first time homebuyer, to the Dean Kamen tax cut, to the interest and dividends phase out, to whatever other tax cut bills we have, I don't know if we can argue today, well look, the federal government just did what they did and we've got a budget situation in New Hampshire so let's hold off.

But every bill that we've filed this year let's go forward on it. So, when those bills come up, 3-2 Interim Study, is that where we're going to be? Probably, I'd assume, if logic and consistency carry the day. So we know the CDFA does great work. Let's vote down Interim Study, let's vote this out in a bipartisan way, just like House Ways and Means did. Thank you, Mister President.

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

SENATOR FULLER CLARK: Senator Feltes, would you know when the last time was that the $5 million investment was established, how many years ago?

SENATOR FELTES: I'm afraid I don't know exactly but it's been over a decade. I know that much. And I know that a few years ago our friend from District 10, the precursor to Senator Kahn, Senator Kelly submitted a bill going from 5 to 8 million; and that pass was considered for inclusion in the budget was not included, and it's been an ongoing debate. And so, this was a, I think a reasonable compromise to go from 5 to 6 to finally increase it. Again I don't know exactly when the last time it was increased though.

SENATOR FULLER CLARK: Would you agree with me that the cost of these projects has grown over the decade, and that if we want to continue just the base impact of this program that it would make sense to add another million dollars at this particular juncture?

SENATOR FELTES: I absolutely agree with you, Senator.

SENATOR FULLER CLARK: Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and ask the body to continue to support the motion of Interim Study. And I get a great chuckle out of my friend from District number 15 when he talks about the fact that our votes often times are 3-2; and I'd remind the body that when we try to cut taxes for everybody in New Hampshire, the vote of 3-2 was just in the reciprocal of what you see today. When we try to cut taxes for the business communities, for economic development, for all businesses the vote was 3-2 in the reciprocal from the other way.

Because globally, Mister President, we have a philosophical discussion going on and that's where our debate is today. Are we trying to cut taxes for everybody? Or are we trying to cut taxes for specific people? And although these are laudable policy considerations for all types of great companies, 176 million reasons, this is one; 176 million reasons last year, we looked to find specific tax breaks for specific companies.

When the committee feels on a vote to 3-2, and Mister President, I'll remind you, I apologize, not nearly as good as the Senator from District 3, bringing in copies of editorials and articles where the *Union Leader* actually rose to this thing to say that the decisions that the committee made to Interim Study these bills, although it looks in the reciprocal to what we typically see, is the right decision.

It's about us looking at policy to provide tax relief to everybody, not specific people. And that combined with what my colleague said in District 2 about not fully understanding the full ramifications of federal tax code yet, and I hope we do soon. As well as looking at our financial strength and the revenue coming in– love to see it get a little better, obviously

the plowing companies and oil companies are going to be having a pretty good week; plumbers are having a great week in my house, but I'm cutting them a huge check, so he better be having a good week.

I ask the committee to stick with where we are today on Interim Study, and I appreciate your time. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: I just want to say quickly that…and I'm flipping my opinions on this because I was held accountable by several people in my district for voting against this the first time through. And I felt similarly as my colleague from District 9 says, that we ought to look at all of our revenue sources and realize they're very slim. We're very cornered by not having the resources we need to do things that our communities are asking us to do; to give them some relief, and to make some progress where we're stalled. This is one of those programs that gives communities relief and moves things along where they're stalled, and there's no lack of interest in the community to buy into these. They sell out so quickly. The last project we had in Keene I think was done in a week, in a week. So, I flipped.

I'm thinking $1 million versus $150 million decisions are a lot more affordable for us, and I'm ready to vote in favor of this $1 million increase and say this is going to help communities, this is the kind of progressive, property sensitive, property tax sensitive kind of effort that we can do to propel some innovations, some development in our communities. I'm going to vote in favor of it this time. I hope my colleagues do too. Thank you, Mister President.

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

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

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, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Hennessey.

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

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 55, relative to backflow devices for water.
Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

Senate Executive Departments and Administration
December 6, 2017
2017-2550s
08/03

Amendment to SB 55

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

AN ACT relative to the servicing of backflow devices and arrest powers of fire marshals.

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

1 Backflow Device Requirements. Amend RSA 485:11 to read as follows:

485:11 Backflow Device Requirements and Tests, Installations, Repairs and Replacements. There shall be a backflow prevention device installed at every connection to a public water system if the facility connected may pose a hazard to the quality of water supplied by the public water system as determined by the department. Where applicable, the facility receiving water from a public water supply shall be responsible for having such drinking water distribution system protective backflow prevention devices inspected and tested by individuals certified by a third party who has been approved by the department to conduct backflow device inspection and testing certification. The facility shall also have backflow devices installed, maintained, repaired, and replaced by individuals qualified by either a plumbers license or by certification by the department under RSA 332-E:3, III proving competency in distribution system operation. The activities to be conducted by ***individuals*** qualified [~~individuals~~] ***by certification by the department*** shall be specifically limited to***: (a)***the inspection and testing, maintenance, repair***,*** [~~or~~] replacement, ***removal,*** and installation of the water meters, meter horns, backflow preventers, and assembly devices directly adjacent to and required as part of the protection for the drinking water distribution system***; and (b) the testing, maintenance, repair, replacement, or removal of such devices which are not directly adjacent to the drinking water distribution system***. Testing of drinking water distribution system protective backflow prevention devices, where applicable, shall occur after installation or repair to ensure that new and repaired devices are working properly. There shall be a backflow prevention device installed at every connection to a public water system if the facility connected may pose a hazard to the quality of water supplied by the public water system as determined by the department of environmental services. The facility receiving water from a public water supply shall be responsible for having such backflow prevention devices installed, serviced, and tested by individuals qualified by license or certification to perform these activities. Testing of backflow devices shall occur twice annually unless the public water supplier determines the facility poses a low hazard, in which case testing shall be performed on an annual basis. The facility receiving water from a public water supplier is responsible for ensuring that the backflow prevention [~~device is~~] ***devices are*** working properly to prevent backflow into the public water system. Testing shall also occur twice annually for any high hazard devices and facilities. When the public water supplier determines that the facility poses a low hazard, testing shall occur annually. A residential property containing a nontestable device shall not be considered a hazard facility and shall not require annual testing. A residential property may be considered a high hazard facility if it has an irrigation system, private well connection, or other feature that may cause a public health risk. If an outside irrigation system is the sole reason a residential property is considered a hazard to the public water supply distribution system, such irrigation system shall be tested annually during the period when the irrigation system is operated. The facility receiving water from a public water supplier is responsible for ensuring that the backflow prevention [~~device is~~] ***devices are*** working properly to prevent backflow into the public water system.

2 Exceptions; License Requirements. Amend RSA 153:36, IV to read as follows:

IV. The license requirements of this subdivision shall not apply to employees of public drinking water systems and public water system operators certified by the department of environmental services for drinking water treatment plants and distribution systems, when performing plumbing tasks within their certifications, as defined in RSA 485:11 and RSA 332-E:3. This exception is specifically limited to the testing, maintenance, repair***,*** [~~or~~] replacement, ***removal,*** and installation of the water meter, meter horn, and backflow prevention devices directly adjacent to and required as part of the protection of the drinking water distribution system ***and the testing, maintenance, repair, or replacement of such devices which are not directly adjacent to the drinking water distribution system***.

3 Duties of Commissioner. Amend RSA 21-P:4, V to read as follows:

V. Have discretion to grant to the state fire marshal and any deputy fire marshal or fire investigator within the division of public safety the authority [~~to detain and make arrests as a peace officer pursuant to RSA 594,~~] to serve criminal processes, to enforce the rules adopted under RSA 153:4-a and RSA 153:5, and to enforce RSA 154:7-a in order to promote the efficient discharge of such persons' lawful duties. Except for fire investigators under RSA 154:7-a, the commissioner shall assure in granting the authority provided in this paragraph that any person so designated has received appropriate law enforcement training through a program approved by the police standards and training council. Whenever persons [~~authorized as peace officers~~] under this paragraph are involved in the investigation of felonies or cases involving death due to fires, [~~or whenever an arrest is to be made,~~] such persons shall as soon as practicable notify a law enforcement agency having jurisdiction in the geographical area where the [~~arrest or~~] investigation is to take place.

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

2017-2550s

AMENDED ANALYSIS

This bill allows individuals certified by the department of environmental services to do so, to perform services on backflow devices that are not directly adjacent to a drinking water distribution system.

This bill also removes the power to detain and arrest from fire marshals.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 55 Ought to Pass with Amendment. This bill as amended clarifies duties and responsibilities within the appropriate statutes and removes from statute the ability of the fire marshal, deputy fire marshal or fire investigator within the Division of Public Safety the authority to detain and make arrests as a peace officer. This is an extensively heard hearing on multiple problems related to backflow devices: who could install them, who could inspect them, and how it intersected with master plumbers. This resolves any extensive work done by Senator Carson on this problem; straightens out a lot of problems and especially with the Department of Safety.

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. The history that surrounds this bill is quite interesting and I did some research on it and I did have conversations with the chairman of the committee and the chairman I believe will be offering an amendment.

This situation was the result of an incident that took place I think in the lakes area. So, the incident was reported and there seems to be some really mixed reaction to the activity that took place, having to do with the complaint, how the complaint was addressed, whether the backflow installer was dealing with a plumbing situation, and how that affected the job. And the complaint was that a person was doing plumbing without a license, which is a Class B misdemeanor. As a result of this, a number of things took place, and I don't have the exact items, ba bing, ba bing, ba bing and so forth and so on, but obviously it was a chaotic event and it's come back and it looks like it was a punitive action that didn't have to take place against the individual who was performing the function other than addressing the backflow situation, and how the enforcement took place.

Now I recognize this because my family was in the plumbing and heating business, my dad was a plumber, my brother is a plumber, my nephew is a plumber up in Campton, and it's very important that, as we know as of today, the plumbers are just being called to do everything. If you get the wrong thing done it can cause tremendous harm, and I think the perfect example is the venting of bathrooms. We don't vent them in New Hampshire, many people do their own work. We don't have plumbing inspectors all over the state. I just give you that as an example and the repercussions from that. So, there is a problem if you do something wrong, if you're not a plumber, and it causes you financial problems and the utilities don't work.

In this particular situation from what I can gather– and I'm not an inspector, I didn't do the thorough investigation– it seems to be that the punitive action was fairly significant, so there was a repercussion, and the repercussion is the bill that's before us. Now in the original bill, you take authority away from two entities. I don't think that that's right and maybe– I have an amendment before, and maybe this the amendment that's in the calendar, that takes the authority invested in the commissioner of safety who then gives authority to those who are working the program. I think that's a good move. Because the commissioner is responsible for the fire marshal's office and, indeed, should have the authority to make the appropriate move in terms of investing that authority in a situation. But indeed, it's problems like this that turn into monumental events.

Now I think this is solved by the amendment and I apologize, because I was looking at one and not the other. It is solved by this, but indeed, does it have to come to this level? I mean shouldn't people who are supervising, supervise in the proper manner and not cause chaos by being punitive? Alright? That's not the basic idea of regulation. The idea of regulation is that people do the job that they are hired to do and don't do anything beyond that because it causes, again, ramifications that sometimes lead to the traditional unintended consequences.

So, I think the amendment addresses that, and I would just encourage my colleagues to take a look at the dossier that accompanied this and I'm sure that the Senator has seen it. I mean it's a monumental document, if you go through it, I've got fifteen pages of material here addressing this particular situation and that really shouldn't be. I think we're here to monitor, we're here to inspect and we're here to make sure that the

job you're hired for is the job that you do, and you do it well, and that's how you get a license. So, with that, Mister President, I thank you and appreciate the courtesy of the body.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. Geez, this was kind of an interesting situation that we had in front of our committee. This is my bill, and the person that brought it asked me to bring it in as a constituent. And I don't think there's any doubt that the person who cut the pipe, and it was a dead pipe, and he was asked to do this by the building owner, acted outside the scope of his certification. But where we had a lot of difficulty was in the fact that the fire marshal had him arrested. And I agree with the Senator from Manchester that there was a lot of things that happened prior to that. But we have a process where if someone violates the tenet of their licensure, it is something that goes to the board, and it is for the board to determine what happens to that person.

Now, as I said, we all talked about this in our committee, we are all completely in agreement on this issue and in fact I know that I have been, others have reached out to me about other instances where people had been arrested by the fire marshal and it was pretty egregious. So that is why we have the amendment and all it does is it removes the fire marshal's ability to arrest people. The fire marshal is not a police officer; that is not the job. But he is invested in these powers and we've just said look, do all the investigating that you need to do on any particular instance.

And if you look at some of the RSAs, and I want to thank one of the other Senators from Manchester for pointing out RSA 154:7-a dealing with fire investigations because I received a position paper and I'm not sure if others received it, as well, saying that this was going to impede the fire marshal's ability to investigate arson. As we all know arson is an extremely serious crime, oftentimes resulting in loss of property and, unfortunately, death. But there's nothing in this statute that gives the fire marshal the ability to arrest somebody, and this statute repeatedly talks about the police. It is the police, their job to make the arrest, and the committee just felt very strongly that it should not be within the purview of the fire marshal to make arrests. 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.

JUDICIARY
HB 143, relative to recommittal of a prisoner by the parole board. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Judiciary
December 5, 2017
2017-2544s
04/03

Amendment to HB 143

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Parole of Prisoners. Amend RSA 651-A:19 by inserting after paragraph VII the following new paragraph:

VIII. Notwithstanding paragraph I or VII, the parole board may suspend any portion of the term of recommittal for a prisoner who enters and successfully completes a residential or intensive outpatient substance abuse treatment program deemed acceptable by the board.

2017-2544s

AMENDED ANALYSIS

This bill authorizes the parole board to suspend any portion of the term of recommittal for a prisoner who enters and successfully completes a residential or intensive outpatient substance abuse treatment program deemed acceptable by the board.

SENATOR CARSON: This bill as amended would allow the parole board to suspend any portion of a term of recommittal for a prisoner who successfully completes a substance abuse treatment program deemed acceptable by the board. This is an important step in ensuring an effective and appropriate parole system in relation to our current opioid crisis.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I would ask the body vote no on the Committee Amendment so that I can bring forward a Floor Amendment.

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

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14
December 29, 2017
2018-0028s
04/05

Floor Amendment to HB 143

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Parole of Prisoners. Amend RSA 651-A:19 by inserting after paragraph VII the following new paragraph:

VIII. Notwithstanding paragraph I or subparagraphs VII(a) or (d), the parole board may impose a term of recommittal of less than 90 days for a prisoner who enters and successfully completes a residential substance abuse treatment program deemed acceptable by the board.

2018-0028s

AMENDED ANALYSIS

This bill authorizes the parole board to impose a term of recommittal of less than 90 days for a prisoner who enters and successfully completes a residential substance abuse treatment program deemed acceptable by the board.

SENATOR CARSON: Thank you, Mister President. This bill has, again, been in another very interesting one as it came to us from the House. There was a whole list of items that they wanted to have a little more control over, and as you can imagine that caused a little bit of angst for some folks. So, we've been working on this issue and I'd like to thank the parole board and the police benevolent association, they were finally able to get together and reach agreement on a few things, not everything, but a few things. And the Floor Amendment reflects the things that they have agreed upon. So, just to kind of encapsulate that: it removes the eligibility of sexual offenders and those convicted of violent crimes for

reduced sanction. So, the second thing it does is it makes the bill apply only to residential treatment, residential substance abuse treatment, not intensive outpatient programs, and finally it clarifies that the setback is being reduced not suspended. So, thank you very much, Mister President.

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

SENATOR SOUCY: Senator I just want to be clear, the original committee amendment allowed for some type of day program for somebody to participate in. This in fact limits it to residential setting, so somebody would have to be in full time treatment as opposed to a come and go part time basis?

SENATOR CARSON: Yes, you're exactly correct, this was the compromise that was reached between the parole board and the other association.

SENATOR SOUCY: Thank you.

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

SENATOR KAHN: Thank you, Mister President. Thank you Senator for taking the question. Assume that residential treatment, and treatment in general, we might expect it doesn't have a defined limit to it, except as, perhaps, some insurance programs might define it as being twenty-eight days. Are we implying that there's a standard that's being set here, that adequate treatment in a residential setting for twenty-eight days is an acceptable length of time to lead to the lowering of the ninety-day recommittal?

SENATOR CARSON: Thank you for the question. I don't believe so, Senator. The problem is, is you're taking folks that are out on parole that have violated their parole and they would go back into prison for ninety days, and if they're struggling with some sort of an addiction, you really want to give them the opportunity to go for treatment as opposed to being re-incarcerated. We know here in New Hampshire we do have a problem with recidivism, and so let's while we have them instead of having them sit in prison for ninety days where they're not going to get any treatment, if we can get them into a residential treatment program hopefully that will help them turn around and they won't be violating their parole again.

SENATOR KAHN: Thank you, Senator. So do you feel that there should be extended treatment beyond the residential where the person has violated the parole continues to seek ongoing treatment as a condition of reduced sentence?

SENATOR CARSON: Thank you for the question Senator. I believe that would be within the purview of the parole board, to make that kind of additional requirement on that individual.

SENATOR KAHN: Thank you.

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

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

HB 614-FN, relative to forfeiture of personal property.
Interim Study, Vote 5-0. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. This bill will have limited the conditions under which seized property may be transferred to a federal agency. As new guidelines may be coming from the Federal Government the committee recommends placing this bill in Interim Study until the Federal Government's position becomes clear. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I'll try to be very quick. Mister President, as you know this state and this body, and the House have passed civil asset forfeiture reforms to ensure that those who are facing crimes have their day in court before they potentially lose the assets that they have. We also know that part of that civil asset forfeiture reform we did left some questions as to what the Federal Government could do that was different then what the state government was doing. And it's come to the attention, which is obviously why this bill came forward, that while New Hampshire does have civil asset forfeiture protection in place, there are instances where the assets are being transferred to federal agencies or in a shared agency response which is circumventing New Hampshire law. As a result of that, this bill came in.

My understanding in speaking to one of our other Senators is during testimony at least one community actually came and testified that if this bill passed they would lose I think the number was $100,000, which clearly shows that there are towns that are using a loophole, if I can use my friend from Concord's statement, a loophole to circumvent the civil asset forfeiture protections that we're providing to the people in New Hampshire. And although I do respect and understand that the Federal Government might be working on something, I'm not sure I am convinced that it's going to happen in an expedient manner.

So, I think it would be best for this body if you believe in civil asset forfeiture protections, if you believe in the reforms you voted for and passed and are in law today, that we would overturn the Interim Study and pass the bill. So, I'm asking for people to vote down, say no on Interim Study, and go to a motion of Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. The Senator from Bedford is correct. We did address this issue, I believe it was the last term, dealing with the state civil asset forfeiture and we did pass the bill. But here we're talking about the federal, on the federal side, and what this bill really wants to do is to prevent our local police departments from partnering with the Federal Government in the shared programs. So, we held on to the bill because we felt that we needed to get some more information and we continued to receive information on this issue all summer long.

A bill was filed in September in the federal House which passed. I do have the bill number here, might take me a couple seconds to find it. But there was also a Directive (U.S. Department of Justice, Criminal Division, Policy Directive 17-1) that went out after July 19, 2017 in which the Attorney General of the United States issued an order allowing Department of Justice Components and agencies to forfeit assets seized by state or local law enforcement. In here they talk about it as federal adoptions. And they made sure that there were a number of safeguards in place.

First and foremost, "To ensure that adoptions involve property lawfully seized, legal counsel at the federal agency adopting the seized property must continue to review all seizures for compliance with [the] law, especially seizures made pursuant to [the exception] an exception to the Fourth Amendment's warrant requirement."

Secondly, "To assist federal legal counsel in this review process, the form used by state and local agencies seeking federal adoption of seized assets…

will require that the state or local agency provide additional information about the probable cause determination justifying the seizure. This additional information in the adoption form will better document probable cause in the first instance, and provide federal legal counsel with the relevant information relating to probable cause for review. State and local agencies will also be required to certify on the form that they have obtained a turnover order, if necessary."

Third, "Adoptions of cash in amounts equal to or less than $10,000 may require additional safeguards. Those adoptions will be permissible where the seizure was conducted: (1) pursuant to a state warrant, (2) incident to arrest for an offense relevant to the forfeiture, (3) at the same time as [the] seizure of contraband relevant to the forfeiture, or (4) where the owner or person from whom the property [was] seized makes admissions regarding the criminally deprived nature of the property. If a federal agency seeks to adopt cash equal to or less than $10,000 and none of these safeguards is present, then the agency may proceed with the adoption only if the U.S. Attorney's Office first concurs."

There's a lot more in here Mister President, but I do want to point out it says, "In order to give individual property owners an opportunity to challenge the seizure as soon as practicable, the Department will expedite federal agencies' decisions regarding adoptions and their provision of notice to interested parties. State and local law enforcement agencies must request federal adoption within 15 calendar days following the date of seizure. The adopting federal agency must send notice to interested parties within 45 days of the date of seizure." And it goes on to say that time limitations may be extended when appropriate.

And let me see, I think it's right here, the House Bill that was originally filed in the 115th Congress is HR 1843 and it is "…to prohibit the Internal Revenue Service from carrying out seizures relating to a structuring transaction unless the property to be seized derived from an illegal source or the funds were structured for the purpose of concealing the violation of another criminal law or regulation, to require notice and a post-seizure hearing for such seizures…for other purposes." This bill passed the federal House; it is currently in Senate Finance awaiting action. So what I think is interesting, the Federal Government is talking about seizures of $10,000 or less. This bill talks about seizures of $100,000. So, I do think that this bill deserves more study before it comes forward in light of the changes that have been made by the Federal Government and that's why the committee recommends that we Interim Study this so we will have an opportunity to follow the legislation and make recommendations at the appropriate time. Thank you very much, Mister President.

PARLIAMENTARY INQUIRY

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

SENATOR SANBORN: Mister President, if I believe that voting down the Interim Study so I could introduce a motion of Ought to Pass were in order would you vote no on Interim Study?

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

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

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

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

The following Senators voted No: Giuda, Sanborn, Daniels, Innis.

The following Senators were excused: Hennessey.

Roll Call, Yeas: 19 - Nays: 4. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Avard: SB 189-FN
Senator Gray: SB 220-FN
Senator Morse: SB 1-FN-A
Senator Sanborn: HB 79-FN, HB 121, HB 122, HB 143, HB 151, HB 173, HB 225, HB 296, HB 305, HB 337, HB 342, HB 372, HB 390, HB 472, HB 549-FN, HB 557-FN, HB 560-FN-A-L, HB 561-FN, HB 574-FN, HB 614-FN, SB 1-FN-A, SB 47, SB 49, SB 55, SB 63, SB 75-FN, SB 76-FN-A, SB 84, SB 87-FN, SB 91, SB 92, SB 98-FN, SB 106, SB 112, SB 136, SB 151, SB 154, SB 164-FN, SB 165-FN, SB 169, SB 170, SB 172-FN, SB 178-FN, SB 183-FN, SB 189-FN, SB 195-FN-L, SB 199, SB 214-FN, SB 219-FN-A, SB 220-FN, SB 240-FN-L

ANNOUNCEMENTS

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President; personal privilege, please. Thank you. A few things: first, on behalf of Erin and Iris and myself, I want to thank all of the Senators and all of the Senate staff for all of their generosity, support, gifts, time, wonderful words– really appreciate it. If Iris was here today she would say the same thing. Although she can't talk yet, although she might be more coherent than I am sometimes. Really appreciate it and really appreciate everything everybody has done to support us, and I look forward to having Iris with me on different occasions. She has been at the Medicaid Expansion Commission and promptly fell asleep when Senator Bradley started talking. But we will…

SENATOR BRADLEY: She cried when you started talking.

SENATOR FELTES: Maybe it was when I started talking.

SENATOR CARSON: She smiled at me.

SENATOR FELTES: She did smile at Senator Carson. So, on a much less happy note, a sad note, you may know that Mary Louise Hancock passed away. She was the first woman Senator, state Senator of District 15, and the first Democrat. In the interest of time I'm going to read segments of her obituary into the record.

Mary Louise Hancock died on December 4, 2017, at [her] home in beloved Concord, after a long and full life. She was born in Franklin, New Hampshire on July 5, 1920, about a month before women in the United States got the right to vote. Her parents, Amanda Lambert Hancock and Herbert Hancock, moved to Concord when she was 8 years old.

Stricken with polio at age 3, Mary Louise never let the limited use of her left leg slow her down. Indeed, throughout her life she met any and all challenges with grit and [with] grace. Whether it was getting things done as New Hampshire's State Planning Director from 1960-1976 or serving as the first woman and first Democrat to represent Concord District 15 in the State Senate. Mary Louise was a can-do Yankee to the core.

Her home was always a welcoming place…with warm hospitality and good scotch. [That's true.] Mary Louise had a keen interest in people and always wanted to hear their stories. She enjoyed stimulating conversation and a competitive card game. [As an aside, Mister President, I've never beat her in cribbage; over two dozen games and she always beat me.] As a 1942 graduate of UNH and an English major, she loved poetry nearly as much as politics. She'd happily regale visitors with passages from Shakespeare, Dickinson, and Frost. Mary Louise was an active and engaged citizen. She served on countless local, state, and national boards and committees. Many sought her out, through [her] years, for advice and input. She was generous, insightful, and knowledgeable purveyor of political and personal wisdom.

A principled advocate, Mary Louise was a staunch environmentalist and a champion for people with disabilities and for seniors. As a public servant, she maintained a strong belief in the power and [the] promise of government to act in the best interests of everyone and to provide a safety net for those in need. Mary Louise will be sorely missed by [a] wide community of family members and friends.

As Mary Louise would say: be sure to vote, and [as] always, "be of good cheer and write when you find work."

(*The Concord Monitor*, Dec. 6, 2017)

Mary Louise, a great friend and mentor to many of us in this room.

On a happier note, I'm going to embarrass my friend from the North Country. As you may know, Jeff Woodburn got engaged about a month ago. Congratulations to Jeff Woodburn!

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I ask unanimous consent. We lost one of our own, Leo Everett Lessard died October 18, 2017 in Milton. Leo was an extraordinary individual. He had been born in Rochester, raised in Milton, and he loved Milton. Although he did sojourn for fifteen years in Dover, he returned to Milton where he raised his family, made a second family, and served his county in this state. At the time of his death he was a County Commissioner for Strafford County following more than two decades of service as the County Register of Deeds during which time he thoroughly modernized that office, computerized it, and made it a model for offices across all the counties for the state. He served here in the state legislature; he was the Senate Democratic Leader. Also continued to be active in Milton where he

served as town selectman for many years. Those who knew Leo besides knowing his love for his family, his love for Milton, his love for dogs, his love for going out in the boat, and Milton 3 Ponds will probably also know his great, deep love for history in particular Civil War history. You know the memorial service was at the Nute High School, and it was just packed with family, friends, and so many of us who had worked with him over the years. There're two short stories that I remembered when I was sitting there at the service: the first, you know, he graduated from Nute High School and then worked his way through college, the School of Lifelong Learning at UNH. And he would often talk about how other students were there taking their classes, and he was working as a janitor cleaning up the Memorial Union Building. And he never forgot what it meant to work hard for a living, and what a privilege it was to be able to work to get his education. You know, whenever there was an election Leo would show up at meetings with these old, musty boxes filled with letters. And I'm thinking what is this, and he would say every election I've ever run in I've tried to write all my constituents that I could in the time of the election period and these are the letters that I got back from my first race, the first race that I won. And there were hundreds and hundreds of them, and that's how he campaigned. He may have had a few yard signs but Leo was not spending money on campaigns, he was writing individual, handwritten letters to voters asking for their support and thanking them for it. We're all going to miss Leo, and his service to this body, as well. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Again, personal privilege. First I want to thank you for allowing my grandson to come, and thank every member of this Senate for wishing him a happy birthday. And I just want to tell you why he's a miracle, and why I believe in miracles. That young man has Mosaic Trisomy 22; 21 and 23 are mental retardation. He survived by the grace of God, and is a 22. That means he has three chromosomes instead of two and those chromosomes attack his body; that's why he's had thirteen surgeries. He's had open heart surgery; he's had to have his adenoids and his tonsils taken out because he was choking to death. He's had serious surgeries on his hearing. Obviously you know he has the Blue Ear, which is his hearing aid, but he's also had the permeation of his skull; drilled a hole in his skull so another hearing aid could be put in. But he survived all of these things, and is a bright, bright young man. So, it's truly a miracle that he's still alive, and we count every day as a miracle. So, miracles do happen, and his presence here was just wonderful for me and for his mother and his grandmother, and I can't thank you enough for allowing that to happen.

And to all of you, there comes a time in your life, and I had a time in my life this summer where, you know, but for the grace of God I wouldn't be here today, I could've died. I was in the hospital in Connecticut. I had some immediate surgery, emergency surgery, and my death was imminent, but I survived. And, you know, sometimes you survive for a variety of reasons. I'm very, very lucky it just wasn't my time. But the Senate was very kind to me when I was in the hospital and I appreciate that. So, thank you all for everything you do for your constituents, and thank you so much for what you've done for me and my family. Thank you very much, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise for a few announcements here: first to ask for prayers and peace for our colleague, Senator Hennessey, and her family as they deal with her ailing father, John Hennessey.

I'd also ask to pay respect and appreciation to Ryan Mahoney who served as our Chief in the Democratic Office in the Senate for a number of years and has since moved on to the Mayor of Manchester's Office; and Laura O'Neill will end her career with us on Friday, and will be going to work for Senator Shaheen to thank them for their great service to us. We appreciate it very much.

And further, Mister President, if I could also welcome Donald Manning and Alan Raff who will be working in our office as well.

And then one further announcement, Mister President, if you don't mind, the former occupant of this seat, Charles Dailey Bond passed away. Charlie Bond from Jefferson, New Hampshire served in the state Senate from 1985 to '91. He was a dedicated public servant, a person of passion and patience, and a kind neighbor to all. Charlie passed away at the age of 85. He made a peaceful transition with his loving wife of thirty-six years, Marie by his side. Charlie was born on March 20, 1932, and was raised in Topsfield, Massachusetts, and attended The Gunnery School, and received a Bachelor's degree from Harvard; served in the United States Army as Lieutenant and obtained the rank of Captain; and served in many different capacities in his professional life including Personnel Director at Dynamics Research in Stoneham, Massachusetts; and was the owner of the Carroll County Company in North Conway. Charlie was a successful realtor for over twenty years, and negotiated the sale of the 4,000 acre Waumbek property to the United States Forest Service in 1978. He also was the Director of Worker's Compensation in the state of Vermont. Charlie was a great believer of public service and was encouraged by his family to be involved in their community. He was a longtime school board member and Chairman of the White Mountain Regional School Board, and many, many other organizations. And, finally, Senator Bond was kind and generous, and he said, nearing the end of his life he wanted to be "remembered that I really loved humanity," and that certainly was evident in his life and his work. He is survived by his wife, Marie Bond; his children Parker, Geoffrey, Eliza, Joshua, and Rachel. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. If you've read cover to cover maybe this is unnecessary, but on the back of our Senate agenda Calendar there is an announcement of Keene State College President Melinda Treadwell inviting you to her Legislative Breakfast on January 22nd with an RSVP deadline of January 12th. So seeing as we won't be convened together before then, I would hope that you'd come to Keene where it's always beautiful, just a couple of degrees colder than some other places in the state.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President I rise for a moment of personal privilege. Since the last time we were in session as many of you know, I didn't think I would do this. My dad passed away on July 9th, and from the bottom of my heart I want to thank all of you, my colleagues, for all of your support during that very difficult time, and for all of your support since then. My father, C. Arthur Soucy, was an extraordinary man, not just to me but to so many in our community.

The outpouring of affection for him was really extraordinary and really means a great deal to me and provides me with comfort. My father was very accomplished in all that he did. He grew up on the West Side of Manchester. He owned his own grocery store; became Grocer of the Year. He was a realtor; received accolades for that. He was involved in, certainly, Democratic politics; he was the founder of the New Hampshire Young Democrats. He was both an Alderman and a County Commissioner. He and I are the only father/daughter Aldermen that have ever served in the city of Manchester. And I could go on and there were so many things said about my dad. As I said, he excelled in everything that he did because everything that he did was about giving of himself. He was the most important man in my life and I will miss him dearly. But, once again, I truly, truly thank all of you from the bottom of my heart. He is greatly missed but, as I said, your condolences, your comfort, your notes, your appearances really made a great difference in my life, and I want to thank you all.

PRESIDENT MORSE: It's been a long holiday season, and I'll just take a moment. There were two women that I'd like to acknowledge. Not only were they friends, they were mentors to me in Salem. Judy Galluzzo was a longtime friend, and she was a loyal and dedicated public servant and served on Governor John H. Sununu's staff among many other public service roles. She was a Salem GOP Chairwoman for many years, an activist, a political advisor, and was the type of person who would do anything for a friend. She was opinionated Senator Downey's looking down on me now saying we got the brunt of that. A strong woman leader in politics, and was certainly a mentor to me. Judy's personality and dedication to our state will surely be missed. Let us keep her and her family and friends in our thoughts and prayers.

Nancy Stickney also passed away. She was one of the most influential women in Salem helping to bring our town to the place it is today as a thriving and growing community. Nancy was inspirational to me; having served in the New Hampshire House for two terms and knowing how to accomplish whatever it was she set out to do. She had an infectious personality and people gravitated to her. She led many service organizations in Salem, and will be remembered for her compassion and dedication to the community and our state. Please keep Nancy's friends, her family, and Wally in your thoughts and prayers. Thank you.

I have a couple of announcements. We have six bills left and three legislative days to deal with them: the 18th of this month, the 25th of this month, and the 1st of February. And I just want to make sure the public understands that if they come here tomorrow the Senate won't be here, we finished our business.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 122, relative to withdrawal from a cooperative school district.
HB 143, relative to recommittal of a prisoner by the parole board.
HB 151, establishing a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers.
HB 305, clarifying lessee liability for month-to-month leases.

HB 337, relative to municipal regulations of small wind energy systems.
HB 372, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."
HB 390, relative to parties on certain election forms and ballots.
SB 55, relative to the servicing of backflow devices and arrest powers of fire marshals.
SB 84, relative to payment of workers' compensation benefits by direct deposit and authorizing electronic payment of payroll.
SB 87-FN, relative to on-premises sales by liquor manufacturers.
SB 91, relative to the title loan default process.
SB 112, establishing a council on the creative economy.
SB 164-FN, establishing a commission to study repealing the statute of limitations and limitations on actions for sexual assault.
SB 165-FN, authorizing periodic payments as security after a motor vehicle accident.
SB 170, relative to the authority of towns to issue bonds for the expansion of broadband infrastructure.
SB 172-FN, relative to non-menace dams.
SB 189-FN, requiring insurance policies to cover 3-D mammography.
SB 199, relative to limited driving privileges after an administrative license suspension.

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.

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

First and Second Reading and Referral

18-2724
CACR 20, relating to the retirement age of judges. Providing that the retirement age of judges be increased. (Soucy, Dist 18; Bradley, Dist 3; Carson, Dist 14; Lasky, Dist 13; Feltes, Dist 15; Berch, Ches. 1; Judiciary)

18-2779
CACR 21, relative to alcohol and drug abuse prevention. Providing that a portion of liquor commission revenue shall be used for alcohol and drug abuse prevention. (Woodburn, Dist 1; Cavanaugh, Dist 16; Fuller Clark, Dist 21; Hennessey, Dist 5; Lasky, Dist 13; Soucy, Dist 18; Watters, Dist 4; Finance)

18-2844
CACR 22, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights. (Carson, Dist 14; Avard, Dist 12; Birdsell, Dist 19; Bradley, Dist 3; Cavanaugh, Dist 16; D'Allesandro, Dist 20; Feltes, Dist 15; French, Dist 7; Fuller Clark, Dist 21; Gannon,

Dist 23; Giuda, Dist 2; Gray, Dist 6; Hennessey, Dist 5; Innis, Dist 24; Kahn, Dist 10; Lasky, Dist 13; Morse, Dist 22; Reagan, Dist 17; Soucy, Dist 18; Ward, Dist 8; Watters, Dist 4; Woodburn, Dist 1; Hinch, Hills. 21; Shurtleff, Merr. 11; Chandley, Hills. 22; Burt, Hills. 39; Chandler, Carr. 1; Judiciary)

18-2713
SB 300, naming a certain bridge connecting Dover and Newington the Ruth L. Griffin bridge. (Morse, Dist 22; Avard, Dist 12; Birdsell, Dist 19; Bradley, Dist 3; Carson, Dist 14; Cavanaugh, Dist 16; D'Allesandro, Dist 20; Feltes, Dist 15; French, Dist 7; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Innis, Dist 24; Kahn, Dist 10; Lasky, Dist 13; Reagan, Dist 17; Sanborn, Dist 9; Ward, Dist 8; Watters, Dist 4; Woodburn, Dist 1; Transportation)

18-2917
SB 301-FN, temporarily reducing the real estate transfer tax for first-time home buyers. (Bradley, Dist 3; Avard, Dist 12; Carson, Dist 14; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Gray, Dist 6; Hennessey, Dist 5; Innis, Dist 24; Lasky, Dist 13; Morse, Dist 22; Watters, Dist 4; Hinch, Hills. 21; Shurtleff, Merr. 11; Abrami, Rock. 19; Butler, Carr. 7; Ways and Means)

18-2766
SB 303, relative to a security freeze on a consumer's credit report. (Gray, Dist 6; Birdsell, Dist 19; Bradley, Dist 3; Carson, Dist 14; Cavanaugh, Dist 16; Daniels, Dist 11; Feltes, Dist 15; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Giuda, Dist 2; Hennessey, Dist 5; Innis, Dist 24; Kahn, Dist 10; Lasky, Dist 13; Morse, Dist 22; Reagan, Dist 17; Soucy, Dist 18; Ward, Dist 8; Watters, Dist 4; Woodburn, Dist 1; Biggie, Hills. 23; Butler, Carr. 7; Williams, Hills. 4; Commerce)

18-2838
SB 309-FN, relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water. (Innis, Dist 24; Bradley, Dist 3; Avard, Dist 12; Fuller Clark, Dist 21; Gannon, Dist 23; Ward, Dist 8; Carson, Dist 14; Birdsell, Dist 19; Feltes, Dist 15; Messmer, Rock. 24; H. Marsh, Rock. 22; Emerick, Rock. 21; Bean, Rock. 21; Murray, Rock. 24; Energy and Natural Resources)

18-2990
SB 310-FN, establishing a pilot program for community-based diversion services. (Morse, Dist 22; Bradley, Dist 3; Avard, Dist 12; Gray, Dist 6; Fuller Clark, Dist 21; Carson, Dist 14; Health and Human Services)

18-2732
SB 311, clarifying rules of construction under the New Hampshire Trust Code. (D'Allesandro, Dist 20; Bradley, Dist 3; Hunt, Ches. 11; Commerce)

18-2733
SB 312, clarifying the New Hampshire Foundation Act. (D'Allesandro, Dist 20; Bradley, Dist 3; Hunt, Ches. 11; Commerce)

18-2807
SB 314, relative to licensure requirements for nondepository mortgage bankers, brokers, and servicers. (French, Dist 7; Commerce)

18-2821
SB 315, relative to the definition of beverage. (Carson, Dist 14; Innis, Dist 24; French, Dist 7; Birdsell, Dist 19; Biggie, Hills. 23; Packard, Rock. 5; Lundgren, Rock. 5; McKinney, Rock. 5; D. Thomas, Rock. 5; Commerce)

18-2873
SB 316, relative to the regulation of online auctions. (French, Dist 7; Reagan, Dist 17; Commerce)

18-2895
SB 317-FN, relative to veterans' preference in public employment. (Carson, Dist 14; Giuda, Dist 2; Gray, Dist 6; Birdsell, Dist 19; J. Edwards, Rock. 4; D. Thomas, Rock. 5; Morrison, Rock. 9; Baldasaro, Rock. 5; R. Ober, Hills. 37; Commerce)

18-2900
SB 318, amending the prohibitions on youth employment. (French, Dist 7; Commerce)

18-2937
SB 319, relative to exempt securities. (Daniels, Dist 11; Commerce)

18-2781
SB 320, relative to checklists used at elections. (Gray, Dist 6; Election Law and Internal Affairs)

18-2866
SB 321, relative to group host net energy metering. (Giuda, Dist 2; Feltes, Dist 15; Sanborn, Dist 9; Lasky, Dist 13; McConnell, Ches. 12; Energy and Natural Resources)

18-2989
SB 322, relative to access to a water utility. (French, Dist 7; Gannon, Dist 23; Innis, Dist 24; Energy and Natural Resources)

18-2731
SB 323, relative to rehiring of laid off classified state employees. (D'Allesandro, Dist 20; Woodburn, Dist 1; Watters, Dist 4; Hennessey, Dist 5; Kahn, Dist 10; Lasky, Dist 13; Feltes, Dist 15; Cavanaugh, Dist 16; Soucy, Dist 18; Fuller Clark, Dist 21; Bove, Rock. 5; Merner, Coos 7; Executive Departments and Administration)

18-2737
SB 324-FN, allowing an optional retirement system allowance to include a subsequent remarriage of a divorced retiree. (D'Allesandro, Dist 20; Executive Departments and Administration)

18-2931
SB 325, establishing a committee to study the consolidation of the board of mental health practice and the board of licensing for alcohol and other drug use professionals. (Reagan, Dist 17; Carson, Dist 14; Executive Departments and Administration)

18-2833
SB 326, relative to the functions of the division of historical resources. (Bradley, Dist 3; S. Schmidt, Carr. 6; DesMarais, Carr. 6; W. Marsh, Carr. 8; Executive Departments and Administration)

18-2948
SB 327, relative to the medical review subcommittee of the board of medicine and time limits for allegations of professional misconduct before the board. (Feltes, Dist 15; Reagan, Dist 17; Carson, Dist 14; Executive Departments and Administration)

18-2896
SB 328, relative to attorney general membership on certain committees and repealing the criminal justice information system. (French, Dist 7; Executive Departments and Administration)

18-2988
SB 329, relative to inspections of county correctional facilities. (French, Dist 7; Executive Departments and Administration)

18-2999
SB 330, requiring the department of environmental services to give certain persons time to cure violations before imposing a penalty. (Daniels, Dist 11; Executive Departments and Administration)

18-2938
SB 331, prohibiting Medicaid from paying for sex reassignment drug or hormone therapy or surgery. (Daniels, Dist 11; Weyler, Rock. 13; Finance)

18-2723
SB 332, relative to medication synchronization. (Gray, Dist 6; Carson, Dist 14; Soucy, Dist 18; Fuller Clark, Dist 21; Hennessey, Dist 5; Kotowski, Merr. 24; LeBrun, Hills. 32; J. Edwards, Rock. 4; M. MacKay, Hills. 30; Bove, Rock. 5; Health and Human Services)

18-2726
SB 333, relative to pharmacy interns and vaccinations. (Soucy, Dist 18; Bradley, Dist 3; Reagan, Dist 17; P. Schmidt, Straf. 19; M. MacKay, Hills. 30; LeBrun, Hills. 32; M. Pearson, Rock. 34; Guthrie, Rock. 13; Health and Human Services)

18-2809
SB 334-FN, relative to temporary licensure of allied health professionals from nearby states. (Kahn, Dist 10; Bradley, Dist 3; Hennessey, Dist 5; Hansen, Hills. 22; LeBrun, Hills. 32; Weber, Ches. 1; Campion, Graf. 12; Health and Human Services)

18-2897
SB 335, relative to disclosure of asbestos trust claims in civil actions. (French, Dist 7; Reagan, Dist 17; Avard, Dist 12; Hill, Merr. 3; Wells, Merr. 25; Judiciary)

18-2912
SB 336, relative to the judicial district for the towns of Waterville and Livermore. (Woodburn, Dist 1; Ham, Graf. 5; Judiciary)

18-2963
SB 337, relative to the human rights commission. (Reagan, Dist 17; J. Edwards, Rock. 4; Judiciary)

18-2987
SB 338, relative to the growing of cannabis if it becomes legal. (French, Dist 7; Reagan, Dist 17; Judiciary)

18-2715
SB 339, relative to voting by zoning boards of adjustment. (Kahn, Dist 10; Ward, Dist 8; Bordenet, Ches. 5; G. Johnsen, Ches. 7; W. Pearson, Ches. 16; Public and Municipal Affairs)

18-2827
SB 340, relative to department of revenue administration guidelines for municipal audits. (Daniels, Dist 11; Public and Municipal Affairs)

18-2829
SB 341, allowing municipalities to adopt a property tax exemption for certain disabled veterans. (Daniels, Dist 11; Public and Municipal Affairs)

18-2998
SB 342, requiring written disclosure of certain default budget items during the deliberative session. (Daniels, Dist 11; Public and Municipal Affairs)

18-3010
SB 343, relative to legislative ethics guidelines. (Carson, Dist 14; Giuda, Dist 2; Daniels, Dist 11; D'Allesandro, Dist 20; Wall, Straf. 6; Hinch, Hills. 21; Welch, Rock. 13; Packard, Rock. 5; Rules and Enrolled Bills)

18-2710
SB 344-FN, authorizing New England Donor Services, Inc. to issue decals for multi-use decal number plates. (Birdsell, Dist 19; Feltes, Dist 15; Daniels, Dist 11; Weber, Ches. 1; Kotowski, Merr. 24; LeBrun, Hills. 32; M. MacKay, Hills. 30; Guthrie, Rock. 13; Transportation)

18-2984
SB 345, naming a bridge in the town of Lincoln in honor of the Clark Family. (Woodburn, Dist 1; Ham, Graf. 5; Transportation)

18-2875
SB 346, relative to requiring enhanced technology ignition interlock devices. (Birdsell, Dist 19; D'Allesandro, Dist 20; Watters, Dist 4; Carson, Dist 14; Welch, Rock. 13; Green, Rock. 13; Torosian, Rock. 14; Transportation)

18-2985
SB 347, relative to seasonal highway weight limits. (French, Dist 7; Transportation)

18-2725
SB 348, relative to senior-specific certifications or designations for securities broker-dealers. (Soucy, Dist 18; Innis, Dist 24; Gidge, Hills. 33; Biggie, Hills. 23; Commerce)

18-2729
SB 349, relative to course requirements in a career and technical education program. (Watters, Dist 4; Reagan, Dist 17; Kahn, Dist 10; D'Allesandro, Dist 20; Gray, Dist 6; Ladd, Graf. 4; Heath, Hills. 14; Grenier, Sull. 7; Education)

18-2758
SB 350, relative to biological products dispensed by pharmacists. (Innis, Dist 24; Avard, Dist 12; Fuller Clark, Dist 21; Hennessey, Dist 5; T. Wolf, Hills. 7; L. Ober, Hills. 37; Weber, Ches. 1; Health and Human Services)

18-2759
SB 351, relative to managed care programs under workers' compensation. (Innis, Dist 24; Soucy, Dist 18; Carson, Dist 14; Packard, Rock. 5; Hinch, Hills. 21; Commerce)

18-2905
SB 352-FN, relative to examinations of injured employees under workers' compensation law. (Soucy, Dist 18; Richardson, Coos 4; McBeath, Rock. 26; Commerce)

18-2955
SB 353-FN, relative to direct shippers of alcohol. (Morse, Dist 22; Innis, Dist 24; French, Dist 7; Biggie, Hills. 23; Fraser, Belk. 1; Commerce)

18-2994
SB 354, relative to pharmacy claim fees and copayments. (Soucy, Dist 18; Reagan, Dist 17; Hennessey, Graf. 1; Luneau, Merr. 10; Myler, Merr. 10; Commerce)

18-2721
SB 355-FN, relative to the names of colleges in the community college system. (Reagan, Dist 17; D'Allesandro, Dist 20; Ward, Dist 8; Weyler, Rock. 13; Grenier, Sull. 7; Education)

18-2738
SB 356, adding a representative from the community college system to the apprenticeship advisory council. (Gannon, Dist 23; Bradley, Dist 3; Giuda, Dist 2; Ward, Dist 8; Carson, Dist 14; Birdsell, Dist 19; V. Sullivan, Hills. 16; Vose, Rock. 9; Weyler, Rock. 13; Education)

18-2924
SB 357, relative to safe school zones. (Reagan, Dist 17; Giuda, Dist 2; Ward, Dist 8; Watters, Dist 4; Ladd, Graf. 4; Education)

18-2925
SB 358, relative to reorganization of the department of education. (Reagan, Dist 17; Education)

18-2928
SB 359, relative to notice to school districts of out-of-home placements. (Reagan, Dist 17; Ward, Dist 8; Giuda, Dist 2; Watters, Dist 4; Kahn, Dist 10; Ladd, Graf. 4; M. Moffett, Merr. 9; Cordelli, Carr. 4; Education)

18-2929
SB 360, establishing a commission to study whether the department of education should be required to conduct criminal history records checks, via a fingerprint check, on all applicants for teacher certification. (Reagan, Dist 17; Watters, Dist 4; Ladd, Graf. 4; Cordelli, Carr. 4; Education)

18-3026
SB 361, relative to dual and concurrent enrollment agreements between high schools and colleges and universities. (Kahn, Dist 10; Reagan, Dist 17; Watters, Dist 4; Fuller Clark, Dist 21; Woodburn, Dist 1; Ladd, Graf. 4; Myler, Merr. 10; Grenier, Sull. 7; Gile, Merr. 27; Education)

18-2750
SB 362, requiring disclosure of federal income tax returns by presidential and vice-presidential candidates. (Hennessey, Dist 5; Cavanaugh, Dist 16; Kahn, Dist 10; Lasky, Dist 13; Soucy, Dist 18; Watters, Dist 4; Woodburn, Dist 1; Mulligan, Graf. 12; Higgins, Graf. 12; Suzanne Smith, Graf. 8; Weber, Ches. 1; Election Law and Internal Affairs)

18-2940
SB 363, prohibiting political expenditures by foreign nationals. (Feltes, Dist 15; Soucy, Dist 18; Woodburn, Dist 1; Porter, Hills. 1; M. Smith, Straf. 6; McConnell, Ches. 12; Cushing, Rock. 21; Myler, Merr. 10; Election Law and Internal Affairs)

18-2967
SB 364, establishing a commission to study the establishment of a searchable database to verify that each vote was properly recorded. (Sanborn, Dist 9; French, Dist 7; Fuller Clark, Dist 21; Reagan, Dist 17; Election Law and Internal Affairs)

18-2720
SB 365, relative to default service energy diversity and rate relief. (Innis, Dist 24; Avard, Dist 12; Bradley, Dist 3; Fuller Clark, Dist 21; Sanborn, Dist 9; Giuda, Dist 2; Ward, Dist 8; Kahn, Dist 10; Feltes, Dist 15; Shepardson, Ches. 10; Backus, Hills. 19; Energy and Natural Resources)

18-2736
SB 366, relative to members of the site evaluation committee. (Bradley, Dist 3; Barry, Hills. 21; Energy and Natural Resources)

18-2861
SB 367, relative to public utilities commission review of group host agreements. (Feltes, Dist 15; Soucy, Dist 18; Fuller Clark, Dist 21; Energy and Natural Resources)

18-2921
SB 368, establishing an exemption from shoreland protection permitting requirements for maintenance and repairs of existing roads and for borings and test wells. (Bradley, Dist 3; Energy and Natural Resources)

18-2722
SB 369-FN, relative to the publication of the rulemaking register. (Reagan, Dist 17; McGuire, Merr. 29; Executive Departments and Administration)

18-2739
SB 370-FN, adopting the emergency medical services personnel licensure interstate compact. (Reagan, Dist 17; Carson, Dist 14; Gannon, Dist 23; McGuire, Merr. 29; Executive Departments and Administration)

18-2753
SB 371, establishing the Meldrim Thomson, Jr. Memorial Commission. (Sanborn, Dist 9; Avard, Dist 12; Birdsell, Dist 19; Bradley, Dist 3; Carson, Dist 14; Daniels, Dist 11; French, Dist 7; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Reagan, Dist 17; Ward, Dist 8; Executive Departments and Administration)

18-2922
SB 372-FN-A, establishing positions in the office of professional licensure and certification and making an appropriation therefor. (Reagan, Dist 17; Carson, Dist 14; Gannon, Dist 23; Soucy, Dist 18; Cavanaugh, Dist 16; McGuire, Merr. 29; Grenier, Sull. 7; Ladd, Graf. 4; Weyler, Rock. 13; Executive Departments and Administration)

18-2941
SB 373, requiring rulemaking by the department of corrections. (Feltes, Dist 15; Reagan, Dist 17; Executive Departments and Administration)

18-2969
SB 374, relative to adoption of emergency medical and trauma services protocols. (Kahn, Dist 10; Feltes, Dist 15; Executive Departments and Administration)

18-2848
SB 375, requiring gross expenditures and funding in the state operating budget. (Sanborn, Dist 9; Daniels, Dist 11; French, Dist 7; Gannon, Dist 23; Giuda, Dist 2; Reagan, Dist 17; Finance)

18-2714
SB 376-FN, relative to the sale of certain cold medications. (Carson, Dist 14; Feltes, Dist 15; LeBrun, Hills. 32; Bove, Rock. 5; M. MacKay, Hills. 30; J. MacKay, Merr. 14; Health and Human Services)

18-2727
SB 377-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners. (Soucy, Dist 18; Carson, Dist 14; Hansen, Hills. 22; Cilley, Straf. 4; Health and Human Services)

18-2740
SB 378-FN, relative to an exemption from the board of registration of medical technicians. (Reagan, Dist 17; Gannon, Dist 23; P. Schmidt, Straf. 19; Costable, Rock. 3; M. Moffett, Merr. 9; Health and Human Services)

18-2742
SB 379, relative to retroactive denials of previously paid claims. (Innis, Dist 24; Avard, Dist 12; Birdsell, Dist 19; Carson, Dist 14; Daniels, Dist 11; Feltes, Dist 15; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Hennessey, Dist 5; Kahn, Dist 10; Reagan, Dist 17; Watters, Dist 4; Emerick, Rock. 21; Allen, Rock. 15; Abrami, Rock. 19; Health and Human Services)

18-2816
SB 380, relative to the therapeutic use of cannabis. (Reagan, Dist 17; French, Dist 7; Bradley, Dist 3; J. MacKay, Merr. 14; Knirk, Carr. 3; Verville, Rock. 2; Nelson, Carr. 5; Health and Human Services)

18-2824
SB 381, deleting immunization/vaccination requirements for Hepatitis B. (Daniels, Dist 11; Sanborn, Dist 9; Reagan, Dist 17; J. Edwards, Rock. 4; W. Marsh, Carr. 8; Suzanne Smith, Graf. 8; Baldasaro, Rock. 5; Freitas, Hills. 14; Health and Human Services)

18-2871
SB 382, relative to withdrawal from cooperative school districts. (Reagan, Dist 17; Education)

18-2879
SB 383, establishing a commission to assess benefits and costs of a "health care for all" program for New Hampshire. (Hennessey, Dist 5; Cavanaugh, Dist 16; Kahn, Dist 10; Lasky, Dist 13; Watters, Dist 4; Woodburn, Dist 1; McNamara, Hills. 38; Berrien, Rock. 18; Campion, Graf. 12; Knirk, Carr. 3; Butler, Carr. 7; Health and Human Services)

18-2930
SB 384, relative to written certification under the use of cannabis for therapeutic purposes law. (Reagan, Dist 17; Bradley, Dist 3; French, Dist 7; Feltes, Dist 15; J. MacKay, Merr. 14; Knirk, Carr. 3; LeBrun, Hills. 32; Health and Human Services)

18-2939
SB 385, establishing a foster care children's bill of rights. (Feltes, Dist 15; Reagan, Dist 17; Carson, Dist 14; Cavanaugh, Dist 16; Fuller Clark, Dist 21; Hennessey, Dist 5; M. MacKay, Hills. 30; Morrison, Rock. 9; Wallner, Merr. 10; Health and Human Services)

18-2717
SB 386, relative to access to criminal records. (Kahn, Dist 10; M. MacKay, Hills. 30; J. Edwards, Rock. 4; Roberts, Hills. 4; Hansen, Hills. 22; Judiciary)

18-2795
SB 387-FN, relative to liability of governmental units. (Feltes, Dist 15; Rouillard, Hills. 6; Judiciary)

18-2870
SB 388, relative to satellite dispensaries for therapeutic cannabis. (Reagan, Dist 17; French, Dist 7; Nelson, Carr. 5; Knirk, Carr. 3; LeBrun, Hills. 32; Stone, Rock. 1; Judiciary)

18-2891
SB 389, relative to administrative fees on restitution. (Carson, Dist 14; Lasky, Dist 13; French, Dist 7; Gannon, Dist 23; Hopper, Hills. 2; Hagan, Rock. 4; Wall, Straf. 6; Judiciary)

18-2892
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. (Carson, Dist 14; Lasky, Dist 13; Gannon, Dist 23; Hennessey, Dist 5; Wall, Straf. 6; B. Griffin, Hills. 6; Welch, Rock. 13; Cushing, Rock. 21; Judiciary)

18-2902
SB 391-FN, relative to sexual assault survivors' rights. (Soucy, Dist 18; Carson, Dist 14; Bradley, Dist 3; Cushing, Rock. 21; Judiciary)

18-2980
SB 392, establishing a commission to study and evaluate the impact of the discharge of state prisoners. (Feltes, Dist 15; Shurtleff, Merr. 11; Wallner, Merr. 10; Gile, Merr. 27; Judiciary)

18-2718
SB 393, relative to county audits and performance audits. (Kahn, Dist 10; Giuda, Dist 2; Sterling, Ches. 14; Bordenet, Ches. 5; Public and Municipal Affairs)

18-2757
SB 394, enabling municipalities to establish term limits for elected officials. (Innis, Dist 24; Avard, Dist 12; Bradley, Dist 3; Sanborn, Dist 9; Murray, Rock. 24; Nigrello, Rock. 16; Emerick, Rock. 21; Public and Municipal Affairs)

18-2769
SB 395, relative to access electronic records under the right-to-know law. (Giuda, Dist 2; Avard, Dist 12; Carson, Dist 14; Daniels, Dist 11; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Innis, Dist 24; Reagan, Dist 17; Ward, Dist 8; Watters, Dist 4; Ulery, Hills. 37; DiLorenzo, Rock. 17; Brown, Graf. 16; Hopper, Hills. 2; Public and Municipal Affairs)

18-2709
SB 396-FN, relative to gold star number plates. (Birdsell, Dist 19; Carson, Dist 14; Daniels, Dist 11; Baldasaro, Rock. 5; Chirichiello, Rock. 6; Lascelles, Hills. 20; Soucy, Merr. 16; Transportation)

18-2719
SB 397-FN, authorizing the university system of New Hampshire to issue decals for multi-use decal plates. (Kahn, Dist 10; Giuda, Dist 2; Watters, Dist 4; Transportation)

18-2734
SB 398, relative to information contained in certain motor vehicle records. (Watters, Dist 4; Carson, Dist 14; Lasky, Dist 13; Birdsell, Dist 19; Wall, Straf. 6; Transportation)

18-2743
SB 399, naming a bridge in Concord in honor of David E. Powelson. (Feltes, Dist 15; Reagan, Dist 17; Schultz, Merr. 18; Rogers, Merr. 28; M. Moffett, Merr. 9; Pearl, Merr. 26; Transportation)

18-2746
SB 400, relative to traveler information signs on highways. (Watters, Dist 4; Conley, Straf. 13; Transportation)

18-2772
SB 401, relative to repair of roads not maintained by a municipality. (Woodburn, Dist 1; Chirichiello, Rock. 6; Transportation)

18-2773
SB 402, naming a portion of route 110 in Berlin in honor of Anthony B. Urban. (Woodburn, Dist 1; Laflamme, Coos 3; Theberge, Coos 3; Y. Thomas, Coos 3; Transportation)

18-2756
SB 403-LOCAL, relative to the exemption for recreational vehicles from property taxation. (Reagan, Dist 17; Spillane, Rock. 2; Stone, Rock. 1; Ways and Means)

18-2784
SB 404-FN-A, phasing out the tax on interest and dividends. (Sanborn, Dist 9; Avard, Dist 12; French, Dist 7; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Innis, Dist 24; Reagan, Dist 17; Ways and Means)

18-2785
SB 405, enabling municipalities to adopt a separate exemption against the statewide property tax for certain long-term residents. (Sanborn, Dist 9; Daniels, Dist 11; French, Dist 7; Gannon, Dist 23; Giuda, Dist 2; Ward, Dist 8; Ways and Means)

18-2817
SB 406-FN, requiring background checks for access to Internal Revenue Service federal tax information. (Reagan, Dist 17; Carson, Dist 14; McGuire, Merr. 29; Ways and Means)

18-2789
SB 407, relative to membership of the McAuliffe-Shepard discovery center board. (Reagan, Dist 17; Backus, Hills. 19; Executive Departments and Administration)

18-2818
SB 408-FN, licensing historic racing. (French, Dist 7; Innis, Dist 24; Soucy, Dist 18; Reagan, Dist 17; D'Allesandro, Dist 20; Woodburn, Dist 1; D. Sullivan, Hills. 8; J. Graham, Hills. 7; Ways and Means)

18-2836
SB 409-FN, relative to the taxation of moist snuff tobacco products. (Giuda, Dist 2; J. Graham, Hills. 7; D. Sullivan, Hills. 8; Ways and Means)

18-2849
SB 410-FN, establishing a registration fee for canoes and kayaks. (D'Allesandro, Dist 20; Ways and Means)

18-2914
SB 411-FN-A, eliminating the cap on the research and development tax credit. (Innis, Dist 24; Bradley, Dist 3; Gannon, Dist 23; Carson, Dist 14; Birdsell, Dist 19; Nigrello, Rock. 16; Emerick, Rock. 21; Bean, Rock. 21; Ways and Means)

18-3004
SB 412, relative to agritourism. (Giuda, Dist 2; Gannon, Dist 23; Weyler, Rock. 13; Binford, Graf. 15; Eaton, Ches. 3; Ways and Means)

18-2711
SB 413, relative to name availability for business organizations. (Birdsell, Dist 19; Soucy, Dist 18; Butler, Carr. 7; John T. O'Connor, Rock. 6; Hunt, Ches. 11; Comtois, Belk. 7; Commerce)

18-2770
SB 414-FN, establishing a condominium dispute resolution board. (Birdsell, Dist 19; LeBrun, Hills. 32; Almy, Graf. 13; Webb, Rock. 6; Commerce)

18-2771
SB 415, relative to condominium unit owners' special meetings. (Birdsell, Dist 19; Morse, Dist 22; LeBrun, Hills. 32; Almy, Graf. 13; Biggie, Hills. 23; Webb, Rock. 6; Commerce)

18-2780
SB 416, relative to transportation network company drivers. (Birdsell, Dist 19; Innis, Dist 24; Bradley, Dist 3; Hunt, Ches. 11; Commerce)

18-2799
SB 417, relative to days of rest for employees of recreation camps and youth skill camps. (Bradley, Dist 3; Avard, Dist 12; Carson, Dist 14; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Hennessey, Dist 5; Innis, Dist 24; Kahn, Dist 10; Lasky, Dist 13; Reagan, Dist 17; Ward, Dist 8; Watters, Dist 4; Woodburn, Dist 1; Hunt, Ches. 11; Biggie, Hills. 23; Butler, Carr. 7; Hinch, Hills. 21; Commerce)

18-2800
SB 418, relative to nano breweries and defining table wine. (Bradley, Dist 3; Carson, Dist 14; Cavanaugh, Dist 16; French, Dist 7; Gannon, Dist 23; Giuda, Dist 2; Innis, Dist 24; Lasky, Dist 13; Reagan, Dist 17; Watters, Dist 4; Biggie, Hills. 23; Fraser, Belk. 1; Williams, Hills. 4; Commerce)

18-2801
SB 419, relative to votes by condominium unit owners. (Birdsell, Dist 19; Morse, Dist 22; LeBrun, Hills. 32; Biggie, Hills. 23; Webb, Rock. 6; Commerce)

18-2825
SB 420, relative to collective bargaining under the right-to-know law. (Daniels, Dist 11; Reagan, Dist 17; Giuda, Dist 2; Spillane, Rock. 2; Ulery, Hills. 37; L. Turcotte, Straf. 4; Shaw, Hills. 16; Commerce)

18-2993
SB 421, relative to insurance coverage for prescription contraceptives. (Soucy, Dist 18; Bradley, Dist 3; Innis, Dist 24; Lasky, Dist 13; M. MacKay, Hills. 30; P. Schmidt, Straf. 19; Chandley, Hills. 22; W. Marsh, Carr. 8; Commerce)

18-2946
SB 422, relative to advance notice of work schedules. (Feltes, Dist 15; Cavanaugh, Dist 16; Fuller Clark, Dist 21; Hennessey, Dist 5; Kahn, Dist 10; Lasky, Dist 13; Soucy, Dist 18; Watters, Dist 4; Woodburn, Dist 1; Richardson, Coos 4; LeBrun, Hills. 32; Gile, Merr. 27; Guthrie, Rock. 13; Stone, Rock. 1; Commerce)

18-2843
SB 423, relative to noncompete clauses for low-wage employees. (Watters, Dist 4; Gannon, Dist 23; Cavanaugh, Dist 16; D'Allesandro, Dist 20; Feltes, Dist 15; Fuller Clark, Dist 21; Hennessey, Dist 5; Kahn, Dist 10; Lasky, Dist 13; Soucy, Dist 18; Woodburn, Dist 1; Conley, Straf. 13; Cahill, Rock. 17; Commerce)

18-2837
SB 424, relative to property and casualty insurance. (Innis, Dist 24; Carson, Dist 14; French, Dist 7; Gannon, Dist 23; Giuda, Dist 2; Reagan, Dist 17; Soucy, Dist 18; Watters, Dist 4; Nigrello, Rock. 16; Abrami, Rock. 19; Commerce)

18-2851
SB 425, relative to limited liability companies. (Innis, Dist 24; Gannon, Dist 23; Giuda, Dist 2; Reagan, Dist 17; Watters, Dist 4; Emerick, Rock. 21; Bean, Rock. 21; Janvrin, Rock. 20; Abrami, Rock. 19; Commerce)

18-2878
SB 426, relative to the commission on primary care workforce issues. (Hennessey, Dist 5; Gray, Dist 6; Fuller Clark, Dist 21; Fothergill, Coos 1; W. Marsh, Carr. 8; J. MacKay, Merr. 14; Campion, Graf. 12; Berrien, Rock. 18; Commerce)

18-2951
SB 427, limiting the liability of successor corporations for asbestos-related claims. (Gannon, Dist 23; Daniels, Dist 11; Bradley, Dist 3; Innis, Dist 24; Carson, Dist 14; D'Allesandro, Dist 20; Packard, Rock. 5; Ulery, Hills. 37; Commerce)

18-2965
SB 428, relative to the payment of weekly and biweekly wages. (Innis, Dist 24; French, Dist 7; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Kahn, Dist 10; Reagan, Dist 17; Watters, Dist 4; Nigrello, Rock. 16; H. Marsh, Rock. 22; Commerce)

18-2898
SB 429-FN, extending the authority of the department of justice to trade or commerce involving insurance. (French, Dist 7; Commerce)

18-2970
SB 430, relative to priority of liens for liability for support of assisted persons. (Kahn, Dist 10; Bordenet, Ches. 5; Commerce)

18-2959
SB 431, relative to non-academic surveys required to be filed by school districts to maintain federal funding. (Gray, Dist 6; Education)

18-2814
SB 432-FN-LOCAL, relative to an elective course in SAT preparation. (Gannon, Dist 23; D'Allesandro, Dist 20; Fuller Clark, Dist 21; Gray, Dist 6; Hennessey, Dist 5; Soucy, Dist 18; V. Sullivan, Hills. 16; A. Cook, Rock. 11; Burton, Straf. 6; Education)

18-2867
SB 433, relative to the annual filing of statistical reports to the department of education. (Kahn, Dist 10; Watters, Dist 4; Ladd, Graf. 4; Myler, Merr. 10; Gile, Merr. 27; Education)

18-2913
SB 434, relative to school nurse certification. (Woodburn, Dist 1; Watters, Dist 4; Reagan, Dist 17; Ward, Dist 8; Heath, Hills. 14; P. Schmidt, Straf. 19; Education)

18-2936
SB 435, relative to alternative programs for granting credit leading to graduation. (Ward, Dist 8; Bradley, Dist 3; Carson, Dist 14; Daniels, Dist 11; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Gray, Dist 6; Innis, Dist 24; Kahn, Dist 10; Reagan, Dist 17; Ladd, Graf. 4; V. Sullivan, Hills. 16; Shaw, Hills. 16; Education)

18-2903
SB 436, relative to tuition in the community college system. (Soucy, Dist 18; Watters, Dist 4; Innis, Dist 24; Porter, Hills. 1; Education)

18-2910
SB 437, relative to the robotics education development program. (Avard, Dist 12; Birdsell, Dist 19; Bradley, Dist 3; Carson, Dist 14; Cavanaugh, Dist 16; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Gray, Dist 6; Innis, Dist 24; Reagan, Dist 17; Sanborn, Dist 9; Ward, Dist 8; Watters, Dist 4; Seidel, Hills. 28; Major, Rock. 14; V. Sullivan, Hills. 16; Notter, Hills. 21; Ladd, Graf. 4; Education)

18-2876
SB 438, relative to the postponement of local elections. (Birdsell, Dist 19; Woodburn, Dist 1; Hoelzel, Rock. 3; B. Griffin, Hills. 6; Election Law and Internal Affairs)

18-2883
SB 439, repealing the authority to share voter information or data with other states. (Lasky, Dist 13; Soucy, Dist 18; Woodburn, Dist 1; Watters, Dist 4; Kahn, Dist 10; Cavanaugh, Dist 16; Hennessey, Dist 5; Fuller Clark, Dist 21; D'Allesandro, Dist 20; Feltes, Dist 15; Cote, Hills. 31; Election Law and Internal Affairs)

18-2923
SB 440-FN, relative to prohibited political contributions. (Lasky, Dist 13; Cavanaugh, Dist 16; D'Allesandro, Dist 20; Fuller Clark, Dist 21; Hennessey, Dist 5; Reagan, Dist 17; Soucy, Dist 18; Watters, Dist 4; Woodburn, Dist 1; Election Law and Internal Affairs)

18-2803
SB 441, relative to final grades in schools. (Watters, Dist 4; Kahn, Dist 10; Reagan, Dist 17; Ladd, Graf. 4; Grenier, Sull. 7; Education)

18-2868
SB 442, relative to surety indemnification requirements for private post-secondary career schools. (Kahn, Dist 10; Watters, Dist 4; Myler, Merr. 10; Gile, Merr. 27; Education)

18-3001
SB 443, relative to the jurisdiction of counties concerning retail electric supply. (Giuda, Dist 2; Carson, Dist 14; Fuller Clark, Dist 21; Gannon, Dist 23; Gray, Dist 6; Reagan, Dist 17; Sanborn, Dist 9; Watters, Dist 4; Ladd, Graf. 4; Binford, Graf. 15; Brown, Graf. 16; J. Belanger, Hills. 27; Energy and Natural Resources)

18-2741
SB 444, relative to cutting timber near certain waters and public highways. (Giuda, Dist 2; Innis, Dist 24; Bradley, Dist 3; Chandler, Carr. 1; Richardson, Coos 4; Pearl, Merr. 26; Theberge, Coos 3; Energy and Natural Resources)

18-2791
SB 445, designating the Warner River as a protected river. (Feltes, Dist 15; Ward, Dist 8; Bradley, Dist 3; Fuller Clark, Dist 21; Carson, Merr. 7; Mullen, Straf. 1; Suzanne Smith, Graf. 8; Myler, Merr. 10; Luneau, Merr. 10; Energy and Natural Resources)

18-2961
SB 446, relative to net energy metering limits for customer-generators. (Avard, Dist 12; Birdsell, Dist 19; Fuller Clark, Dist 21; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Innis, Dist 24; Kahn, Dist 10; Reagan, Dist 17; Sanborn, Dist 9; Watters, Dist 4; Vose, Rock. 9; Backus, Hills. 19; Barry, Hills. 21; Seidel, Hills. 28; Energy and Natural Resources)

18-3018
SB 447, relative to issuance of renewable energy certificates. (Fuller Clark, Dist 21; Woodburn, Dist 1; Backus, Hills. 19; Somssich, Rock. 27; Richardson, Coos 4; H. Moffett, Merr. 9; S. Harvey, Hills. 29; Energy and Natural Resources)

18-3025
SB 448, establishing a commission to study the establishment of a state department of energy. (Fuller Clark, Dist 21; Shepardson, Ches. 10; Somssich, Rock. 27; Backus, Hills. 19; Barry, Hills. 21; Energy and Natural Resources)

18-2764
SB 449, relative to the site evaluation committee. (Ward, Dist 8; Birdsell, Dist 19; Carson, Dist 14; Daniels, Dist 11; Gannon, Dist 23; Giuda, Dist 2; Reagan, Dist 17; Darrow, Graf. 17; Energy and Natural Resources)

18-2863
SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program. (Bradley, Dist 3; Carson, Dist 14; Fuller Clark, Dist 21; Gannon, Dist 23; Gray, Dist 6; Innis, Dist 24; Reagan, Dist 17; Watters, Dist 4; Vose, Rock. 9; Mullen, Straf. 1; Suzanne Smith, Graf. 8; Spang, Straf. 6; Energy and Natural Resources)

18-2842
SB 451, relative to wildlife trafficking. (Watters, Dist 4; Birdsell, Dist 19; Bradley, Dist 3; Carson, Dist 14; Cavanaugh, Dist 16; Fuller Clark, Dist 21; Gannon, Dist 23; Hennessey, Dist 5; Innis, Dist 24; Kahn, Dist 10; Ward, Dist 8; L'Heureux, Hills. 21; Butler, Carr. 7; Fraser, Belk. 1; Bixby, Straf. 17; Energy and Natural Resources)

18-2885
SB 452, relative to renewable energy fund incentive payments. (Giuda, Dist 2; Bradley, Dist 3; Feltes, Dist 15; Fuller Clark, Dist 21; Vadney, Belk. 2; Cali-Pitts, Rock. 30; Energy and Natural Resources)

18-2968
SB 453, relative to requirements and criteria for a competitive grant program for drinking water protection. (Morse, Dist 22; Feltes, Dist 15; Suzanne Smith, Graf. 8; Energy and Natural Resources)

18-2974
SB 454, relative to ambient water quality standards and maximum contaminant levels for certain perflourinated chemicals. (Fuller Clark, Dist 21; Innis, Dist 24; Feltes, Dist 15; Gannon, Dist 23; Messmer, Rock. 24; Malloy, Rock. 23; Backus, Hills. 19; McConnell, Ches. 12; Energy and Natural Resources)

18-2960
SB 455, relative to state employees injured in the line of duty. (Gray, Dist 6; Bradley, Dist 3; Executive Departments and Administration)

18-2971
SB 456, relative to the appointment of the state medical director for emergency medical services. (Kahn, Dist 10; Hennessey, Dist 5; Reagan, Dist 17; Gannon, Dist 23; Watters, Dist 4; Hansen, Hills. 22; P. Schmidt, Straf. 19; Executive Departments and Administration)

18-2778
SB 457-FN, waiving initial licensure fees for indigent applicants for certain professions. (Woodburn, Dist 1; Birdsell, Dist 19; Carson, Dist 14; Cavanaugh, Dist 16; Feltes, Dist 15; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Hennessey, Dist 5; Lasky, Dist 13; Soucy, Dist 18; Watters, Dist 4; Executive Departments and Administration)

18-2712
SB 458, authorizing the purchase of retirement system creditable service by a certain surviving spouse. (Birdsell, Dist 19; Morse, Dist 22; Carson, Dist 14; Guthrie, Rock. 13; Weyler, Rock. 13; Welch, Rock. 13; Green, Rock. 13; Executive Departments and Administration)

18-2730
SB 459, relative to reciprocity for licensure as a real estate broker or salesperson. (Giuda, Dist 2; Innis, Dist 24; Bradley, Dist 3; Avard, Dist 12; Fuller Clark, Dist 21; Watters, Dist 4; L. Ober, Hills. 37; Hunt, Ches. 11; Executive Departments and Administration)

18-2776
SB 460, relative to the terms and qualifications for the adjutant general and deputy adjutant general. (Woodburn, Dist 1; Reagan, Dist 17; Baldasaro, Rock. 5; Executive Departments and Administration)

18-2822
SB 461, relative to continuing education for real estate brokers and salespersons. (Carson, Dist 14; M. McCarthy, Hills. 29; Lundgren, Rock. 5; Executive Departments and Administration)

18-2828
SB 462-FN, relative to occupational licensure, certification, or registration for persons with criminal records, and relative to license applicants for barbering, cosmetology, esthetics, and manicuring. (Daniels, Dist 11; Executive Departments and Administration)

18-2947
SB 463-FN, establishing an architectural paint can recycling program. (Feltes, Dist 15; Executive Departments and Administration)

18-3009
SB 464, relative to the procedure for driveway permits. (Carson, Dist 14; Giuda, Dist 2; Birdsell, Dist 19; Packard, Rock. 5; Baldasaro, Rock. 5; Rimol, Rock. 5; D. Thomas, Rock. 5; Transportation)

18-2752
SB 465-FN, relative to documentation requirements for the department of labor. (Sanborn, Dist 9; French, Dist 7; Gannon, Dist 23; Giuda, Dist 2; Reagan, Dist 17; Executive Departments and Administration)

18-2777
SB 466, relative to political activities of commissioners of state agencies. (Woodburn, Dist 1; Cavanaugh, Dist 16; Feltes, Dist 15; Fuller Clark, Dist 21; Hennessey, Dist 5; Kahn, Dist 10; Lasky, Dist 13; Soucy, Dist 18; Watters, Dist 4; Executive Departments and Administration)

18-2716
SB 467-FN-A, relative to the state art fund. (Kahn, Dist 10; Watters, Dist 4; French, Dist 7; Finance)

18-2846
SB 468-FN-A, relative to fines and penalties collected by the department of environmental services. (Daniels, Dist 11; Finance)

18-2855
SB 469, relative to the appropriation of funds from the equipment inventory fund. (Watters, Dist 4; Birdsell, Dist 19; Finance)

18-2820
SB 470-FN, relative to positions within the insurance department. (Carson, Dist 14; Gannon, Dist 23; Lasky, Dist 13; Butler, Carr. 7; McGuire, Merr. 29; Finance)

18-2934
SB 471, relative to the authority of municipalities to address potential natural threats. (Giuda, Dist 2; Carson, Dist 14; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Gray, Dist 6; Reagan, Dist 17; Ward, Dist 8; Watters, Dist 4; Hinch, Hills. 21; L. Ober, Hills. 37; Ladd, Graf. 4; Finance)

18-2966
SB 472, establishing a committee to study the creation of an economic improvement fund. (Innis, Dist 24; Watters, Dist 4; Gannon, Dist 23; Carson, Dist 14; Finance)

18-2754
SB 473, relative to employment contract restrictions upon health care providers. (Sanborn, Dist 9; Avard, Dist 12; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Innis, Dist 24; Reagan, Dist 17; Ward, Dist 8; Souza, Hills. 43; Health and Human Services)

18-2794
SB 474, establishing a committee to study group home rate parity. (Ward, Dist 8; Carson, Dist 14; Bradley, Dist 3; Birdsell, Dist 19; Watters, Dist 4; Feltes, Dist 15; D'Allesandro, Dist 20; Gannon, Dist 23; M. MacKay, Hills. 30; Kotowski, Merr. 24; Health and Human Services)

18-2826
SB 475, relative to testing for Lyme disease. (Daniels, Dist 11; P. Schmidt, Straf. 19; M. MacKay, Hills. 30; LeBrun, Hills. 32; Health and Human Services)

18-3019
SB 476, establishing a committee to study reinstituting the unemployed parent program. (Fuller Clark, Dist 21; Feltes, Dist 15; Soucy, Dist 18; Rosenwald, Hills. 30; Wallner, Merr. 10; LeBrun, Hills. 32; Eaton, Ches. 3; M. Smith, Straf. 6; Health and Human Services)

18-3017
SB 477, establishing a therapeutic cannabis medical oversight board. (Fuller Clark, Dist 21; Bradley, Dist 3; Watters, Dist 4; Reagan, Dist 17; Kotowski, Merr. 24; Knirk, Carr. 3; Health and Human Services)

18-3014
SB 478, establishing an advisory council on lactation. (Fuller Clark, Dist 21; Hennessey, Dist 5; Bradley, Dist 3; McBeath, Rock. 26; Butler, Carr. 7; Umberger, Carr. 2; Health and Human Services)

18-3007
SB 479, relative to the oversight commission on children's services. (Carson, Dist 14; Bradley, Dist 3; Avard, Dist 12; Hennessey, Dist 5; M. MacKay, Hills. 30; Berrien, Rock. 18; Guthrie, Rock. 13; Health and Human Services)

18-2920
SB 480, limiting the use of electroconvulsive therapy. (Bradley, Dist 3; Carson, Dist 14; Avard, Dist 12; Hinch, Hills. 21; W. Marsh, Carr. 8; Health and Human Services)

18-2904
SB 481, establishing a committee to study the impact of pharmacy benefit manager operations on cost, administration, and distribution of prescription drugs. (Soucy, Dist 18; Cavanaugh, Dist 16; Carson, Dist 14; Danielson, Hills. 7; Hennessey, Graf. 1; Massimilla, Graf. 1; Luneau, Merr. 10; Health and Human Services)

18-2788
SB 482-FN, relative to confidential emergency medical and trauma services data. (Hennessey, Dist 5; Watters, Dist 4; White, Graf. 13; Danielson, Hills. 7; Health and Human Services)

18-3024
SB 483, relative to procedures for dispensing controlled drugs. (Fuller Clark, Dist 21; Cahill, Rock. 17; P. Gordon, Rock. 29; Health and Human Services)

18-3021
SB 484, reestablishing the commission to address child hunger in New Hampshire. (Fuller Clark, Dist 21; Bradley, Dist 3; Feltes, Dist 15; Carson, Dist 14; Soucy, Dist 18; Eaton, Ches. 3; Wallner, Merr. 10; Gile, Merr. 27; Berrien, Rock. 18; LeBrun, Hills. 32; Health and Human Services)

18-2983
SB 485, establishing a committee to study the relationship between concierge medicine and the Affordable Care Act. (Avard, Dist 12; Bradley, Dist 3; Carson, Dist 14; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Gray, Dist 6; Innis, Dist 24; Kahn, Dist 10; Morse, Dist 22; LeBrun, Hills. 32; Theberge, Coos 3; Seidel, Hills. 28; Kotowski, Merr. 24; Nelson, Carr. 5; Health and Human Services)

18-2979
SB 486, establishing a commission to study enhancing the prescription drug donation program. (Feltes, Dist 15; Hennessey, Dist 5; Fuller Clark, Dist 21; Luneau, Merr. 10; Carson, Merr. 7; Soucy, Merr. 16; Walz, Merr. 23; Health and Human Services)

18-2945
SB 487, relative to license requirements for certain alcohol and other drug use professionals and establishing a state substance use disorder treatment services program. (Feltes, Dist 15; Bradley, Dist 3; Carson, Dist 14; Cavanaugh, Dist 16; Fuller Clark, Dist 21; Hennessey, Dist 5; Lasky, Dist 13; Watters, Dist 4; M. MacKay, Hills. 30; Health and Human Services)

18-2916
SB 488, relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center. (Bradley, Dist 3; Avard, Dist 12; Carson, Dist 14; French, Dist 7; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Innis, Dist 24; Morse, Dist 22; Watters, Dist 4; R. Ober, Hills. 37; Baldasaro, Rock. 5; Hinch, Hills. 21; Health and Human Services)

18-2909
SB 489, establishing a committee to study parental alienation in New Hampshire. (Avard, Dist 12; Carson, Dist 14; Giuda, Dist 2; K. Rice, Hills. 37; Burt, Hills. 39; Carr, Hills. 26; Seidel, Hills. 28; Health and Human Services)

18-2748
SB 490, establishing a commission to study end-of-life choices. (Hennessey, Dist 5; Cavanaugh, Dist 16; Feltes, Dist 15; Fuller Clark, Dist 21; Kahn, Dist 10; Lasky, Dist 13; Watters, Dist 4; Berrien, Rock. 18; Fothergill, Coos 1; J. MacKay, Merr. 14; Knirk, Carr. 3; Higgins, Graf. 12; Health and Human Services)

18-2893
SB 491, relative to food protection services in New Hampshire. (Carson, Dist 14; Fuller Clark, Dist 21; Katsakiores, Rock. 6; Bove, Rock. 5; M. MacKay, Hills. 30; Health and Human Services)

18-2774
SB 492-FN, prohibiting bump stocks in New Hampshire. (Woodburn, Dist 1; Cavanaugh, Dist 16; D'Allesandro, Dist 20; Feltes, Dist 15; Fuller Clark, Dist 21; Hennessey, Dist 5; Lasky, Dist 13; Soucy, Dist 18; Watters, Dist 4; Shurtleff, Merr. 11; Berch, Ches. 1; Chandley, Hills. 22; Cushing, Rock. 21; Judiciary)

18-3008
SB 493, establishing a committee to study the codification of the exculpatory evidence schedule and related law enforcement protocols. (Carson, Dist 14; Gannon, Dist 23; Soucy, Dist 18; French, Dist 7; Bradley, Dist 3; Hopper, Hills. 2; M. McCarthy, Hills. 29; Wall, Straf. 6; Hinch, Hills. 21; Judiciary)

18-2986
SB 494, relative to access to child abuse or neglect information by certain legislative committees. (French, Dist 7; Giuda, Dist 2; Judiciary)

18-2839
SB 495, relative to certain court orders in a divorce/custody matter. (Innis, Dist 24; Giuda, Dist 2; Avard, Dist 12; Bean, Rock. 21; Janvrin, Rock. 20; Judiciary)

18-3006
SB 496-FN, relative to mediation for child support arrearages over $5,000. (Carson, Dist 14; Avard, Dist 12; Lasky, Dist 13; K. Rice, Hills. 37; M. MacKay, Hills. 30; Wall, Straf. 6; Welch, Rock. 13; Cushing, Rock. 21; Judiciary)

18-3012
SB 497-FN, relative to breast-feeding. (Fuller Clark, Dist 21; Lasky, Dist 13; McBeath, Rock. 26; Butler, Carr. 7; Cushing, Rock. 21; Cahill, Rock. 17; Judiciary)

18-2901
SB 498-FN, relative to information on property seized pursuant to a criminal proceeding. (French, Dist 7; Hill, Merr. 3; Plumer, Belk. 6; Sylvia, Belk. 6; Judiciary)

18-2808
SB 499, relative to the applicability of certain DWI prohibitions. (French, Dist 7; Reagan, Dist 17; Judiciary)

18-2796
SB 500, amending references to firearms terminology. (Avard, Dist 12; Bradley, Dist 3; Judiciary)

18-2708
SB 501, relative to immunity for campground owners. (Avard, Dist 12; Giuda, Dist 2; Birdsell, Dist 19; Bradley, Dist 3; Carson, Dist 14; Reagan, Dist 17; Ward, Dist 8; Innis, Dist 24; Burt, Hills. 39; Chandler, Carr. 1; O'Day, Ches. 11; Hopper, Hills. 2; Hunt, Ches. 11; Judiciary)

18-2978
SB 502-FN, relative to transparency and standards for acquisition transactions in health care. (Feltes, Dist 15; Fuller Clark, Dist 21; Hennessey, Dist 5; Judiciary)

18-2815
SB 503, relative to increasing the maximum amount of the optional veterans' tax credit. (Gannon, Dist 23; Bradley, Dist 3; Feltes, Dist 15; Innis, Dist 24; Hennessey, Dist 5; Kahn, Dist 10; Lasky, Dist 13; Sanborn, Dist 9; Watters, Dist 4; Cavanaugh, Dist 16; French, Dist 7; Fuller Clark, Dist 21; Giuda, Dist 2; Ward, Dist 8; McConnell, Ches. 12; V. Sullivan, Hills. 16; Burton, Straf. 6; Public and Municipal Affairs)

18-2864
SB 504-FN, relative to sales of tax-deeded property. (Bradley, Dist 3; Umberger, Carr. 2; Butler, Carr. 7; Public and Municipal Affairs)

18-2933
SB 505, requiring abutter notice of the construction of a crematory. (Giuda, Dist 2; Gray, Dist 6; Carson, Dist 14; Vadney, Belk. 2; Silber, Belk. 2; Public and Municipal Affairs)

18-2884
SB 506, limiting amendments to warrant articles. (Giuda, Dist 2; Carson, Dist 14; Reagan, Dist 17; Avard, Dist 12; Ward, Dist 8; French, Dist 7; Birdsell, Dist 19; Gannon, Dist 23; Innis, Dist 24; Watters, Dist 4; Kahn, Dist 10; Chandler, Carr. 1; Hinch, Hills. 21; Weyler, Rock. 13; Souza, Hills. 43; Public and Municipal Affairs)

18-2798
SB 507, proclaiming June as post-traumatic stress injury (PTSI) awareness month. (Bradley, Dist 3; Avard, Dist 12; Birdsell, Dist 19; Carson, Dist 14; Cavanaugh, Dist 16; Daniels, Dist 11; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Hennessey, Dist 5; Kahn, Dist 10; Lasky, Dist 13; Reagan, Dist 17; Sanborn, Dist 9; Soucy, Dist 18; Ward, Dist 8; Watters, Dist 4; Woodburn, Dist 1; R. Ober, Hills. 37; Baldasaro, Rock. 5; Massimilla, Graf. 1; Hinch, Hills. 21; Shurtleff, Merr. 11; Public and Municipal Affairs)

18-2908
SB 508, establishing a committee to study the prevalence of post-traumatic stress disorder (PTSD) among first responders. (Avard, Dist 12; Birdsell, Dist 19; Bradley, Dist 3; Carson, Dist 14; D'Allesandro, Dist 20; Fuller Clark, Dist 21; Gannon, Dist 23; Giuda, Dist 2; Innis, Dist 24; Ward, Dist 8; Watters, Dist 4; Chandler, Carr. 1; Carr, Hills. 26; Proulx, Hills. 44; J. Belanger, Hills. 27; M. McCarthy, Hills. 29; Public and Municipal Affairs)

18-3023
SB 509, allowing municipalities to require income and expense information of business properties for tax appraisals. (Fuller Clark, Dist 21; Burton, Straf. 6; Somssich, Rock. 27; Public and Municipal Affairs)

18-3022
SB 510, relative to municipal notice of leases on tax-exempt property. (Fuller Clark, Dist 21; McBeath, Rock. 26; Cushing, Rock. 21; Burton, Straf. 6; M. Smith, Straf. 6; Public and Municipal Affairs)

18-2775
SB 511, establishing an optional tax credit for deployed military personnel. (Woodburn, Dist 1; Birdsell, Dist 19; Bradley, Dist 3; Carson, Dist 14; Cavanaugh, Dist 16; Feltes, Dist 15; French, Dist 7; Fuller Clark,

Dist 21; Gannon, Dist 23; Gray, Dist 6; Hennessey, Dist 5; Innis, Dist 24; Kahn, Dist 10; Lasky, Dist 13; Reagan, Dist 17; Sanborn, Dist 9; Soucy, Dist 18; Watters, Dist 4; Stone, Rock. 1; Baldasaro, Rock. 5; Josephson, Graf. 11; Public and Municipal Affairs)

18-2856
SB 512, relative to compact sections of towns. (Watters, Dist 4; Birdsell, Dist 19; Gannon, Dist 23; Sprague, Straf. 18; Public and Municipal Affairs)

18-2782
SB 513, establishing September as New Hampshire recovery month. (Watters, Dist 4; Avard, Dist 12; Birdsell, Dist 19; Bradley, Dist 3; Carson, Dist 14; Cavanaugh, Dist 16; Feltes, Dist 15; Fuller Clark, Dist 21; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Hennessey, Dist 5; Kahn, Dist 10; Lasky, Dist 13; Reagan, Dist 17; Sanborn, Dist 9; Soucy, Dist 18; Ward, Dist 8; Woodburn, Dist 1; P. Long, Hills. 10; Bouldin, Hills. 12; Public and Municipal Affairs)

18-2783
SB 514-FN, establishing a commission to create a New Hampshire recovery monument. (Watters, Dist 4; Avard, Dist 12; Birdsell, Dist 19; Bradley, Dist 3; Fuller Clark, Dist 21; Giuda, Dist 2; Innis, Dist 24; Kahn, Dist 10; Ward, Dist 8; P. Long, Hills. 10; Public and Municipal Affairs)

18-2765
SB 515, relative to commemorative license plates. (Ward, Dist 8; Transportation)

18-2872
SB 516, prohibiting the use of motorcycle-only roadside checkpoints. (French, Dist 7; T. Walsh, Merr. 24; Packard, Rock. 5; St. Clair, Belk. 9; Transportation)

18-2813
SB 517, establishing an electric vehicle charging stations infrastructure commission. (Watters, Dist 4; Feltes, Dist 15; Cavanaugh, Dist 16; Avard, Dist 12; Fuller Clark, Dist 21; Transportation)

18-2857
SB 518, relative to agency reports of real property owned or leased by the department. (Watters, Dist 4; Carson, Dist 14; Reagan, Dist 17; Cavanaugh, Dist 16; McGuire, Merr. 29; P. Schmidt, Straf. 19; Transportation)

18-2858
SB 519, relative to the purchase of property for the construction of roads. (Watters, Dist 4; Birdsell, Dist 19; Gannon, Dist 23; Cavanaugh, Dist 16; Cloutier, Sull. 10; J. Graham, Hills. 7; Transportation)

18-2845
SB 520-FN, authorizing New Hampshire Food Bank to issue decals for multi-use decal plates. (Feltes, Dist 15; Birdsell, Dist 19; Carson, Dist 14; Cavanaugh, Dist 16; Daniels, Dist 11; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Hennessey, Dist 5; Kahn, Dist 10; Lasky, Dist 13; Reagan, Dist 17; Soucy, Dist 18; Watters, Dist 4; Kotowski, Merr. 24; Weber, Ches. 1; Gile, Merr. 27; J. MacKay, Merr. 14; Soucy, Merr. 16; Transportation)

18-2915
SB 521-FN, authorizing Sophia's Fund to issue decals for multi-use decal plates. (Gannon, Dist 23; Bradley, Dist 3; Giuda, Dist 2; Gray, Dist 6; Reagan, Dist 17; Ward, Dist 8; Baldasaro, Rock. 5; Transportation)

18-2975
SB 522, relative to alteration of speed limits. (Fuller Clark, Dist 21; Watters, Dist 4; Somssich, Rock. 27; Transportation)

18-2751
SB 523-FN, requiring public school students to receive training in cardiopulmonary resuscitation and the use of an automated external defibrillator device. (Hennessey, Dist 5; Birdsell, Dist 19; Carson, Dist 14; Cavanaugh, Dist 16; Fuller Clark, Dist 21; Gannon, Dist 23; Kahn, Dist 10; Lasky, Dist 13; Reagan, Dist 17; Soucy, Dist 18; Berrien, Rock. 18; Campion, Graf. 12; W. Marsh, Carr. 8; Knirk, Carr. 3; Education)

18-2786
SB 524-FN, relative to head injury policies for the community college system of New Hampshire and the university system of New Hampshire. (Watters, Dist 4; D'Allesandro, Dist 20; Kahn, Dist 10; Giuda, Dist 2; Soucy, Dist 18; Cavanaugh, Dist 16; Gray, Dist 6; Fuller Clark, Dist 21; Burton, Straf. 6; Kotowski, Merr. 24; Suzanne Smith, Graf. 8; Education)

18-2805
SB 525-FN, prohibiting the distribution of higher education and adult education financial assistance to any student who is not a legal resident. (Sanborn, Dist 9; Avard, Dist 12; Daniels, Dist 11; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Reagan, Dist 17; Education)

18-3020
SB 526-FN, relative to school breakfast programs. (Fuller Clark, Dist 21; Feltes, Dist 15; Hennessey, Dist 5; LeBrun, Hills. 32; Wallner, Merr. 10; Gile, Merr. 27; Eaton, Ches. 3; Education)

18-2964
SB 527-FN-LOCAL, relative to absentee voting. (Birdsell, Dist 19; Gray, Dist 6; Hoelzel, Rock. 3; Election Law and Internal Affairs)

18-2831
SB 528-FN-LOCAL, relative to dam registration fees and relative to permit fees for constructing or reconstructing a dam. (Bradley, Dist 3; Feltes, Dist 15; Danielson, Hills. 7; Rosenwald, Hills. 30; Spang, Straf. 6; Energy and Natural Resources)

18-2865
SB 529-FN, authorizing river maintenance in the town of Warren. (Giuda, Dist 2; Avard, Dist 12; Birdsell, Dist 19; Bradley, Dist 3; Carson, Dist 14; Daniels, Dist 11; Gannon, Dist 23; Gray, Dist 6; Innis, Dist 24; Reagan, Dist 17; Sanborn, Dist 9; Ward, Dist 8; Watters, Dist 4; Ladd, Graf. 4; Brown, Graf. 16; Hinch, Hills. 21; Binford, Graf. 15; Schwaegler, Graf. 3; Energy and Natural Resources)

18-3002
SB 530-FN, relative to high voltage electric transmission lines in highway rights-of-ways. (Giuda, Dist 2; Fuller Clark, Dist 21; Reagan, Dist 17; Ward, Dist 8; Suzanne Smith, Graf. 8; Kurk, Hills. 2; Pearl, Merr. 26; Darrow, Graf. 17; Migliore, Graf. 9; Energy and Natural Resources)

18-2744
SB 531-FN, relative to the office of professional licensure and certification. (Reagan, Dist 17; McGuire, Merr. 29; Executive Departments and Administration)

18-2806
SB 532-FN, relative to group II status of certain department of corrections officials. (D'Allesandro, Dist 20; Lasky, Dist 13; Carson, Dist 14; Welch, Rock. 13; Executive Departments and Administration)

18-2823
SB 533-FN, relative to the composition and compensation of the personnel appeals board. (Carson, Dist 14; Soucy, Dist 18; D'Allesandro, Dist 20; Gannon, Dist 23; Proulx, Hills. 44; M. McCarthy, Hills. 29; Executive Departments and Administration)

18-2830
SB 534-FN, relative to the classification of certain state employee positions. (Reagan, Dist 17; D'Allesandro, Dist 20; Byron, Hills. 20; Sytek, Rock. 8; P. Schmidt, Straf. 19; McGuire, Merr. 29; Executive Departments and Administration)

18-2854
SB 535-FN, relative to licensure for the practice of professional art therapy. (Watters, Dist 4; Fuller Clark, Dist 21; Hennessey, Dist 5; P. Schmidt, Straf. 19; Executive Departments and Administration)

18-2882
SB 536-FN, relative to eligibility for death benefits for court security officers. (Lasky, Dist 13; Carson, Dist 14; Hennessey, Dist 5; Gannon, Dist 23; Hagan, Rock. 4; Berch, Ches. 1; Keans, Straf. 23; Executive Departments and Administration)

18-2886
SB 537, establishing the granite state finance authority and relative to the powers of the New Hampshire health and education facilities authority and the New Hampshire housing finance authority. (Innis, Dist 24; Carson, Dist 14; Fuller Clark, Dist 21; Gannon, Dist 23; Giuda, Dist 2; Reagan, Dist 17; Soucy, Dist 18; Watters, Dist 4; Williams, Hills. 4; Hunt, Ches. 11; Executive Departments and Administration)

18-2935
SB 538-FN, including police officers of the capital area police unit in group II of the retirement system. (Giuda, Dist 2; Bradley, Dist 3; Carson, Dist 14; D'Allesandro, Dist 20; Fuller Clark, Dist 21; Gannon, Dist 23; Gray, Dist 6; Lasky, Dist 13; Welch, Rock. 13; LeBrun, Hills. 32; Weyler, Rock. 13; Berube, Straf. 18; Executive Departments and Administration)

18-2735
SB 539-FN-A, making appropriations to the department of education for adequate education grants. (Birdsell, Dist 19; Daniels, Dist 11; Ward, Dist 8; Milz, Rock. 6; Ladd, Graf. 4; John T. O'Connor, Rock. 6; Finance)

18-2790
SB 540-FN, relative to funding full day kindergarten. (Feltes, Dist 15; Woodburn, Dist 1; Soucy, Dist 18; Lasky, Dist 13; Kahn, Dist 10; Cavanaugh, Dist 16; Hennessey, Dist 5; Myler, Merr. 10; Heath, Hills. 14; Henle, Merr. 12; Cushing, Rock. 21; Luneau, Merr. 10; Finance)

18-2793
SB 541-FN-A, establishing a fund to reimburse costs associated with firefighters who have cancer. (Innis, Dist 24; Gannon, Dist 23; Carson, Dist 14; Soucy, Dist 18; Danielson, Hills. 7; Emerick, Rock. 21; Murray, Rock. 24; T. Le, Rock. 31; Nigrello, Rock. 16; Finance)

18-2957
SB 542-FN, relative to the use of funds in the revenue stabilization reserve account for public health emergencies. (Woodburn, Dist 1; Watters, Dist 4; Soucy, Dist 18; Hennessey, Dist 5; Lasky, Dist 13; Feltes, Dist 15; Cavanaugh, Dist 16; Fuller Clark, Dist 21; Shurtleff, Merr. 11; Rosenwald, Hills. 30; Wallner, Merr. 10; Finance)

18-2981
SB 543-FN, relative to health care premium payments for certain retired state workers. (Feltes, Dist 15; Cavanaugh, Dist 16; Fuller Clark, Dist 21; Hennessey, Dist 5; Lasky, Dist 13; Soucy, Dist 18; Watters, Dist 4; Woodburn, Dist 1; Bove, Rock. 5; Welch, Rock. 13; Finance)

18-2997
SB 544-FN, providing that 2 percent of insurance tax collections be deposited in the fire standards and training and emergency medical services fund. (Daniels, Dist 11; Finance)

18-2853
SB 545-FN, increasing the age for sales and possession of tobacco products. (Watters, Dist 4; Bradley, Dist 3; Rosenwald, Hills. 30; McBeath, Rock. 26; LeBrun, Hills. 32; Gargasz, Hills. 27; Fothergill, Coos 1; Health and Human Services)

18-2850
SB 546-FN, relative to purchasing alliances. (Sanborn, Dist 9; Avard, Dist 12; Birdsell, Dist 19; Bradley, Dist 3; Carson, Dist 14; French, Dist 7; Gannon, Dist 23; Giuda, Dist 2; Innis, Dist 24; Reagan, Dist 17; Health and Human Services)

18-2852
SB 547, relative to unused prescription drugs. (Innis, Dist 24; Avard, Dist 12; Birdsell, Dist 19; Carson, Dist 14; Feltes, Dist 15; Fuller Clark, Dist 21; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Lasky, Dist 13; Reagan, Dist 17; Sanborn, Dist 9; Ward, Dist 8; Watters, Dist 4; Health and Human Services)

18-2972
SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome (NAS). (Hennessey, Dist 5; Lasky, Dist 13; P. Gordon, Rock. 29; M. MacKay, Hills. 30; LeBrun, Hills. 32; Health and Human Services)

18-2874
SB 549-FN-A, making an appropriation to the department of health and human services for the Sununu health services center and relative to infants born with substance abuse or withdrawal symptoms resulting from prenatal drug exposure or fetal alcohol spectrum disorder (Gray, Dist 6; Health and Human Services)

18-2950
SB 550-FN, relative to drop in or walk in clinics. (Sanborn, Dist 9; Avard, Dist 12; French, Dist 7; Innis, Dist 24; Reagan, Dist 17; Danielson, Hills. 7; M. MacKay, Hills. 30; Health and Human Services)

18-2869
SB 551-FN, relative to deductibles under health insurance policies. (Sanborn, Dist 9; Avard, Dist 12; Gannon, Dist 23; Giuda, Dist 2; Reagan, Dist 17; Health and Human Services)

18-2768
SB 552-FN, relative to transportation of trauma victims by first responders. (Giuda, Dist 2; Reagan, Dist 17; Innis, Dist 24; Kurk, Hills. 2; Weyler, Rock. 13; Hinch, Hills. 21; Kotowski, Merr. 24; Health and Human Services)

18-2880
SB 553-FN, relative to mental health parity for workers' compensation. (Hennessey, Dist 5; Bradley, Dist 3; Carson, Dist 14; Cavanaugh, Dist 16; D'Allesandro, Dist 20; Fuller Clark, Dist 21; Lasky, Dist 13; Soucy, Dist 18; Watters, Dist 4; Woodburn, Dist 1; Shurtleff, Merr. 11; Proulx, Hills. 44; M. McCarthy, Hills. 29; Elliott, Rock. 8; Commerce)

18-2954
SB 554-FN, relative to the minimum hourly rate and employer-sponsored health benefits. (Soucy, Dist 18; Woodburn, Dist 1; Watters, Dist 4; Fuller Clark, Dist 21; D'Allesandro, Dist 20; Hennessey, Dist 5; Feltes, Dist 15; Cavanaugh, Dist 16; Lasky, Dist 13; Cilley, Straf. 4; Cushing, Rock. 21; Commerce)

18-2932
SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor. (Giuda, Dist 2; Carson, Dist 14; French, Dist 7; Fuller Clark, Dist 21; Gannon, Dist 23; Innis, Dist 24; Hopper, Hills. 2; DiLorenzo, Rock. 17; Ulery, Hills. 37; Judiciary)

18-2977
SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record. (Feltes, Dist 15; Bradley, Dist 3; French, Dist 7; Fuller Clark, Dist 21; Hennessey, Dist 5; Lasky, Dist 13; Reagan, Dist 17; Watters, Dist 4; Woodburn, Dist 1; Rouillard, Hills. 6; Eaton, Ches. 3; Berch, Ches. 1; Cushing, Rock. 21; Welch, Rock. 13; Judiciary)

18-3000
SB 557-FN, establishing a board of housing development appeals. (Giuda, Dist 2; Feltes, Dist 15; Carson, Dist 14; Watters, Dist 4; Bradley, Dist 3; Woodburn, Dist 1; Butler, Carr. 7; Hinch, Hills. 21; Judiciary)

18-3013
SB 558-FN, relative to discrimination based on pregnancy or lactation. (Fuller Clark, Dist 21; Hennessey, Dist 5; Lasky, Dist 13; McBeath, Rock. 26; Rosenwald, Hills. 30; Butler, Carr. 7; Cahill, Rock. 17; Umberger, Carr. 2; Judiciary)

18-2810
SB 559-FN-A, making an appropriation for a sound barrier on the Everett Turnpike in Bedford. (Sanborn, Dist 9; French, Dist 7; Giuda, Dist 2; Transportation)

18-2881
SB 560-FN-LOCAL, relative to updating the state trails plan and making an appropriation therefor. (Feltes, Dist 15; Carson, Dist 14; Fuller Clark, Dist 21; Watters, Dist 4; Sanborn, Dist 9; Rimol, Rock. 5; Janvrin, Rock. 20; Alicea, Merr. 8; Shurtleff, Merr. 11; Transportation)

18-2918
SB 561-FN, relative to the installation of a traffic light or beacon. (Bradley, Dist 3; Transportation)

18-2982
SB 562-FN, allowing the waiver of fees for reinstatement of a driver's license and registration in cases of demonstrated financial hardship. (Feltes, Dist 15; French, Dist 7; Woodburn, Dist 1; McGuire, Merr. 29; Matthews, Rock. 3; Sytek, Rock. 8; Hatch, Coos 6; P. Schmidt, Straf. 19; Transportation)

18-2888
SB 563-FN, establishing a recovery friendly workplace initiatives tax credit against business taxes administered by the community development finance authority. (Bradley, Dist 3; Hinch, Hills. 21; Ways and Means)

18-2919
SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses. (Bradley, Dist 3; Avard, Dist 12; Carson, Dist 14; Cavanaugh, Dist 16; D'Allesandro, Dist 20; Gannon, Dist 23; Innis, Dist 24; Soucy, Dist 18; Watters, Dist 4; Azarian, Rock. 8; Hinch, Hills. 21; Ways and Means)

18-3005
SB 565-FN, relative to aircraft registration fees and airways tolls. (Giuda, Dist 2; Bradley, Dist 3; Gannon, Dist 23; Lasky, Dist 13; Ward, Dist 8; Innis, Dist 24; Morse, Dist 22; Weyler, Rock. 13; Hinch, Hills. 21; O'Brien, Hills. 36; Ways and Means)

18-2728
SB 566-FN, relative to unemployment compensation for school bus drivers and monitors. (Soucy, Dist 18; Reagan, Dist 17; Feltes, Dist 15; Carson, Dist 14; Cavanaugh, Dist 16; Williams, Hills. 4; O'Brien, Hills. 36; M. McCarthy, Hills. 29; DiSilvestro, Hills. 9; Morrison, Rock. 9; Commerce)

18-2943
SB 567-FN, relative to workforce development and job training. (Feltes, Dist 15; Bradley, Dist 3; Cavanaugh, Dist 16; D'Allesandro, Dist 20; Fuller Clark, Dist 21; Hennessey, Dist 5; Kahn, Dist 10; Lasky, Dist 13; Soucy, Dist 18; Watters, Dist 4; Woodburn, Dist 1; Richardson, Coos 4; Bean, Rock. 21; D. Sullivan, Hills. 8; Fothergill, Coos 1; Rosenwald, Hills. 30; Commerce)

18-2927
SB 568-FN, relative to criminal history record checks for school employees and certain volunteers. (Reagan, Dist 17; Giuda, Dist 2; Ward, Dist 8; Watters, Dist 4; Kahn, Dist 10; Ladd, Graf. 4; Cordelli, Carr. 4; Education)

18-2862
SB 569-FN, relative to animal cruelty. (Bradley, Dist 3; Carson, Dist 14; D'Allesandro, Dist 20; Gannon, Dist 23; Giuda, Dist 2; Gray, Dist 6; Innis, Dist 24; Kahn, Dist 10; Reagan, Dist 17; Ward, Dist 8; Watters, Dist 4; Woodburn, Dist 1; S. Schmidt, Carr. 6; DesMarais, Carr. 6; Danielson, Hills. 7; Umberger, Carr. 2; W. Marsh, Carr. 8; Energy and Natural Resources)

18-2949
SB 570-FN, relative to the work requirement for the child care scholarship program. (Feltes, Dist 15; Executive Departments and Administration)

18-2996
SB 571-FN, requiring the department of health and human services to perform an efficiency audit. (Daniels, Dist 11; Executive Departments and Administration)

18-2992
SB 572-FN, relative to the individual health insurance market. (Sanborn, Dist 9; French, Dist 7; Gannon, Dist 23; Giuda, Dist 2; Innis, Dist 24; Reagan, Dist 17; Health and Human Services)

18-2887
SB 573-FN-A, relative to the controlled drug prescription health and safety program and making an appropriation therefor. (Bradley, Dist 3; Carson, Dist 14; Avard, Dist 12; Gray, Dist 6; Feltes, Dist 15; Danielson, Hills. 7; Rosenwald, Hills. 30; Umberger, Carr. 2; Shurtleff, Merr. 11; Hinch, Hills. 21; Health and Human Services)

18-3015
SB 574-FN, clarifying the repayment period for parental reimbursement. (Fuller Clark, Dist 21; Hennessey, Dist 5; Bradley, Dist 3; Carson, Dist 14; Gile, Merr. 27; Kotowski, Merr. 24; Messmer, Rock. 24; Cahill, Rock. 17; Wall, Straf. 6; Judiciary)

18-2812
SB 575-FN, relative to electric vehicle charging stations. (Watters, Dist 4; Birdsell, Dist 19; Feltes, Dist 15; Gannon, Dist 23; Avard, Dist 12; Fuller Clark, Dist 21; Sprague, Straf. 18; Oxenham, Sull. 1; Transportation)

18-2973
SB 576-FN, deleting the suspension of home health services rate setting. (Bradley, Dist 3; Finance)

18-2889
SB 577, requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin. (Bradley, Dist 3; Woodburn, Dist 1; Giuda, Dist 2; Avard, Dist 12; Theberge, Coos 3; Y. Thomas, Coos 3; Chandler, Carr. 1; Energy and Natural Resources)

18-2962
SB 578-FN, relative to unclassified positions within the department of health and human services. (Reagan, Dist 17; Carson, Dist 14; Gannon, Dist 23; Soucy, Dist 18; McGuire, Merr. 29; Byron, Hills. 20; Sytek, Rock. 8; P. Schmidt, Straf. 19; Executive Departments and Administration)

18-2747
SB 579-FN, relative to penalties for welfare fraud. (Gray, Dist 6; Bradley, Dist 3; Avard, Dist 12; Birdsell, Dist 19; Watters, Dist 4; Kotowski, Merr. 24; LeBrun, Hills. 32; J. MacKay, Merr. 14; Campion, Graf. 12; Finance)

18-2911
SB 580, creating class lines within the department of transportation. (Birdsell, Dist 19; Watters, Dist 4; Finance)

18-2755
SB 581-FN, relative to pharmacy benefit managers under the managed care law. (Sanborn, Dist 9; Health and Human Services)

18-2894
SB 582-FN, relative to caseload standards for child protective service workers in the department of health and human services. (Carson, Dist 14; Avard, Dist 12; Feltes, Dist 15; Soucy, Dist 18; M. McCarthy, Hills. 29; Morrison, Rock. 9; Bove, Rock. 5; Guthrie, Rock. 13; Rosenwald, Hills. 30; Health and Human Services)

18-2944
SB 583-FN, establishing a pilot program to eliminate employment barriers for certain parents. (Feltes, Dist 15; Bradley, Dist 3; Cavanaugh,

Dist 16; Fuller Clark, Dist 21; Hennessey, Dist 5; Kahn, Dist 10; Lasky, Dist 13; Reagan, Dist 17; Soucy, Dist 18; Watters, Dist 4; Woodburn, Dist 1; Wallner, Merr. 10; Health and Human Services)

18-3016
SB 584-FN, prohibiting electroconvulsive therapy on children 16 years of age or under. (Fuller Clark, Dist 21; Reagan, Dist 17; P. Gordon, Rock. 29; Kotowski, Merr. 24; Cushing, Rock. 21; Judiciary)

18-2976
SB 585-FN, authorizing the New Hampshire Breast Cancer Coalition to issue decals for multi-use decal plates. (Fuller Clark, Dist 21; Reagan, Dist 17; Hennessey, Dist 5; Gannon, Dist 23; Backus, Hills. 19; Gourgue, Straf. 25; Hansen, Hills. 22; Spillane, Rock. 2; Transportation)

18-2761
SB 586-FN-A-LOCAL, relative to casino gambling. (D'Allesandro, Dist 20; French, Dist 7; Gannon, Dist 23; Lasky, Dist 13; Woodburn, Dist 1; Ways and Means)

18-2792
SB 587-LOCAL, relative to the collection of fees for public parking facilities. (Feltes, Dist 15; D'Allesandro, Dist 20; Lasky, Dist 13; Shurtleff, Merr. 11; Ways and Means)

HOUSE MESSAGE

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

HB 101-FN, relative to certification for solid waste operators.
HB 134-FN, relative to causes for divorce.
HB 135, relative to the submission of evidence prior to hearings in divorce cases.
HB 169-FN, relative to limits on wagers in charitable games of chance.
HB 252, relative to pro se litigants under the right-to-know law.
HB 263, relative to facilities licenses for charitable gaming.
HB 267, establishing the New Hampshire transportation council.
HB 298, relative to licensing requirements for apprentice plumbers.
HB 314, relative to autonomous vehicles.
HB 410, relative to the legislative youth advisory council.
HB 485-FN, relative to standards for emerging contaminants in drinking water.
HB 492, relative to electric personal assistive mobility devices.
HB 500, relative to organizations that are authorized to issue decals.
HB 523, establishing a committee to study the use and regulation of biometric information.

HOUSE MESSAGE

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

HB 287, establishing a committee to study decriminalizing sex work.
HB 317, prohibiting the public utilities commission from increasing the system benefits charge without legislative approval.

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 2-FN-A, reducing the rates of the business profits tax and the business enterprise tax.

SB 7-FN-LOCAL, relative to eligibility for food stamps and establishing the Granite Workforce pilot program.
SB 73, relative to septic requirements in conversions to accessory dwellings.
SB 88-FN, authorizing wine manufacturer retail outlets.
SB 197-FN-A, making an appropriation to the department of justice to enforce election and lobbying laws.

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

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 122, relative to withdrawal from a cooperative school district.
HB 337, relative to municipal regulations of small wind energy systems.

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

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

January 18, 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, in these days when the night is long, do not let us grow cynical believing that our work here doesn't matter. Help us to see the light to know that what we do here matters to those that we serve. In these days when the days are cold, let not our hearts grow cold with prejudice and hatred. Warm our hearts with joy in our work so that all who live in New Hampshire may flourish. In these days when we want to huddle at home by the warm fire, help us to see our neighbor in need and make just laws that make homes a reality to all families. In these days, when we can lose hope, give us the joy of gratitude to remember that we get to participate in democracy in a great state in a great country. Give us joy of serving our constituents. Give us the joy of being with our colleagues in the Senate. Help us to find common ground, speak our minds with respect and dignity, and fight for what is good and honorable. Let us work hard in these dark, cold days so that our work may be worthy of our calling. Amen.

Senator Giuda led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President I have a number of guests to introduce. First, I'd like to introduce Mary Jo Powelson and Colby Powelson; if you could please stand up, and I'll give an introduction. Mary Jo is the wife of the late David Powelson for whom we're naming a bridge today in Senate Bill 399. David worked for the Department of Transportation in the bridge division for close to forty years and was so involved in the community. And it's just an honor to have Mary Jo, his wife, and their son Colby, so let's please give them a round of applause. Thank you.

Thank you, Mister President. It's also an honor to have some new American African leaders here in Concord with me today as my honored guests. We'll start with Ayi D'Almeida–can Ayi stand up? Or maybe he took off. He was up there before.

We'll start with Sentho Hunt. Sentho arrived into the United States at the age of 5 with her twin brother. They're both adopted from war-torn Sierra Leone in West Africa. Art is her passion and her way of self-expression, and she graduated with BFA in painting and drawing, and also works at the Concord Food Co-op bakery, and is involved in numerous community activities. Let's give a round of applause to Sentho.

I believe Ayi is back. Ayi, my friend Ayi is originally from West Africa and has been in the United States for almost ten years. He graduated from Concord High School in 2011; then UNH Wildcats, 2015, with a bachelor's in international affairs and psychology and a focus in health science. Following graduation from UNH Ayi did a year of service with AmeriCorps, and he has worked with the American Friends Service Committee, including in Concord as a grassroots and community organizer. He also works as a youth coordinator for new African Americans here in the greater Concord area. His goal is to make Concord more youth and young adult friendly and mobilizing young adults to be able to speak up and become more empowered in their community. Let's give a round of applause to Ayi.

It's also an honor, Mister President, to have Jane Yen–if Jane can stand up. Jane is a refugee from the South Sudan. She lives here with her mother and her sisters. Her work, and her aspiration, is to become a cardiovascular surgeon. She wants to excel in health care, providing health care to those who need it most, and to be a role model for young men and women both in Concord and around the world. Let's give a round of applause for Jane.

And Mister President, my last guest: it's an honor to have Martin Toe.

AYI D'ALMEIDA: He's trying to find his way up here!

SENATOR FELTES: Well, we will go ahead and give his introduction. It's going to be great to have Martin. Martin came to the United States due to civil war in Liberia. He is a member of the community group Change for Concord, which does a lot of great work in the Concord community. He's a musician, and he's author of the book *America Calls to Me*. So, in lieu of Martin's absence, and when he comes here, maybe we could do it again, but let's give Martin a round of applause. Thank you, Mister President.

INTRODUCTION OF PAGES

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. I have two special guests here today. First we have Katie Boyle. Katie is from Manchester,

New Hampshire. She's fifteen years old and a sophomore at Central High School. Katie's favorite subject is biology. She's on the varsity soccer team, girls' soccer team. They just won a state championship this past season, congratulations. And she's also part of DECA, which is Distributive Education Clubs of America. Right now, Katie wants to attend college, but right now she's concentrating on her high school career, and thank you for being here, Katie.

Now I have another special guest, who I am very close to. This is my daughter, Ryleigh Cavanaugh. Ryleigh's sixteen years old. She's a junior at Central High School in Manchester. Her favorite subject is creative writing. Ryleigh also plays varsity girls' lacrosse where she was voted the team captain as a junior coming this season; we're very proud of that. And she also participates in the DECA program. Ryleigh wants to go on to college, and she wants to attend college and major in architect, and minor in political science. Thank you for being here, Honey.

FN REPORT FOR JANUARY 18, 2018

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

CONSENT CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 324-FN, allowing an optional retirement system allowance to include a subsequent remarriage of a divorced retiree.
SB 369-FN, relative to the publication of the rulemaking register.

TRANSPORTATION
SB 396-FN, relative to gold star number plates.
SB 397-FN, authorizing the university system of New Hampshire to issue decals for multi-use decal plates.

REGULAR CALENDAR:

ENERGY AND NATURAL RESOURCES
HB 225-FN, relative to information collection concerning electric renewable portfolio standards.

HEALTH AND HUMAN SERVICES
SB 334-FN, relative to temporary licensure of allied health professionals from nearby states.
SB 376-FN, relative to the sale of certain cold medications.
SB 377-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners.

TRANSPORTATION
SB 344-FN, authorizing New England Donor Services, Inc. to issue decals for multi-use decal number plates.

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

CONSENT CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 372-FN-A, establishing positions in the office of professional licensure and certification and making an appropriation therefor.

REGULAR CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 561-FN, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 330, by Senator Sanborn

TRANSPORTATION
SB 397-FN, by Senator Birdsell
SB 399, by Senator Feltes

SPECIAL ORDER

Without objection, the following bill is special ordered to the beginning of the calendar. Adopted.

TRANSPORTATION
SB 399, naming a bridge in Concord in honor of David E. Powelson.

SPECIAL ORDER

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 371, establishing the Meldrim Thomson, Jr. Memorial Commission.

CONSENT CALENDAR

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

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

EDUCATION
SB 360, establishing a commission to study whether the department of education should be required to conduct criminal history records checks, via a fingerprint check, on all applicants for teacher certification.
Ought to Pass with Amendment, Vote 5-0. Senator Ward for the committee.

> This bill establishes a commission to study whether the department of education should be required to conduct criminal history records checks, via a fingerprint check, on applicants for teacher certification. It was requested by the department and consists of various members across the spectrum of education. The committee amendment adds a member from the Nonpublic School Advisory Council which was a request of the Roman Catholic Diocese as well as subtracts a Senator from the membership of the commission.

Senate Education
January 9, 2018
2018-0065s
06/10

Amendment to SB 360

Amend RSA 21-N:12, II(a) as inserted by section 1 of the bill by replacing it with the following:

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

Amend RSA 21-N:12, II as inserted by section 1 of the bill by inserting after subparagraph (h) the following new subparagraph:

(i) A representative of the nonpublic school advisory council of the department of education, appointed by the council.

Amend RSA 21-N:12, V as inserted by section 1 of the bill by replacing it with the following:

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 324-FN, allowing an optional retirement system allowance to include a subsequent remarriage of a divorced retiree.

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

This bill as amended allows a retiree who terminated a retirement system optional allowance following divorce, or whose spouse renounced an election, to nominate a current spouse after remarriage for a new optional allowance.

Senate Executive Departments and Administration
January 10, 2018
2018-0090s
10/04

Amendment to SB 324-FN

Amend the bill by replacing section 1 with the following:

1 Retirement System; Optional Allowances; Retiree Subsequent Remarriage. Amend RSA 100-A:13, II(a)(2) to read as follows:

(2) [~~Due to the death of a former spouse and~~] ***Following*** the retiree's subsequent remarriage, elect to nominate the current spouse as beneficiary under one of the options named in paragraph III***, due to either the death of a former spouse, the termination of an elected option under subparagraph (1), or the termination of an elected option by a former spouse under subparagraph II(b)***. The notice of election shall be on a form designated by the board. The optional allowance shall be effective the first of the month following receipt of the notice. If a retiree dies after filing such notice but before the effective date, the change shall be effective as of the date of death. The optional allowance shall be of equivalent actuarial value. Any supplemental allowances, or COLAs, granted to the retiree before the effective date of the election shall terminate on such effective date,

but the value of such COLA's shall be included in the actuarial determination of the amount of the allowance payable under the elected option.

2018-0090s

AMENDED ANALYSIS

This bill allows a retiree who terminated a retirement system optional allowance following divorce, or whose spouse renounced an election, to nominate a current spouse after remarriage for a new optional allowance.

SB 325, establishing a committee to study the consolidation of the board of mental health practice and the board of licensing for alcohol and other drug use professionals.
Inexpedient to Legislate, Vote 5-0. Senator Reagan for the committee.

This bill would have established a committee to study the consolidation of the board of mental health practice, the board of licensing for alcohol, and other drug use professionals. The testimony indicated that this legislation is not necessary.

SB 326, relative to the functions of the division of historical resources.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This legislation provides the Division of Historical Resources the ability to provide assistance to entities seeking to participate in the federal Historic Preservation Tax Incentives program. The legislation also states that the Division shall not establish historic preservation criteria that are more stringent than the federal guidelines.

SB 328, relative to attorney general membership on certain committees and repealing the criminal justice information system.
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

This legislation removes the Attorney General as a member of the Wellness and Primary Prevention Council and the OBD II testing Advisory Committee. In addition, the bill repeals the criminal justice information system program, known as J-One.

SB 369-FN, relative to the publication of the rulemaking register.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This legislation provides that the weekly publication of the rulemaking register by the Director of Legislative Services shall be made directly online. The bill removes the statutory requirement for weekly publication of the rulemaking register to be made in a hard copy format.

SB 372-FN-A, establishing positions in the office of professional licensure and certification and making an appropriation therefor.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This bill will authorize three license clerk positions in the Office of Professional Licensure and Certification and makes the appropriation therefor. This gives the Office of Professional Licensure and Certification the appropriate resources for addressing licensing applications in an expedient manner.

SB 407, relative to membership of the McAuliffe-Shepard discovery center board.
Ought to Pass, Vote 5-0. Senator Gannon for the committee.

This legislation removes the two legislative members from the McAuliffe-Shepard discovery center board. This removal was done due to the fact that the McAuliffe-Shepard discovery center is no longer operated by the state.

TRANSPORTATION
SB 396-FN, relative to gold star number plates.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

This bill as amended would allow gold star number plates to be issued to both the mother and the stepmother of a person killed while on duty in the United States armed forces. The bill provides clear criteria for stepmothers who are qualified to receive gold star number plates, and it recognizes the sacrifices made by the families of those who serve in the armed forces.

Senate Transportation
January 10, 2018
2018-0076s
03/04

Amendment to SB 396-FN

Amend RSA 261:87-c, III as inserted by section 1 of the bill by replacing it with the following:

III. A stepmother of a person killed while on duty in the United States armed forces shall only be eligible for gold star number plates if her marriage license is dated prior to the member's fifteenth birthday and the stepmother provides a copy of the marriage license to the director. The stepmother shall also be required to provide a DD Form 1300 to the director. A stepmother shall not receive plates under this section if another stepmother of the person killed while on duty holds gold star number plates furnished under this section.

2018-0076s

AMENDED ANALYSIS

This bill authorizes the issuance of gold star number plates to a stepmother of a person killed while on duty in the United States armed forces.

This bill was requested by the committee to study gold star number plates established in 2017, 29.

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

REGULAR CALENDAR

TRANSPORTATION
SB 399, naming a bridge in Concord in honor of David E. Powelson.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Senate Bill 399 would name a certain bridge in Concord going over I-393 in east Concord in honor of the late David Powelson. David worked for the Department of Transportation since 1978 where he spent his entire career committed to the safety and the maintenance of thousands of bridges across the state of New Hampshire. His friends and colleagues recognize him as a hard-working, honest, generous, and civic minded individual. And I believe the

committee came to the conclusion, certainly I did, that naming a bridge in honor of someone who committed his life to working on our bridges made a whole heck of a lot of sense. A great person, a great family, it's an honor that they're here today, and I would respectively encourage this body to approve the naming of the bridge in east Concord over I-393 informally known as the "Grasshopper Bridge" right now, to the David E. Powelson Bridge. Thank you so much, Mister President.

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

A roll call was requested by Senator Feltes, 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: (None)

The following Senators were excused: Carson.

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you very much, Mister President. I'd like to ask all of you to join with me in welcoming the bright, smiling faces of the students from Hallsville Elementary School. You have a large fourth grade class, so welcome to the New Hampshire Senate!

COMMERCE
SB 92, relative to the consumer complaint process at the banking department.
Inexpedient to Legislate, Vote 3-2. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. Mister President, I move Inexpedient to Legislate on Senate Bill 92. This bill attempts to do two things: it decreases the deadline times that banks and credit unions are required to respond to a consumer complaint by 50 percent; it also decreases the time by 50 percent of when an investigation of that complaint must occur. The majority of the Senate Commerce Committee felt that this bill was too aggressive, it was not responding to any complaints from anybody and, therefore, there were questions as to whether banks and credit unions could actually comply, not to mention the fact that this makes a disparate position between state banks, credit unions, and federal institutions. So, while we understand and agree with the fact that the job of the Banking Department is to operate on a balance of consumer protection and supporting the institutions themselves, in this case we feel that it's a solution in search of a problem, and that the existing system works pretty well by itself. So with that I would move Inexpedient to Legislate. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition to the committee report. This particular piece of legislation, Mister President, was a request of the Banking Department and it brings our complaint response timeframes down in line with surrounding states. What is the objection to this? Well, we didn't see any objection at the hearing from the industry, and the industry would aptly note that they got a response of the complaints anyways.

So moving the timeframe down so that those responses are provided in a more reasonable way in line with other states is not going to put us at a competitive disadvantage in any way, shape or form. And the notion that somehow inter-relating this with CFPB I don't think is relevant. Look, the jurisdiction of the Banking Department is for state chartered credit unions and banks; the jurisdiction of the CFPB is for the nationally chartered providers and financial services operators. And, quite frankly, the CFPB has much bulkier rules and regulations in terms of the complaint processing. This is simply bumping it up so that our consumers in the state, who, in some cases, are being harmed, are in the midst of being harmed. And bumping up those timeframes so that the complaint process moves a little bit quicker is good for consumers, it doesn't harm the industry–they're responding anyways–and so on balance it's a good piece of legislation. I think it's a reasonable request from the Banking Department. So I would request that we overturn ITL so we can do a substitute motion of Ought to Pass. Thank you, Mister President.

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

SENATOR GIUDA: The Senator from Concord, thank you for taking my question. Would this new restriction have had any effect on the FRM scandal?

SENATOR FELTES: Well, first it's not a…thank you very much for the question, Senator Giuda. It's not a new restriction, it's a…we're bumping up the timeframes to respond. If there's a complaint that's filed, the banks or the credit unions need to respond anyways. It's just bumping up the timeframes when they respond. Second, in terms of FRM, or any complaint that is potentially within the jurisdiction of the Banking Department, as you know during the FRM thing there was a lot of finger pointing about who had jurisdiction and that kind of thing. We don't need to get into it, but what I would say is if it's a relevant jurisdictional complaint with the Banking Department, this would help consumers get quicker process; not super, you know, egregious or burdensome because they've got to respond anyways, but it bumps up the timeframe. So, it's fair to say that it's slightly pro-consumer in terms of getting quicker process within the administrative process of the state. And I think we all want the state to serve our citizens better, and what this does it says let's have quicker process. And, by the way, that's not just good for consumers, that's good for the industry too to get things resolved quicker; not have it looming out there for longer periods of time.

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

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the current motion and would ask my colleagues to overturn it so that we can offer an Ought to Pass motion. And I just want to speak very briefly to this issue because I actually worked for the New Hampshire Banking Department as a staff attorney taking in complaints, and I was working for the Banking Division at the time. I want to make clear to everybody that this legislation would apply not only to banks and credits unions, but would apply to all other regulated entities, which are sales finance companies, retail sellers, mortgage companies, and others. And, I will tell you although it was years ago, in speaking with the Department, there's no question that the vast majority, I would say, in almost every instance, unless there was a really significant problem and there was back and forth, the complaints are responded to in a far more timely

fashion then is being proposed here. Most of them are resolved within days because banks, credit unions, and other entities want to do good business. They're competing with others, and to the extent someone has an issue or a complaint they want to resolve them. So, suggesting that giving a little less time for them to file their complaint, I would submit to you that over the years they've been resolved sooner than this legislation would propose anyway. And, if they aren't, and if they are not communicating with the Department in as timely a fashion, then there truly is something wrong and it is the Department's job to help provide that consumer with the resolution. This is not onerous, this is not burdensome, this is simply putting our deadlines and our practices in line with other states, with other regulators in the industry, and this is good, I think, for both the regulated entities and consumers, and I would ask you to vote down this motion so that we may offer an Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise again to remind the body that the committee did have a hearing on this, and there was no one that actually showed up in favor of this other than the Banking Commission, itself. And, again, I think the Banking Commissioner, if I had a the pleasure of sitting beside him in this building, he's a wonderful person, does a great job, I'd point to the members in this room as an example of what egregious government looks like; that the requirement for a bank that could have locations scattered throughout the state of New Hampshire from Pittsburg to Salem would get a complaint on Friday afternoon–and this legislation doesn't give them 10 business days to respond, it give them 10 days to respond. So, by the next Monday they would have to go down to their record keeping place, which could be 150 miles away, and do a full research and try and make it happen while they're still trying to actually operate their business. You know, we talk regularly in the business community about "commercially reasonable." What is a "commercially reasonable" amount of time that an operation should stop what it's doing, look into it, and respond? If there were complaints, if people had filled our hall–this is something I hear all the time, right? No one showed up in opposition, so why are we passing it? No one showed up in favor, so why are we passing it? Why are we using the power of government to put such restrictions on the business community that no one's complaining about today that gives them, literally, a week and a day to make a response? Is that reasonable? And I would submit to you that it's not. The process we have in place today works. There're no complaints saying it doesn't work. So, therefore, again, Mister President, I would ask that the body support the committee recommendation of Inexpedient to Legislate. Thank you very much.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I don't want to go back and forth on this too long, but just two quick clarifications. One is certainly legal assistance supported it, the Banking Department supported it, and I think the testimony from the industry was listed as support, was certainly, at least, neutral, and so that's a clarification from the Senator from District 9. Also, the 10 day mark, that's written in acknowledgement of the receipt of the complaint. You don't have to have your full response at that time. So I just wanted to make that clear. And, again, I encourage us to overturn ITL so we can move Ought to Pass. It's a very reasonable request by the Banking Department consistent with the processes in surrounding states. Thank you, Mister President.

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

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

The following Senators voted Yes: Giuda, French, Sanborn.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

Roll Call, Yeas: 3 - Nays: 21. Failed.

Senator Bradley moved Ought to Pass.

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

EDUCATION
SB 358, relative to reorganization of the department of education. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

Senate Education
January 9, 2018
2018-0064s
06/04

Amendment to SB 358

Amend RSA 21-N:4, VIII as inserted by section 1 of the bill by replacing it with the following:

~~XIII~~] ***VIII.*** With the advice of the state board of education, and in consultation with the deputy commissioner and the directors of the affected divisions, [~~have~~] ***having*** the authority to transfer or assign functions, programs, or services within or between any division. ***When transfers or assignments are made that require legislative action, the commissioner shall work with the legislature in the legislative session immediately following such transfers or assignments to codify such transfers or assignments in law.***

Amend RSA 21-N:5, I(i) as inserted by section 1 of the bill by replacing it with the following:

(i) Assuring compliance with all federal and state equal opportunity and access requirements, including, but not limited to, those federal requirements concerning awareness and elimination of discrimination on the basis of sex, race, language, national origin, or disability, and state requirements in accordance with RSA 354-A.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 358 Ought to Pass with Amendment. At the request of the Department of Education, this bill makes changes to reorganize the Department, including modifying the duties of the Commissioner and Deputy Commissioner. Further, the bill changes the names of several divisions within the Department to more appropriately reflect each of their roles. The committee amended the bill to ensure that the Department will consult with the legislature when transfers or assignments are made within the Department that require legislative action. This legislation will help to allow the Department to carry out the responsibilities and objectives in the most efficient way possible. Therefore, the entirety of the Education Committee asks for your support in the motion of Ought to Pass with Amendment on Senate Bill 358. Thank you, Mister President.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you very much, Mister President. I'd ask all of you to join with me in welcoming the smiling faces from the fourth grade Hallsville Elementary School. Thank you for being with us today.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise in support of the amendment, and I did want to take an opportunity to thank the committee Chair, the Senator from District 17, for all his hard work on this legislation, which really began almost a year ago. As the Chairman said, it does codify necessary changes in the Department of Education, which we heard about and support. I just did want to confirm the intent of the amendment, which you can see before you on page 6 of the calendar, and it does two things. Indeed, it confirms what we went through this whole process about that there will be this process of consultation as is necessary in statute when changes are made that need to be codified in law. And then secondly, and also importantly there's an amendment here that deals with the classes protected from discrimination. And it's important and was felt to be important by the Department of Education to have this in their own statutory law, but the change here wanted to make sure that there's also reference to RSA 354-A, which is where we codify all the protections afforded. And also, 354-A does make reference to the underlying federal civil rights statutes which govern these as well. And this also can be useful as well so that if there are additional changes made in protected classes we don't have to come back and amend it just for the Department of Education. So, this is a very useful and important bill, and I'm pleased to support it. 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.

PRESIDENT MORSE: Before I accept a motion from Senator Bradley to the Powelson Family, one of our Senators, her husband got in a car accident and she just arrived, and I believe she wants to vote on your naming of a bridge so we're going to revote on it. So you'll get it twice in one day.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I appreciate the explanation. Our colleague from Londonderry was unavoidably detained helping her husband who had a car accident, and I'm told that everything is fine. And, obviously, we'd like for all twenty-four of us to be able to honor the Powelson Family and sign the sheet that comes with a roll call for your record. So, in order to do that, Ma'am, I would move that we reconsider our vote on Senate Bill 399 so that I can offer the Ought to Pass motion subsequently.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 399, naming a bridge in Concord in honor of David E. Powelson, the bill having been previously found Ought to Pass. Adopted.

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

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

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.

ENERGY AND NATURAL RESOURCES
SB 321, relative to group host net energy metering.
Ought to Pass, Vote 3-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mr. President. I move Senate Bill 321 Ought to Pass. This bill removes the requirements that net energy metering group host customers be default service customers of the same distribution utility as the host and that they are responsible for certain costs. Senate Bill 321 will allow those who take part in group net metering to access competitive rates through third party supply. The legislation removes an unnecessary barrier that prevents a consumer's energy choice and allows them to have lower energy costs. Senate Bill 321 further repeals the requirement that group net metering hosts be responsible for the costs in upgrading their utility's information systems to allow for group net metering. The Senate Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass on Senate Bill 321. Thank you.

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

SB 367, relative to public utilities commission review of group host agreements.
Ought to Pass, Vote 4-0. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. Mister President, I move Senate Bill 367 Ought to Pass. This bill removes the review by the Public Utilities Commission of net metering group host agreements and eliminates certain payment adjustments for small residential group host systems. Senate Bill 367 alleviates the PUC from an administrative burden. Currently, the PUC must review and report on each group host's generation in the state to ensure it is less than or equal to the consumption of all the members. Most reports reflect that the generation produced is accurate for small group hosts. This bill will exempt group hosts with less than 15 kilowatt hours of generation from the reporting requirement. Given the rise of applications for group net metering at the PUC, Senate Bill 367 will free up resources at the Public Utilities Commission to better address other issues, and it will reduce red tape on both public utilities and the private sector, including smaller businesses and users. The Senate Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass on Senate Bill 367. Thank you.

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

HB 225-FN, relative to information collection concerning electric renewable portfolio standards.
Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources
January 9, 2018
2018-0073s
10/05

Amendment to HB 225-FN

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

1 Electric Renewable Portfolio Standard; Information Collection. RSA 362-F:8 is repealed and reenacted to read as follows:

362-F:8 Information Collection.

I. By July 1 of each year, each provider of electricity shall submit a report to the commission, in a form approved by the commission, documenting its compliance with the requirements of this chapter for the prior year. The commission may investigate compliance and collect any information necessary to verify and audit the information provided to the commission by providers of electricity.

II. The commission shall adopt rules governing the reporting requirements under paragraph I that are designed to minimize the administrative costs and burden on electricity providers.

III. Beginning October 1, 2019 and by October 1 of each subsequent year, the commission shall disclose the information collected under paragraph I as public information in the commission's annual report pursuant to RSA 362-F:10, IV. No information shall be disclosed to the public that is confidential as defined by public utilities commission or NEPOOL Generation Information System rules.

IV. The commission shall provide as part of the annual renewable energy fund report, pursuant to RSA 362-F:10, IV, renewable portfolio standard compliance costs and average electric rate impact; renewable energy certificate versus alternative compliance payments comparison; and alternative compliance payments by class and provider of electricity.

V. The commission shall complete the rulemaking process and submit requests to the administrator of the NEPOOL Generation Information System that are necessary to implement this section no later than April 1, 2019.

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

2018-0073s

AMENDED ANALYSIS

This bill modifies the requirements for annual reports by providers of electricity concerning electric renewable portfolio standards and the disclosure of such information by the public utilities commission.

SENATOR BRADLEY: Thank you, Mister President. I move that House Bill 225-FN Ought to Pass with Amendment. The bill modifies the requirements for annual reports by providers of electricity and renewable energy certificates concerning the renewable portfolio standards. This bill, as amended, will grant more transparency to ratepayers about how electricity providers are complying with the renewable portfolio standard. The bill will also provide energy consumers information about renewable portfolio standard compliance costs and its impact on electric rates. The Senate Energy and Natural Resources Committee asks for your support on the motion of Ought to Pass with Amendment. Thank you.

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

SENATOR GIUDA: Thank you, Senator, for taking my question. In the amendment it says, "No information shall be disclosed to the public that is confidential as defined by PUC or NEPOOL Generation Information System rules." What are we withholding? And I don't mean that in any way as a slur. I'm just curious as to what information that might be.

SENATOR BRADLEY: Well that would be confidential information about a renewable certificate that has been established by the NEPOOL rules for what's confidential in terms of how competitors compete with each other.

SENATOR GUIDA: Will that include any rate information?

SENATOR BRADLEY: No, not to my knowledge.

SENATOR GIUDA: Thank you.

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

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 561-FN, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.
Ought to Pass with Amendment, Vote 4-1. Senator Carson for the committee.

Senate Executive Departments and Administration
January 11, 2018
2018-0110s
10/03

Amendment to HB 561-FN

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

AN ACT relative to part-time employment of a retirement system retiree by a participating employer.

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

1 Retirement System; Definition; Part-Time. Amend RSA 100-A:1, XXXIV to read as follows:

XXXIV. "Part-time" for purposes of employment of a retired member of the New Hampshire retirement system but excepting per diem court security officers and court bailiffs, means employment [~~during a calendar year~~] by one or more ***participating*** employers of the retired member which shall not exceed [~~32 hours in each normal calendar week. Employment in some instances may exceed 32 hours in any normal calendar week provided that in such case, the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.~~] ***1,300 hours in a calendar year, except as provided in RSA 100-A:7, II or RSA 100-A:7-b. Notwithstanding the foregoing, no retired member shall be employed on a part-time basis by any participating employer for a period of 28 days from the member's effective date of retirement.***

2 Restoration to Service; Working After Retirement. Amend RSA 100-A:7 to read as follows:

100-A:7 [~~Restoration to Service~~] ***Working After Retirement; Exceeding Part-Time Hourly Limit***.

I. [~~If a disability beneficiary or any other beneficiary is~~] ***Any retired member returning to work for a participating employer in a position requiring mandatory membership pursuant to RSA 100-A:3 shall be*** restored to service[~~,~~] ***and*** the [~~beneficiary's~~] ***retiree's*** retirement allowance shall cease, the [~~beneficiary~~] ***retiree*** shall again become a member of the retirement system***,*** and the [~~beneficiary~~] ***retiree*** shall contribute at the percentage payable pursuant to RSA 100-A:16, I(a). Anything herein to the contrary notwithstanding, any credit for membership service and for any prior service on the basis of which the [~~beneficiary's~~] ***retired member's*** creditable service was computed at the time of [~~the beneficiary's~~] ***his or her*** former retirement shall be restored to full force and effect; upon subsequent retirement, the [~~beneficiary~~] ***retiree*** shall receive a retirement allowance based on [~~the beneficiary's~~] ***his or her*** combined creditable service and [~~the member's~~] average final compensation.

II. The employment of a retired member who, in any calendar year, is employed part-time by a participating employer in a position for which the employer provides prior notice to the retirement system that the position will exceed 1,300 hours in the calendar year but not exceed 1,600 hours in the calendar year, shall be subject to a surcharge on the compensation paid for such position. The employee shall have deducted from his or her salary or wages paid by the employer a surcharge of 3 percent of such compensation. The employer shall be subject to a surcharge of 5 percent of such compensation paid. The employer shall cause such surcharge amounts to be paid to the retirement system at such times as may be designated by the board of trustees and credited to the state annuity accumulation fund for the benefit of the retirement system. The surcharges collected are not contributions of a member and shall not accrue to the benefit of the retired member paying the surcharge.

III. Any retired member who, in any calendar year, works part-time for one or more participating employers and exceeds the maximum permitted hours as provided in RSA 100-A:1, XXXIV or the maximum hours provided in paragraph II, shall forfeit the state annuity portion of his or her retirement allowance, and any allocable cost of living adjustments, with such forfeiture commencing as soon as administratively feasible in the next calendar year and continuing for a period of 12 months.

IV. The board of directors of the retirement system shall adopt rules as necessary to administer and enforce the provisions of this section.

3 Annual Notice Required. Amend RSA 100-A:7-a to read as follows:

100-A:7-a Certain Part-Time Employment; Notice Required. The retirement system shall annually provide written notice to all retired members of the retirement system of the [~~hourly~~] limitations on part-time employment as defined in RSA 100-A:1, XXXIV ***and RSA 100-A:7, II*** and the potential effect that exceeding such hourly limitations could have on the retired member's retirement benefits, including restoration to service as required in RSA [~~100-A:7~~] ***100-A:7, I and the forfeiture of the state annuity portion of his or her retirement allowance under RSA 100-A:7, III***.

4 Certain Part-Time Employment; Emergency Exception. Amend RSA 100-A:7-b to read as follows:

100-A:7-b Certain Part-Time Employment; Emergency Exception. The [~~hourly~~] ***annual*** limitations on part-time employment as defined in RSA 100-A:1, XXXIV shall be modified for retired members [~~who exceed the 32-hour limit while providing assistance~~] ***to exclude any hours worked*** during an emergency under this section. [~~While providing assistance during an emergency under this section, a retired member may exceed the 32-hour limit in a calendar week provided that the member has not exceeded 1300 hours in the current calendar year.~~] For purposes of this section, an emergency includes any event declared by the governor or while working under the direction of the director of the division of forests and lands during woodland fire control. ***Employers shall include hours worked during an emergency as a separate entry in the report required in RSA 100-A:16, VII(a).***

5 Retirement System; Employer Reports. Amend RSA 100-A:16, VII(a) to read as follows:

VII.(a) Every employer shall report to the retirement system [~~monthly~~] ***annually***, in a format provided by the retirement system, all compensation paid by***, and the total hours worked for,*** the employer [~~to retired members~~] ***by each retired member*** of the retirement system, including the name of, and the total hours worked, for each retired member of the retirement system, except that an employer shall not include in the report the compensation and hours worked by a retiree for serving as an elected state official or as an elected official of a political subdivision in either a group I or group II position.

6 Application to Existing Part-time Positions. The amendments to the provisions of RSA 100-A made by this act shall not apply to a retired member working in a part-time position for a participating employer for the position in which the retired member is employed on the effective date of this act.

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

2018-0110s

AMENDED ANALYSIS

This bill changes the limit on part-time employment of a retirement system retiree to an annual 1,300 hourly limit, or up to 1,600 hours if a surcharge is paid by the retired member and employer, and prohibits part-time employment in the first 28 days after retirement. The bill also establishes a penalty for retired members' exceeding the annual part-time hourly limits.

SENATOR CARSON: Thank you, Mister President. I move House Bill 561-FN Ought to Pass with Amendment. This bill, as amended, reflects recommendations and some modifications to those recommendations of what was suggested and passed by the Decennial Commission. An amendment was brought forward, and a hearing was scheduled on the amendment to House Bill 561 to address concerns from municipalities, police, and other concerned retirees.

As you know, the retirement system has an unfunded liability of approximately $5 billion. We, as legislators, are constitutionally held responsible to insure the retirement system continues for all retirees–past, present, and future. Accordingly, we came up with the best solutions possible to continue on those paths. One of the first changes included an adjustment to the employer report to an employee reporting so employers will report to the retirement system all compensation paid by, and the total hours worked for each retired member of the retirement system on a yearly

basis, rather than monthly, which is what the reporting requirement is presently. Part-time, in terms of employment of a retired member of the New Hampshire Retirement System, by one or more participating employers shall not exceed 1,300 hours in a calendar year. A retired employee shall not begin employment with a participating employer for 28 days from the member's effective date of retirement.

A restoration of service is now part of this legislation for when an employee exceeds the part-time hourly limit. If hours are exceeded retirees retirement allowance shall cease, and the retiree shall again become a member of the retirement system, and the retiree shall contribute to the percentage payable pursuant to RSA 100-A:16. A retiree who is employed part-time is noticed by the employer the position will exceed 1,300 hours in a calendar year, but not exceed 1,600 hours, shall be subject to a surcharge on the compensation paid for such position. The employee shall have deducted from their wages a surcharge of 3 percent for such compensation. The employer shall also be subject to a surcharge of 5 percent of such compensation paid. These surcharges will be paid to the New Hampshire Retirement System and will be credited to the state annuity accumulation fund for the benefit of the retirement system. These surcharges are not considered contributions of a member and shall not accrue to the benefit of the retired member paying the surcharge. A retired member, who works part-time for one or more participating employers, and exceeds the maximum permitted hours, shall forfeit the state annuity portion of their retirement allowance, and any allocable costs of living adjustments. This forfeiture commences as soon as administratively feasible in the next calendar year and continues for a period of 12 months. For existing part-time positions, amendment to the provisions of RSA 100-A made by this act shall not apply for any part-time position in which a retired member is employed on the effective date of this act.

It should also be noted there that there are emergency exceptions to this legislation.

Mister President, the Decennial Commission worked long and hard to find solutions to some of the more pressing issues they found within the Retirement System. The ED&A Committee voted 4-1 Ought to Pass with Amendment and asks for your support in continuing to keep the New Hampshire Retirement System moving in the appropriate direction. Thank you very much, Mister President.

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

SENATOR FULLER CLARK: Thank you, Senator Carson. One concern that I had is we're trying to address the opioid crisis in this state, and that many of our smaller towns rely on part-time employees to help with that situation. And the other situation has to do with the issue of trying to stop the internet abuse for crimes against children; and, also, many of the people that work in that area are also part-time employees. My concern is that is there any way to provide…did you consider providing an exemption for these particular situations which border on being an emergency, and may, if we continue with this legislation without such an exemption, make it more difficult for us to address those very serious situations in the state?

SENATOR CARSON: Thank you very much for the question, Senator. As you know, there is an emergency provision in here. And if the Gov-

ernor should declare a state of emergency, anybody who needed to work over, they would be covered. They would not be held to what the statute says. But, right now, under this legislation the employee can work 1,300 hours a year. That can work out to 25 hours a week, and there's no penalty whatsoever. There's no surcharge. And we set it at 25 hours a week because many municipalities, both for people that are working for a municipality as well as police, have 25 hour a week positions. We also have the 1,300 hours to address communities like the good Senator from District 24's communities that he represents that really employ a lot of seasonal employees, and they're covered. So, I do think that the legislation would allow for those types of situations that you have talked about this morning, plus the fact that if the Governor does declare a state of emergency people would be able to work more hours and not be penalized.

SENATOR FULLER CLARK: Do you know on what criteria the Governor is allowed to declare a state of emergency?

SENATOR CARSON: Senator, no I do not.

SENATOR FULLER CLARK: Thank you.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. I rise in opposition to the motion before you. My reasoning has been stated, and restated, and misstated by others. There's an attempt here to make you think that some action that we take is going to improve the financial condition of our bankrupt retirement system. And this action here will do nothing of the sort. The actuaries for the system have stated that punishing people who want to work, and punishing employers, the counties, and the towns by restricting whatever business they want to conduct with whoever they want to conduct it, will not help the financial stability of this retirement system. This hurts the towns, hurts the counties, hurts the Department of Corrections to restrict and make tremendous requirements for reporting on people who have earned their retirement, and they're collecting their retirement, and they're none of our business anymore. They fulfilled their part of the annuity contract, they paid in, they were awarded their pensions, they're free agents. But now, for some reason, because we think they already have enough money for themselves, that we should punish them, and the employers who are in desperate need of the services of many of these retirees, and are entitled to hire whoever they want to hire, that somehow this is going to help the bankrupt retirement system? So, things haven't changed since I was on the first Decennial Commission ten years ago, and things have improved slightly, but we still fail to take the action that we need to take in the retirement system and Band-Aids like this that punish the counties, the towns, and the retirees are not the answer.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and look around the room and think about who was in this room the last time we talked about retirement with the legislation put forth by the Senator from District number 3. Not a lot of us that were here back then, but all of us that were here kind of remembered what happened. It was a more than robust discussion, and the concern was, as it always has been, that if I think if I remember back, what was it now seven years ago, that the retirement program was short like $5 billion. Seven years later it's still short like $5 billion. So it makes me raise

and question, at the get-go, Mister President, holistically, why on God's green earth would anyone who is a state employee or a retiree want the legislature to be managing their money? Because clearly, we haven't done our job. Now that's not to say, at any level, that the legislation that I supported, and I think that people on SB 3 did great work on, but the system's not funded. The system, even though the stock market, I think, cracked 26,000 yesterday, Mister President; we still have a hole that's the size of an annual spending budget for the state of New Hampshire. I have advocated then, I advocate today that we should give people their money back and allow them to go do 401(k)s, and manage their money acknowledging that based upon the decisions that have been made by everybody–by state employees, by the state, by the municipalities–we now have a hole. But the part that bothers me more above that, and why I rise in opposition to this bill, is the staggering proposition that we are debating using the power of government to tell people they cannot work. We're sitting here debating using the power of our government to tell people that want to work that we're not going to allow them to work. How can we possibly think that's a good idea? Now granted, some, Mister President, will rise and say well that's just if they work for a municipality. To me it doesn't make a difference where you work. As a business owner, we're struggling so hard today to find people that will show up and work at our companies across the state. My average payroll is up 40 percent as the free market works, as the free market should–and that's the price we pay for believing in the free market–that we're trying to do everything we can in our power to find people to work. But sitting here today, considering a piece of legislation that limits peoples' ability to work by the power of this legislature is not what I believe that this body should be about. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise with a couple of messages and thoughts. One is that I believe that the Senator from District 14, along with the other members of the Decennial Commission, and others in the body who have struggled with the retirement system, and retirees, and their ability to work, I think that they've devoted a considerable amount of time, I respect the positions that they've taken, and that they're offering today. The amendment that's coming forward would not necessarily be the one that I would want to write if I was doing something on behalf of the communities in western New Hampshire that I represent. I will vote in favor of this amendment because I believe that it is moving us closer to where those communities want us to end up. I will also be offering an amendment following our vote on this one, which would move us even further towards where those towns want to be. And, frankly, what that is, is that they are employing people at 30 hours a week, and these are not the top ranked officers; these are part-time positions that are filling needs of bailiffs, and issuing the warrants, and non-patrol work on the police side and emergency services, and code enforcement on the fire safety side. And it's in the spirit of wanting to support those communities and 30 hour a week positions that they have that I would be offering that amendment later. But in order to move this closer to a desirable end I will be voting in favor of this amendment, and then will rise again to ask the consideration of the body of another amendment.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you, Mister President. I think a little history lesson is in order going back to 2011 when several of us, not

a majority, but several of us debated, rather profoundly, Senate Bill 3 in 2011. And while I would agree with my colleague from Senate District 9 that the unfunded accrued liability has remained at $5 billion and that's troubling, problematic and it's actually worse than troubling and problematic, it's really a problem. Our unfunded liability, as I recall, the percentage has moved from 55 percent unfunded to 61 point, I believe 6 percent unfunded. So, we are making progress. Still a problem, but we're making progress. The reason why it's not higher than 61.6 percent is the Retirement Board has recently lowered the expected rate of return on the assets that are invested. When I served on the Retirement Board in 2011 the assumed rate of return was 8.5 percent. The Board moved it down to 7.75 percent. The Board, again, has moved it down to 7.25 percent, and when that happens rates have to go up and the unfunded liability, as a result of that, also goes up because you're assuming less return on those assets. That's realistic, it protects taxpayers, and it should have been done a long, long time ago.

Going back even further than that, and while some would argue, I would make the case that we had two other big problems: we paid benefits over and above what were statutorily required, and municipalities were not contributing enough to the system. And the confluence of those three things–the municipalities not contributing enough, benefits more than statutorily required, and an overly high assumed rate of return–led to the problem that this body confronted, and I think made significant improvements in 2011. I would agree with my colleague from Deerfield, this is not as big an issue as we confronted in 2011. That being said, in my conversation with the retirement system officials last week, they said the actuaries are keeping close tabs on this situation so that it doesn't become a problem. And what our friend from Londonderry's amendment does is try to tighten up the system to benefit the system to make sure that we don't end up as we did in 2011 with skyrocketing rates as a result of mistakes made, and problems unattended to, in the past. And not every everybody will agree with this, and the art of a good compromise is that everybody leaves upset, but something gets done to improve the outcome. That's the elegant compromise our friend from Londonderry has come up with. When this bill was on the floor two weeks ago, any of the, I think it's almost 500 employees that are between the 1,300 hours and 1,600 hours, were not going to be exempt. Our friend from Londonderry's amendment exempts them. So, every one of us probably has small towns in our district that those towns are availing themselves of people working less than 32 hours and not contributing to the retirement system. They are exempted, and let's make it clear that that's the case and it should be the case.

The second thing that our friend's amendment does is to rebalance, if you will, the responsibility of the employers; not just municipalities, but the state, the counties, and the school boards. And when the actuaries look at the overall cost and set the rates for each individual category–municipal employees, teachers, firefighters, police officers–they look at the actuarial tables, life expectancy, assets in the bank, so to speak, and then they set the rate. So that 5 percent that's in our friend's amendment will rebalance, on the other hand, the rate that would be set on the full-time employees. So there should be minimal impact on state, municipalities, counties, and school boards because it's a pot, and it's how you get to the ultimate amount of dollars needed in the pot. So that 5 percent minimizes, on the other hand, what the rate would be on the full-time employees.

In terms of the employee, when we debated Senate Bill 3, and I remember, may have a lot of gray hair, and I refer to myself as a "geezer," I think that bill made me a "geezer." Don't you agree with that my friend from Manchester? Made me a "geezer." It was stressful, we were all stressed out, and that was the 32 hour per week was the compromise that was the most difficult to come to. Our friend from Portsmouth, or Hampton, a former friend, a current friend–I'm referring to Senator Stiles–was a very, very…former friend! Man, I am a "geezer!" She was very, very strong in advocating, as our current friend from Senate District 24 has been, that the town of Hampton and Laconia, in our friend from District 7s district, need to have for bike week, or Hampton Beach, part-time employees that are retired police officers, often times, and able to help out. And so that's why we put in the 32 hour per week stipulation. But it's come to the point that it's not just part-time police officers, or bailiffs, or court security, or prison guards, but it's also others that are becoming part-time fire chiefs and police chiefs that really ought to be contributing to the retirement system in my view. Not everybody shares that view, and we would respectfully disagree, perhaps, on it, but I believe that they should be. And so, for the opportunity, if you will, to work between 1,300 and 1,600 hours, now, we ask that person who is retired and is receiving a retirement check to pay 3 percent toward the actuarial, unfunded liability and the rates necessary to fully balance out the retirement system. I think that's a pretty good compromise. Is everybody going to be happy with it? No. I understand that, but in the long run if we don't tighten up this, what I call a 32 hour loophole, more and more opportunities are going to exist for current positions to be reclassified as 32 hours or less, avoiding the retirement system benefits, which will put more stress on the full-time positions and lead to disparities between towns that do full-time and towns that do 32 hours or less. And so, in the spirit of a difficult compromise that protects the viability of the retirement system, which is vitally important, which protects all tax payers in the state whether they be local, school, county, or state, I think that the amendment that our friend has put forward is a compromise that balances all those interests. And the stipulation has been made that people aren't going to be able to work. That's just simply not the case. They'll be able to work. Anybody currently under today's law that works more than 32 hours is expected to go back into the system. Now the municipalities, schools, counties, the employers will not see added cost because the 5 percent balances it out in one form or another, and those people that were newly formed positions will work between 1,300 and 1,600 hours will be asked to contribute 3 percent of their salary as they work and collect a retirement check. I think that's a balancing of difficult situations. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in support of the Committee Amendment and the hard work that we did in a bipartisan fashion to craft a solution. A lot has already been said; I don't want to repeat what's been said although I do think it's worth emphasizing what my colleague from District 3 said, which is that this system and its current unfunded liability is due to a number of factors including a 20 year holiday that communities had and benefited from, but at the same time employees never got, and continued to make full contributions to. But I would also state that something you may not have all heard because there were five of us on the committee when we were at the hearing, the hearing that we had this past week to consider this

amendment and to prepare this amendment brought a lot of issues to light, and the suggestion was actually offered by people who are working part-time, that they would be willing to pay something into the system. So, I certainly credit the work of my colleague from District 15, but we were actually offered a lot of constructive ideas in putting this together. This isn't something that we came up, this was something brought to us by those people who have skin in the game, who are retirees, who are working part-time. And as my colleague from District 3 said, you know, some of the best compromises are ones where everybody leaves disappointed. Everybody feels like they gave something up. I think this compromise strikes the perfect balance. I think it's short of where I might like, but it's something that I think we all need to recognize is an important step for the sake of the system. I think it's unfair to characterize the system as bankrupt, with due respect to my colleague beside me. The system is on track, communities and those employees that are involved are on track to continue to pay off the unfunded liability. We are going to reach a point in the very near future where the unfunded liability portion is going to start to decrease. And when you look at just the regular pension costs, it's going to be a good deal, a much better deal. But these things take time and that time has started to occur, it's not quite there, it will. But this additional piece–the other problem is that it's a bit of a thorn in the side of some of the tax payers who look at the system when they see somebody collecting a full pension and then working 32 hours. I hear from people that they don't think it's fair. That somebody who worked a full-time job for 30 or 40 years collects a sizable pension then goes and takes, what in many cases really is a full-time job, but they work only 30 or 32 hours so they can characterize it differently and are then collecting a salary over and above that. I know a lot of my constituents don't like that; would like to see it banned altogether. I'm not suggesting that today, but I am suggesting that the Committee Amendment is a bipartisan solution that really goes a long way towards addressing this problem. So I'd ask all of you to support it. It's a good first step. Thank you.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: I'd like to correct a misthought here. Part of the reason blamed on the shortfall was the failure of the towns to make large enough contributions. This was not a decision of the towns. The employers had no part in that decision. The rates and the punitive rates, and the request for payments all come from the state legislature. So, the towns as employers, and the counties as employers are victims of the actions of the legislature. The legislature created this retirement system, mismanaged it–and I've got the history if anybody wants to know what the real history is–and now we're mad at the towns, we're mad at the people that participated in the system, we're jealous because retirees are making more money than we think they should, or more money than we earn, and so we think we should correct that by punishing them. But nothing you do in this amendment and in the underlying bill will do a thing to improve the financial condition of the retirement system. In the end, the state will have to pay the unfunded shortfall. This doesn't help anything but harms the towns and counties directly. So that's why I'm a no vote on anything to do with pretending we're fixing the retirement system.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President, just a point of clarification. I've been contacted by the lobbyists for the counties. The counties are in favor of this amendment. Thank you.

The question is on the adoption of the Committee Amendment.

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

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

The following Senators voted No: Ward, Daniels, Reagan.

Roll Call, Yeas: 21 - Nays: 3. Adopted.

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10
Sen. D'Allesandro, Dist 20
January 18, 2018
2018-0172s
06/10

Floor Amendment to HB 561-FN

Amend the bill by replacing sections 1-3 with the following:

1 Retirement System; Definition; Part-Time. Amend RSA 100-A:1, XXXIV to read as follows:

XXXIV. "Part-time" for purposes of employment of a retired member of the New Hampshire retirement system but excepting per diem court security officers and court bailiffs, means employment [~~during a calendar year~~] by one or more ***participating*** employers of the retired member which shall not exceed [~~32 hours in each normal calendar week. Employment in some instances may exceed 32 hours in any normal calendar week provided that in such case, the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.~~] ***1,560 hours in a calendar year, except as provided in RSA 100-A:7-b. Notwithstanding the foregoing, no retired member shall be employed on a part-time basis by any participating employer for a period of 28 days from the member's effective date of retirement.***

2 Restoration to Service; Working After Retirement. Amend RSA 100-A:7 to read as follows:

100-A:7 [~~Restoration to Service~~] ***Working After Retirement; Exceeding Part-Time Hourly Limit***.

I. [~~If a disability beneficiary or any other beneficiary is~~] ***Any retired member returning to work for a participating employer in a position requiring mandatory membership pursuant to RSA 100-A:3 shall be*** restored to service[~~,~~] ***and*** the [~~beneficiary's~~] ***retiree's*** retirement allowance shall cease, the [~~beneficiary~~] ***retiree*** shall again become a member of the retirement system***,*** and the [~~beneficiary~~] ***retiree*** shall contribute at the percentage payable pursuant to RSA 100-A:16, I(a). Anything herein to the contrary notwithstanding, any credit for membership service and for any prior service on the basis of which the [~~beneficiary's~~] ***retired member's*** creditable service was computed at the time of [~~the beneficiary's~~] ***his or her*** former retirement shall be restored to full force and effect; upon subsequent retirement, the [~~beneficiary~~] ***retiree*** shall receive a retirement allowance based on [~~the beneficiary's~~] ***his or her*** combined creditable service and [~~the member's~~] average final compensation.

II. Any retired member who, in any calendar year, works part-time for one or more participating employers and exceeds the

maximum permitted hours as provided in RSA 100-A:1, XXXIV, shall forfeit the state annuity portion of his or her retirement allowance, and any allocable cost of living adjustments, with such forfeiture commencing as soon as administratively feasible in the next calendar year and continuing for a period of 12 months.

III. The board of directors of the retirement system shall adopt rules as necessary to administer and enforce the provisions of this section.

3 Annual Notice Required. Amend RSA 100-A:7-a to read as follows:

100-A:7-a Certain Part-Time Employment; Notice Required. The retirement system shall annually provide written notice to all retired members of the retirement system of the [~~hourly~~] limitations on part-time employment as defined in RSA 100-A:1, XXXIV and the potential effect that exceeding such hourly limitations could have on the retired member's retirement benefits, including restoration to service as required in RSA [~~100-A:7~~] ***100-A:7, I and the forfeiture of the state annuity portion of his or her retirement allowance under RSA 100-A:7, II***.

2018-0172s

AMENDED ANALYSIS

This bill changes the limit on part-time employment of a retirement system retiree to an annual 1,560 hourly limit and prohibits part-time employment in the first 28 days after retirement. The bill also establishes a penalty for retired members' exceeding the annual part-time hourly limits.

SENATOR KAHN: This amendment, Mister President, members of the Senate, this begins to address the concerns that I mentioned earlier. It sets a limit per year of a part-time employee defined as 1,560 hours. That is essentially a 30 hour per week over an entire year. It's that 30 hour number that has been conveyed to me by the towns of Walpole and the city of Keene as a work week that they have used traditionally for many years in the hiring of part-time employees. Again, these part-time employees are not chiefs, these are staff positions; they are retired officers who can carry out "non-beat" functions, so to speak; the bailiffs, the court officers, the administering and distributing of warrants. And on the fire safety side it is the EMS and code enforcement personnel. In other words, these are positions that the departments are having difficulty finding even part-time workers to fill. So, when they convey to me that that 30 hour week is where they're at, that they understand the intentions of the previous amendment to HB 561, but if they were designing it, and if they were making the recommendation for their state Senator, they have recommended to me that we set a limit at 1,560 hours. This retains the 28 day wait period and retains the forfeiture section. It does not retain the section on payments made by municipalities or employees between 1,300 and 1,600 because it could become irrelevant in this case. So, I rise to offer that I think we have made good progress on the previous amendment, and if you have towns and you believe that moving further to the 1,560 allowing for 30 hours work per week without constraint then you would support this amendment. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of Amendment 0172. I think a couple of things have happened today that I think are significantly important. We had a

great history lesson from the Senator from District 3 as to what happened over an extended period of time. I was here at the time, and at that time I was opposed to the changes. Some of them were good; some of them not so good. The piece of legislation we have today is a manifestation of hard work. I understand that. A problem arose, but that problem was in the making by the municipalities who created this situation. And I'm talking about the deals that were made between retirees and municipalities. And as a result, there were people who were receiving significant retirement, and took a job that gave them even further remuneration. That's a problem. This amendment deals with that problem. But it's the individual who needs 30 hours a week. That individual retires at $12,000 a year in many instances. And I gave a breakdown to my colleagues about the number of people retired, when they're retired, and what they receive in terms of retirement benefits. Retirement benefits on average are about $39,000. That's for everybody in the system. Now the grievous situation that was created is the $100,000 person who then takes a job at 90,000. That's taken care of in both of these amendments. That's a grievous offense. The Roman Catholics would call that calumny. That's a new word for everybody. Calumny is a grievous offense against the Lord. That is a grievous offense if you retire at 100,000 on Thursday and on Friday take a $90,000 job. That's not a good thing. That's not the reason why we have a retirement system. But I'm thinking of the state employee who busted their back and retired at $12,000. That's not enough to pay the bills so they get a job. That job in the 1,560 says you can work 30 hours a week; that's if you take it in that vein. But if you take it in aggregate at 1,560 and there's an emergency situation you could work 40 hours that week. But, indeed, you could never exceed the 1,560. That's what we're trying to do here. We're trying to help the police, who need our help. You can't get policemen. You know we offer tests, and nobody is showing up. So, they need part-timers to fill in. We all want public safety. We demand public safety, right? Isn't it something that we have earned? There are shootings in my district almost every day. The breaking and entering's have become unbelievable in my area. Crime rate is really soaring as a result of the drug problem, which again we're trying to deal with. So, by inserting 1,560 and keeping the 28 days, what we've done is, I think, address the problem which was very well addressed by the committee, but we've also taken care of the person who needs the job, and the community that can't get people. We all saw the article in the *Union Leader* 17,000 jobs could not be filled because we can't find workers. We can't find workers. While on the safety side we have to have workers so we do the best we can with what we've got. I would hope that my colleagues will look at this in that vein. A good job was done by the committee, I appreciate that. The Chair and the members of the committee brought forth something for us to digest. What we bring forward is a little bit more in terms of the hours. You go from 1,300 to 1,560; that's 260 hours more, and not less. And as a result of that I think we satisfy almost everybody. And as my colleague from District 3 said, you can't satisfy all of the people all of the time, but you can try to do some of the people some of the time. Thank you, Mister President.

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

SENATOR GANNON: I like what you're doing in idea, but I don't see the difference between the guy getting the 12,000 retirement and the 100,000 isn't really dealt with here.

SENATOR D'ALLESANDRO: Well, it's dealt with in the time for taking the job. But I agree with you, that's the real problem, Senator, and that's something that we really have to address. That's a fairness situation that's really, really become highly problematic.

SENATOR GANNON: If you had addressed it here, I'd be happy.

SENATOR D'ALLESANDRO: Thank you.

SENATOR GANNON: Thank you.

SENATOR D'ALLESANDRO: Well I think we tried.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I'd like to thank Senator, the good Senator from District 10 for bringing forward the amendment, but unfortunately, I cannot support it and I will ask this body not to support it as well. We received a lot of information. We had some research done, and one of the things we found out was that there were over 490 individuals that are currently working up to 32 hours a week. If we were to pass this amendment this would impact those 32 hour a week employees that are currently working and are under contract, which I would believe would be the vast majority of the individuals. We already have in statute the 1,300 hours. We already have the 32 hour statute. I just can't see going to an arbitrary, I'm sorry, 1,560 hours. I think that would be a little bit more confusing. We're working within the existing framework of what has already been passed. So, again, I would just ask all of you to turn down the amendment. Thank you very much, Mister President.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. If I may add to the definition of "grievous": it's "grievous" if you create the situation and take advantage of it. But if you're hired into this situation, and you do your job, and somebody else has set the pay rate, I'm not aggrieved by that person. So, that's not a reason to support punishing the towns, counties, and retirees. So, nothing here is going to help the retirement system. People who have said okay now we're in favor of this, if you finish the sentence we're in favor of this as not being as hard to live with as the original proposal. Nobody is coming up and saying hey this is a great idea now. So the employers–this is not a great idea.

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

SENATOR FULLER CLARK: Senator Carson, I'm hoping that you would be able to explain how you arrived at 1,300 hours, and what is the impact of moving those hours to 1,560 where we know that that is at a level that people are going to be able to sustain themselves as part-time workers?

SENATOR CARSON: Thank you very much for the question, Senator. Let me think. As I said earlier, we're dealing with hours that are already in statute. So we didn't raise or lower those. The 1,300 is already in statute as is the 32 hours. The thing that I found most compelling was the fact that the Federal Government, if you were to go on the IRS website, defines a full-time employee as someone being eligible for benefits at 30 hours a week. That is why, when I created the amendment, we took the 1,300 hour a week folks and said look, you don't have to pay anything, this truly is part-time employment; and anybody above that is really someone who is working full time; and that if they're working full time,

they should be doing something, paying into the system somehow. We cannot say okay you can add that in because their rates have already been set, and it would be an imposition for the retirement system, and I believe they do a five year look back at the money that you've raised. So if someone was working full time with all their benefits in one job, and then came back under part-time–two completely different scenarios–and you would talk about somebody severely reducing their retirement pay if you were to just look at that part-time employee. So, again, I understand why the good Senator from District 10 brought this in, but I think we're working with the existing numbers that we already have in statute, but we're also recognizing that 30 hours a week, according to the Federal government, qualifies as a full time job. Thank you.

Recess. Out of recess.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Just to be brief. We've discussed quite a bit about this issue, but I would just say respectfully to my colleagues, this amendment undoes what we just voted on by a vote of 21-3. It really undermines all of the work that the committee did in reaching this very delicate compromise. For that reason, I can't support it, and I would implore my colleagues; stick with what we've done, it's not perfect, but it's a bipartisan resolution to this issue and I implore you to please vote down the current amendment. Thank you.

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: Sanborn, Kahn, D'Allesandro, Fuller Clark.

The following Senators voted No: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 4 - Nays: 20. Failed.

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

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

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

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

Roll Call, Yeas: 17 - Nays: 7. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

FINANCE
SB 375, requiring gross expenditures and funding in the state operating budget.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 375 Ought to Pass. This bill requires the state operating budget to include detail on all expenditures for departments on a gross basis and show all funding sources reasonably anticipated to be received during the biennium. The Senate Finance Committee recommends passage of Senate Bill 375 and asks for your support. Thank you, Mister President.

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

A roll call was requested by Senator French, 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, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: D'Allesandro.

Roll Call, Yeas: 23 - Nays: 1. Adopted.

Senator Sanborn moved to Lay on the Table SB 375. Adopted.

SB 469, relative to the appropriation of funds from the equipment inventory fund.
Ought to Pass with Amendment, Vote 4-0. Senator Feltes for the committee.

Senate Finance
January 10, 2018
2018-0081s
06/01

Amendment to SB 469

Amend RSA 228:24-b, III as inserted by section 1 of the bill by replacing it with the following:

III. The commissioner may rent or lease vehicles and equipment from the equipment inventory to all departments and institutions of the state, political subdivisions of the state and agencies of the federal government. [~~He~~] ***The commissioner*** shall assess a fair and equitable charge with respect to the rental or lease of vehicles and equipment sufficient to defray all administrative, transportation, storage, maintenance, amortization, replacement and other costs incurred by the department in administering this account sufficient to continue the equipment inventory fund as a revolving fund. The revenue from the rent, lease, or sale of vehicles or equipment purchased, rented or leased with funds from the equipment inventory fund shall be deposited into the equipment inventory fund. The commissioner of transportation shall expend such funds for the operation of the mechanical services bureau, operation division of the department of transportation, and to purchase replacement or new motor vehicles and construction equipment, provided that the general court appropriates such funds from the equipment inventory fund [~~to the~~] ***within*** mechanical services bureau.

SENATOR FELTES: Thank you, Mister President. Mister President, I move Senate Bill 469 Ought to Pass with Amendment. This bill clarifies that the Equipment Inventory Fund is located within the Mechanical Services Bureau of the Department of Transportation. The amendment further clarifies language on line 5 pertaining to the Department of Transportation Commissioner. The Senate Finance Committee recommends passage with amendment on Senate Bill 469 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.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, Martin Toe has arrived in the Senate gallery, and Martin is a valuable member of our Concord community. He came to the United States due to civil war in Liberia. He is a member of the community group Change for Concord, he's a musician, and he's author of the book A*merica Calls to Me*. And, like Ayi and Sentho and Jane, he has promoted a more inclusive and diverse Concord, which has made us all stronger. Please give a round of applause to Martin.

HEALTH AND HUMAN SERVICES

SB 333, relative to pharmacy interns and vaccinations.
Ought to Pass, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 333 Ought to Pass. This bill is a clarification to correct confusion that was created last year. Two bills on this subject passed the legislature in 2017. One gave pharmacy interns the ability to administer vaccines that a pharmacist can give as long as they are under the supervision of a licensed pharmacist. The other bill added the number of vaccines a pharmacist can administer. It was specified that pharmacy interns would not be allowed to administer the newly added vaccines. This legislation clarifies that a pharmacy intern, under the supervision of a pharmacist, can administer any of the vaccines that a pharmacist can give. Thank you, and I ask the body to vote Ought to Pass, but before I get to that point, I want to describe a public hearing that we had on a related subject as it involves the Pharmacy Board last week. That amendment was brought to us by our colleague from Senate District 9 that deals with compounding of drugs. The Pharmacy Board has promoted a new regulation that would make compounding of drugs very difficult except in a sterile pharmacy situation or a hospital situation. Unfortunately, it also captured the reconstitution of drugs; a drug like Remicade that's a powder, it's mixed with a saline solution then administered immediately to the patient. That would have undermined access and it would have raised costs for the 1,300 people that are on the drug of Remicade alone. As a result of the hearing and the discussions that our colleague from Bedford had with the Pharmacy Board that I was included in. The Pharmacy Board voted yesterday to delay implementation of that rule on compounding/reconstitution. I suspect we're going to have to revisit that amendment that was proposed by our friend from Bedford at some point in time before crossover. But I felt, and I think our friend from Bedford felt, that we should let the medical experts–pharmacists, MDs, health experts in other words, come to a conclusion of what that potential legislative change should look like. So the fact that we are not moving forward with that amendment today doesn't mean that we're not watching that process closely at the Pharmacy Board to include all of the stakeholders to come back to us with proposed solutions that I think in the view of the sponsors, and Senator Soucy and myself were co-sponsors of our friend from Bedford's amendment, we will watch it closely and expect a resolution at some point in the next couple of months. The time out that the Pharmacy Board took yesterday is very helpful in allowing that process to proceed. Thank you, Mister President. Please support the committee's recommendation of Ought to Pass.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and thank the chairman of the committee and the members of the committee to allow me to bring this amendment in the other day. It's a very hotly contested issue, which can be very complicated, and I applaud the committee for listening to a lot of testimony on something that, in full disclosure, based upon our ethics rules, Mister President, I actually have an employee with Crohn's disease, and we talk about this issue regularly as well as a good employee. At issue here is the Board of Pharmacy is trying to institute a rule to make it the only state in America, the only place in America, to put us at a different crossroads than any other state or any other application. And the potential risks, which personally I am most concerned about, is the health risk of people who are sick or frail being unable to get lifesaving medication in a way and a place that works for them and gives them the best opportunity to maintain their health. Now the chair of the committee talked about Remicade, which is an infusion for Crohn's disease. We know there are 1,300 people with Crohn's in the state of New Hampshire including, my understanding, 7 of which are employees of the state. But, frankly, this goes way beyond that because this is setting a standard and making the question when we look towards medicine in the future and its ability to make it more affordable, that ability for people to get care in their home because they might not be able to be transported in, they might be frail, they might have other issues; that the future of drugs looks to the ability to make application up for them. And I'm talking drugs that aren't just about digestive issues like Remicade or arthritis, but specifically about cancer treatment going forward as we've seen the technology change and people getting chemotherapy that they need on a regular basis, and that ability for them to be delivered in a different setting versus solely a hospital, or solely a pharmacist.

Now that's the health issue. The cost ramifications, they think we also do need to talk about it although, Mister President, again, let me stress this is about health not money, but we know that the 7 state employees who receive one drug called Remicade, if they had to go back to the hospital, would cost the state $700,000 a year. If you look at the cost differential from being able to provide in-home treatment versus what is being charged today at hospitals on this one drug, is a $100 million question. By the time you look at all the other infusions that are available with chemotherapy and other practices, the cost is undeterminable. So we as a body, I believe, have an obligation. And, again, in finality, I want to thank the committee. I support the positions where we are today to allow the Board of Pharmacy and all of the stakeholders that come together. And so the body knows there is a meeting next Tuesday at 9:30 in the morning at the Board of Pharmacy where all the groups will be gathered to discuss this. I encourage any Senators who have the availability to come to that meeting and help implore upon the Board to come to a resolution that takes patient's needs first. Thank you, Mister President.

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

Recess. Out of recess.

SB 334-FN, relative to temporary licensure of allied health professionals from nearby states.
Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Health and Human Services
January 11, 2018
2018-0094s
10/08

Amendment to SB 334-FN

Amend the introductory paragraph of RSA 328-F:18, VI as inserted by section 2 of the bill by replacing it with the following:

VI. Occupational therapists, occupational therapist assistants, recreational therapists, speech pathologists, respiratory care practitioners, physical therapists, and physical therapist assistants from the states of Connecticut, Rhode Island, Massachusetts, Maine, New York, and Vermont who are currently licensed shall be eligible for temporary licensure for 120 days while the person makes application for licensure to the respective governing board under this chapter. An applicant for temporary licensure to practice, who is currently licensed or certified in Connecticut, Rhode Island, Massachusetts, Maine, New York, or Vermont, shall:

2018-0094s

AMENDED ANALYSIS

This bill allows persons licensed for certain allied health professions in Connecticut, Rhode Island, Massachusetts, Maine, New York, or Vermont to be granted a temporary license to practice in this state while applying for regular licensure.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 334 Ought to Pass with Amendment. This bill would allow temporary licensure for allied health professionals from nearby states for 120 days while they are undergoing the process of obtaining permanent licensure. This bill would help curb some of the health care workforce problems we are having in our state. Often health care workers are waiting months to receive their license from the state, and this can cause people to stop the licensing process or take jobs outside the state because they do not want to wait to start working. The committee amendment adds Rhode Island to the list of states from which workers can gain temporary license. I just want to add a couple of things. Our friend from District 10 sponsored this bill and I think it's an absolutely terrific bill. I think all 24 of us understand the pressures that health care providers have in this state to hire qualified employees. But after a little bit of consultation with our friend from Londonderry that is much more of an expert than members of the HHS Committee on licensure, she feels that there may need to be some technical changes to your bill to achieve the intent that you so nobly are trying to achieve. So, I'm assuming and hoping, Mister President, that you will send this bill to the Finance Committee where Senator Kahn, pardon me, my friend from District 10, myself, our friend from District 14, and our friend from District 17, can work together to make sure that the intent of your bill is captured. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President, and to my colleagues in Senate District 3 and 14 and 17. Wherever folks want to continue to talk about this conversation I welcome the opportunity. Let me say that the 17,000 jobs that we're worried about trying to fill in the state, there are 4,000 in the health care professions. If you are one of those delivering institutions, a nursing home, a hospital, a rehab center, you are

desperate for these people, and when you find them you need to hire them. And that is what this bill is aimed at doing. This bill aims at identifying experienced health care professionals who have unencumbered licenses, who are living in the surrounding New England states and New York and trying to move them into our workforce as quickly as they can be identified and take those positions. If licensure is taking 120 days, and it is, there are situations that you can ask your health care professionals of this, then we're losing people along the way, and we can take steps to do this. We did this this last session relative to nurses. We've provided for provisional licensing. It's what we need to do for the rehabilitative services, and that's what the allied health category is doing. It's trying to address getting therapists, respiratory, occupational, physical, audiology, speech pathologists, get them into the workforce so that people can be rehabilitated at our health care institutions. There are two situations; and one I have described is when somebody is applying for the job and we're trying to hire them, not lose them in that intervening period while they're waiting for full licensure. They'll make the application. They have to do that. They'll clear the hurtles on background checks. They'll get employed while they're being looked at. But there is one other situation. We're, right now, because of health care partnerships around the state, transferring patients from a hospital on one side of a border to a hospital on another side of the border, and we're creating work flow kind of issues. And there is another situation where we need to be as agile as the patient with our workforce. People who are working in Vermont, and Massachusetts, and Maine who are able to provide services when we have workforce shortages here in New Hampshire, need that opportunity for provisional licensing so that we can ship that workforce quickly, we can get them relicensed in multiple states, and we can deliver the services that need to be done to keep our patients safe, keep our health care institutions viable. So, I ask you, this is important for my part of the state, it's important, probably, in a variety of parts of the state where we have patients and health care professionals moving across state lines. We need to update our ability to employ them and take care of those people who need the health care. I ask you to pass this. I welcome further conversations because I think we're actually addressing something that the Board of Licensure and the health care professionals are all in support of. Thank you.

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

SENATOR D'ALLESANDRO: Thank you. Senator Kahn, is any work being done on reciprocity?

SENATOR KAHN: Thank you for the question, Senator. There are reciprocity agreements underway, and I'll give you an example of one. The physical therapists have a reciprocity agreement that New Hampshire has entered into. The state that is closest to us to the west is Kentucky. The state that is closest to us in that compact to the south is Virginia. The compacts are scattered. There are only fourteen states in that compact. Were I starting from scratch I would make a recommendation that we were considering regional compacts with our New England states, but that hasn't happened. There are some national compacts, and as the adoption rate is extraordinarily slow, they are legislatively bound, and currently they just are not providing the kind of coverage that would help New Hampshire.

SENATOR D'ALLESANDRO: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise to point out for the body that as a result of a LBA performance audit of the Boards of Licensure, gross deficiencies in the management of their processes and procedures has been identified. I will support this legislation, but I will do so fully knowing that what we are doing is trying to legislate a solution to the mismanagement of an agency. That is not good public policy. We try to solve the problem, but it's a management issue not a legal issue. 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 Kahn, seconded by Senator Sanborn.

PARLIAMENTARY INQUIRY

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

SENATOR CARSON: I guess it's more informational than parliamentary inquiry. Our colleague is at an event at the Executive Council, so we don't know when she'll be returning.

PRESIDENT MORSE: The Senate will be in recess until 1 o'clock so Senator Cavanaugh can feed the Pages.

Recess. Out of recess.

Senator Bradley moved to Lay on the Table SB 334-FN. Adopted.

SB 376-FN, relative to the sale of certain cold medications.
Ought to Pass with Amendment, Vote 4-0. Senator Avard for the committee.

Health and Human Services
January 11, 2018
2018-0111s
08/10

Amendment to SB 376-FN

Amend RSA 318-B:48, I-III as inserted by section 1 of the bill by replacing it with the following:

I. No person shall knowingly and unlawfully possess a drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine with the intent to use the product as a precursor to manufacture methamphetamine or another controlled substance.

II. A drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine shall not be distributed at retail to the general public unless it is maintained in a locked display case or behind the counter out of the public's reach.

III.(a) A retail establishment shall not knowingly complete a sale to a person if the drug product or combination of drug products purchased would surpass a total of more than 3.6 grams within a 24-hour period or 9 grams within a 30-day period of ephedrine base, pseudoephedrine base, or phenylpropanolamine base or their isomers. The "base" form means the fraction of ephedrine, pseudoephedrine, or phenylpropanolamine present within a formulation containing a salt form of those respective drugs.

(b) This section shall not apply to drug products dispensed pursuant to a valid prescription.

Amend RSA 318-B:49, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) Retail establishments shall use an electronic registry system to record the sale of products made pursuant to RSA 318-B:48. The electronic registry system shall have the capacity to block a sale of nonprescription drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine that would result in a purchaser exceeding the lawful daily or monthly amount. The system shall contain an override function that may be used by an agent of a retail establishment who is dispensing the drug product and who has a reasonable fear of imminent bodily harm to his or her person or to another person if the transaction is not completed. The system shall create a record of each use of the override mechanism.

Amend RSA 318-B:49, II(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) The name of the drug product and quantity of ephedrine, pseudoephedrine, and phenylpropanolamine sold in grams;

Amend the introductory paragraph of RSA 318-B:49, III as inserted by section 1 of the bill by replacing it with the following:

III. A retail establishment shall display a sign at the register provided by NPLEx or its equivalent to notify purchasers of drug products containing ephedrine, pseudoephedrine, or phenylpropanolamine that:

SENATOR AVARD: Thank you, Mister President. I move Senate Bill 376 Ought to Pass with Amendment. This bill would require retailers or products containing pseudoephedrine to report sales to an electronic registry. These registries are used in many states already and many large retailers in New Hampshire are already voluntarily reporting to this registry. Electronic reporting allows pharmacies to cut down on people buying large amounts of these cold medicines for illegal purposes, including the manufacturing of methamphetamines. Electronic reporting also allows law enforcement real time access to notification of attempted "pharmacy shopping" where criminals attempt to buy large amounts of these products from different pharmacies. There is no cost to retailers for the technology because it's provided at no cost to the consumers from the manufacturers of the medicines. The amendment changes language to coincide with languages used in federal law. Please support the committee's recommendation of Ought to Pass with Amendment.

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 TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 334-FN from the Table. Adopted.

HEALTH AND HUMAN SERVICES

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

The pending motion is Ought to Pass with Amendment.

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

A roll call was requested by Senator Kahn, 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, bill ordered to the Committee on Finance (Rule 4-5) as recommended by the Finance Chair.

SB 377-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners.
Ought to Pass, Vote 4-0. Senator Gray for the committee.

SENATOR GRAY: Thank you, Mister President. I move Senate Bill 377 Ought to Pass. This bill makes various changes to the regulation of dentists and dental hygienists, including requiring criminal history record checks for new applicants and those requesting reinstatement. Additionally, it establishes a professional health program for impaired dentists, and makes various wording adjustments in the statute to reflect the changes in this society that have occurred since the statutes were updated. This bill was at the request of the Board of Dental Examiners. Please support the committee's recommendation of Ought to Pass. Thank you, Mister President.

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

SB 380, relative to the therapeutic use of cannabis.
Ought to Pass with Amendment, Vote 4-0. Senator Avard for the committee.

Health and Human Services
January 11, 2018
2018-0107s
04/06

Amendment to SB 380

Amend the bill by replacing section 3 with the following:

3 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IX to read as follows:

IX.(a)[~~(1)~~] "Qualifying medical condition" means the presence of:

[~~(A)~~] ***(1)*** Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, epilepsy, lupus, Parkinson's disease, Alzheimer's disease, ulcerative colitis, Ehlers-Danlos syndrome, or one or more injuries or conditions that has resulted in one or more qualifying symptoms under subparagraph (B); and

[~~(B)~~] ***(2)*** A severely debilitating or terminal medical condition or its treatment that has produced at least one of the following: elevated intraocular pressure, cachexia, chemotherapy-induced anorexia, wasting syndrome, agitation of Alzheimer's disease, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms; or

[~~(2)~~] ***(b)*** "Qualifying medical condition" also means:

[~~(A)~~] ***(1)*** Moderate to severe chronic pain.

[~~(B)~~] ***(2)*** Severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects.

[~~(C)~~] ***(3)*** Moderate or severe post-traumatic stress disorder.

[~~(b) The department may include a medical condition that is not listed in subparagraph (a) that the department determines, on a case by case basis, is severely debilitating or terminal, based upon the written request of a provider who furnishes written certification to the department.~~]

SENATOR AVARD: Thank you Mister President. I move Senate Bill 380 Ought to Pass with Amendment. This bill makes certain changes to the law governing the use of cannabis for therapeutic purposes, including clarifying certain information on the registry identification cards and designated caregivers for minors. Currently minors in the program can only have one caregiver pick up the product for use. This can often be a burden for parents that are already living with the child and has a very serious medical condition. This legislation would allow a minor patient in the program to have two caregivers that can pick up the product for the patients use. Both caregivers must be either the parent or legal guardians. The amendment fixes drafting errors where the section of statute was accidentally deleted rather than being amended. Please support the committee recommendation of Ought to Pass with Amendment. Thank you, Mister President.

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

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

SENATOR DANIELS: Thank you, Mister President. Is it true that cannabis is still illegal federally?

SENATOR AVARD: From my understanding it is, Sir.

SENATOR DANIELS: What provisions are made in this bill to notify vets that if they are brought up on federal charges on this that they lose all their benefits even though in New Hampshire they say that it's legal?

SENATOR AVARD: I know that we addressed this issue with notifications on medical marijuana specifically for that very reason. My recollection on this particular bill is that it is already in existence. I do not know if that amendment was added to that, or that language was added to that.

SENATOR DANIELS: Thank you.

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

SB 384, relative to written certification under the use of cannabis for therapeutic purposes law.
Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Thank you very much, Mister President. I move Senate Bill 384 Ought to Pass. Currently state statute requires that a patient wishing to access therapeutic cannabis program must have a three months relationship with his or her health care provider. This bill would waive that requirement if a patient is eligible for hospice care and has a prognosis of six months or less to live. Often providers believe these patients would benefit from the use of cannabis but that they will not live long enough to establish a three month relationship

with a health care provider. This bill will allow those patients to access the program, enhancing treatment during their end of life care. Please support the committee's recommendation of Ought to Pass and thank you, Mister President.

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

SB 385, establishing a foster care children's bill of rights.
Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Health and Human Services
January 11, 2018
2018-0109s
05/04

Amendment to SB 385

Amend the bill by replacing section 3 with the following:

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

SENATOR FULLER CLARK: Thank you, Mister President. I move Senate Bill 385 Ought to Pass with Amendment. This bill would establish a foster care children's bill of rights within the Department of Health and Human Services. Recently there has been a startling increase in the amount of children entering foster care. It is more important than ever that their rights are protected. This bill would set clear guidelines as to what services and support are required to be provided for such children. Enacting a foster care children's bill of rights will ensure that foster families and the Department of Children, Youth and Families will provide the very best care for this most vulnerable population. The amendment would make the bill effective upon passage. Please support the committee's recommendation of Ought to Pass with Amendment. Thank you, Mister President.

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

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

JUDICIARY
CACR 20, relating to the retirement age of judges. Providing that the retirement age of judges be increased.
Ought to Pass, Vote 3-1. Senator Lasky for the committee.

SENATOR LASKY: Thank you, Mister President. I move Constitutional Amendment Concurrent Resolution 20, Ought to Pass. Upon passage by the legislature the question of whether NH judges can serve until age 75 will be before our citizens in the next election. Currently, New Hampshire judges are required to retire from the bench at age 70 regardless of their mental or physical fitness. This retirement age was established in 1792 and over the past 200 years we have clearly developed many medical advances and the average life expectancy is no longer 35. In the majority of states across the country judges can continue to serve well beyond age 70 or 75. As a matter of fact, New Hampshire, at 70, has the youngest retirement age. We all know that there are judges appointed for life, such as on the Federal Supreme Court. Also, regardless of age, judges here are constantly subject to scrutiny regarding their fitness to serve and there are procedures in place should questions arise about an individual's ability to serve. Finally, today's 75 is the new 60! We

shouldn't deny our best and brightest at this age the opportunity to serve, particularly in a role where experience is so vital. Therefore, the majority of the Judiciary Committee, and certainly all of us over a certain age, and those who, before they know it, will be of that age, and, as our esteemed majority leader referred to this morning, all the "geezers" in the group, we all ask for your support for the motion of Ought to Pass on CACR 20. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I'm the guy in my family who had to go to mom and dad and say, because nobody else would, it's time to take the keys away. It happened in the mid '70s with my mom; a little later with my dad. No one else was going to touch it–and that was the ability to drive. Colleagues, there is nothing in this bill that's going to improve the legal system. And I always often hear the Dean say, and the esteemed Senator from District 3, if there's nothing broke, don't fix it. Nineteen states have a 70 year retirement system. I spoke with the Brentwood Police Chief today, and some other Sheriffs, they tell me that the sheriff's job is mostly managerial, yet we have a mandatory retirement age of 70. There's no shortage of lawyers in their 40s and 50s; young men and women who are ready and they're at the peak of their legal careers ready to become judges. Why are you going to slow down the life blood and the new blood moving in? This bill will have the effect of, also, it's an unintended consequence and I'm sure the Senator from down at the end…I got to get my numbers right. I'm sure it wasn't written to be anti-woman, but it does have that effect. Presently two-thirds of the judges in our judicial system are men. If we pass this bill it's going to continue five more years of the male dominated rule in court. I have three young daughters who want to be judges. I want them, and everyone's daughters to be able to be a judge younger. So, five more years of a male dominated field is not a good thing. Let's remove the glass ceiling for women.

Finally, in every city I went to legislative services: study, after study, after study you lose your fast ball. You might have, say you're making it up with other pitches–Senator I knew you'd appreciate that–but your brain shrinks, by your 70s, back to the age when you were 2 or 3; no one wants to address this. These people are certainly could go to law schools and teach, they can go back to being lawyers, but we have plenty of able body, young male and female lawyers ready to take over. Let's not slow them down. You lose your fast ball. There're plenty of other things to do. I just don't think this is a good idea. Thank you very much.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I was just thinking of our former colleague from District 17 who used to talk about his baseball analogies so I kind of had a little bit of a flashback there. I rise to speak to the process of judicial review and to, perhaps, answer some of the questions from our good colleague from District 23. I have the pleasure of sitting on the Judicial Review Committee, and I can assure all of you, because of legislation that was passed by the legislature back in 2011-2012, we really have a very robust, and I would even argue aggressive judicial review process where our judges are constantly under review. If they're not under review by their peers they are under review by the attorneys that appear before them, as well as members of the public. And I feel very confident that if somebody was starting to lose their facilities, that

it would definitely be caught very, very early and dealt with. So, I agree with my colleague from District 13, 75 is the new, I would argue new 30. I see many very active, very vital seniors over the age of 70 in my community, and I know that most of you probably see the same thing. So, I'm standing here and asking you to support this constitutional amendment. Let's get it in front of the people and let's hear what the people have to say. Thank you very much, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of the Constitutional Amendment. As we got a great history lesson from the Senator from District 3 this morning about the retirement system, let me give you a little history of the judicial process in New Hampshire. I was on the Executive Council when we confirmed the first woman to be a member of the Superior Court. I voted for the confirmation of Linda Dalianis, who is now the Chief Justice of the New Hampshire Supreme Court. So, I had the opportunity to vote on judges during my six years as a member of the Executive Council. I also saw during that period of time some of the most distinguished minds in the judicial system have to leave because of an age conflict. I think of Judge Kennison. Judge Kennison was renowned in this country–in this country as Chief Justice of the New Hampshire Supreme Court for judicial excellence. Judicial excellence right here in New Hampshire, Judge Kennison. Go over to the Supreme Court and you'll see his picture. Judge Kennison had to leave at 70. Judge Johnson from Hanover, Senator Hennessey, Judge Johnson; another great mind had to leave when he had to retire when he was 70. So, we lost some of these great people because of an age situation. Now I'm going to, for the purpose of truth in everything, I'm over 70 years old. You've got to believe it Harold. You've got to believe it. I'm over 70. I hope everybody's right saying that 75 is the new 60–I relish that thought. But, indeed, life expectancy has changed dramatically. I think that's very much of a key ingredient. And, indeed, we base most of our decisions on precedent; what's happened in the court system. And these good minds that have to leave, there's a reorientation that must take place. Now in the old days when a judge was appointed in New Hampshire we would send them to Nevada to judges' school. I don't know if we do that anymore, but they would go there. And, again, some of our guys were participants, instructors in that process. So, indeed, why not make the best use of what we have? The best use of what we have. And, indeed, people in the old days were forced to retire. What a crazy thing to do; force a person to retire just because of age. There'll come a time, I mean hopefully there'll come a time when you make that decision on your own. But in this situation, why sacrifice something that's vital, that's vital to the process, and that's vital to the judicial system. We've got to keep people who are capable where they are, and we can't let 70 years of age be the mark by which you're discarded. You know, I think of some of the great people that I have been in contact in my lifetime and let me just say Walter Peterson was well into his 80s and was performing magnificently. They brought him from Franklin Pierce College to the University of New Hampshire to be President. He left the Presidency of the University and went to the Community College System as Chancellor. Two days ago, I listened to the retired President of Dartmouth College, Professor Wright, because he's now a professor in the department–brilliant man in his 80s. What knowledge he was able to dispense to people. And I had the honor of sitting in the Supreme Court and listening to the judges' debate. Now who would want Scalia, who could have been there for life, if he were a

judge here who would want him to retire at 70 years of age? You know a conservative guy obviously, but who would want him to retire at 70? This is an opportunity for us to enter the 21st century with an open mind and give to the people of this state the opportunity to make a decision. The people of the state should make a decision, all right? Because in this council, and throughout our state, a decision that's made by these people is going to affect the lives of every person in the state of New Hampshire. Why not have the best minds making these decisions? I think it's an imperative. A lot of pressure in the 70s when I voted for Linda Dalianis; the question was should a woman serve on the Superior Court? Should a woman serve on the Superior Court? And every time I think about that I walk by that painting on the first floor and I think about the woman who ran for governor without the right to vote. What courage she had, you know, taking that step; a very, very courageous, courageous move. And this, I think, falls right in line. We're moving ahead. We're in the 21st century where a number shouldn't be the critical judgment point. That number shouldn't be meaningless; it should be that person's ability, and we can make that happen. You know, it's a great responsibility that we have here when we make these decisions, and when we recognize the fact that change is imminent. We're in an evolving world; some things we like, some things we don't like. But I think in this particular situation we've just lost an eminent judge from the court because she had to retire at 70 years of age; very well qualified, and done very good work on the court. We're going to lose another woman, right, in a couple of months. Linda Dalianis is forced to retire because she will be 70 years of age–the Chief Justice of the Court. So we've got to think about that. Think about what we're losing. This is an opportunity for us to give the people of the state of New Hampshire an opportunity to make a critical decision. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I rise in support of this legislation and introduced it for many of reasons that you're hearing today. Actually, it was the issue of "glass ceiling" that was one of the issues that came to my mind because this current state, in our Constitution, is what's removing two preeminently qualified experienced women from our court. Now one has been replaced by a woman, but that may or may not be the case. I certainly would argue that there's no minimum in our Constitution. To my knowledge the youngest member ever appointed to the bench was 28 years old. So, there's no bar to young people entering the judiciary; the decision is up to a Governor. Governors can appoint men, women, people of various ages; there's no minimum. There's also no bar on how long any of us can serve. How many people in the room are over the age of 70? Should the Constitution limit our term of service? Should it limit the Governor–it was a rhetorical question, it was a rhetorical question. But it illustrates the point. As the Senator from District 13 said, this section of the Constitution was established in 1792. What was age 70 in 1792? Pretty much a lifetime appointment, right? The average age, pretty much in the 30s, right? Thirty-five, 37. This is an issue whose time has come. This is an issue that we don't decide, but that the people that we represent, the people of the state of New Hampshire decide. How many people in the state of New Hampshire that are age 70 are still working? How many of them still want to work? How many of them have reached a pinnacle of their career and are valuable contributing members of our society or of their professions? We're not asking them. We debated a retirement bill earlier

to allow people beyond retirement to keep working in part-time positions. Why is that okay everywhere else but in the judicial branch? I ask you today to please, whether you personally believe the age should change, vote yes on this amendment and give the people of the state of New Hampshire the opportunity to make that decision. It's an important first step. Even, as I said, if you personally might have a question, there is no reason not to give the voters, whoever participates in the electoral process in 2018, the opportunity to say you know, more than 200 hundred years later it's time for a change, and let's increase the judicial retirement age or give our citizens the opportunity to make that decision. Thank you, Mister President.

Recess. Out of recess.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President; members of the Senate. I rise in opposition to this proposed amendment to our Constitution. I was there in 1792, I remember. There are a number of points. First of all, I was forced to retire at age 65 as an airline pilot. Nobody loves to fly more than I; I've flown everything in the world, basically, from some super cubs on up to international jets off of aircraft carriers, but the reason for that mandatory retirement age is the loss of acuity both physical and mental with advancing age. The average life expectancy in our country today is about 85 for women and about 83 for men, average 84 years old. Okay? By the time you're in to your early 60s you're starting to experience, I don't care who you are, you're experiencing some degradation of your acuity. By the time you're at 70 it's significant, and I don't care who you are or how much you've done in the past your mental faculties are, in fact, degraded. With respect to the committee of review, the review process, I submit to you that I know attorneys, and I know citizens of both, who are very reluctant to bring a complaint because they know very well, especially the attorneys, that they will face that judge one more time, or two more times, or ten more times, and those judges, I have heard from attorneys, remember; they do not forget. So, there's a reluctance intrinsic to the system to bringing complaints forward if a judge is, in fact, misbehaving or not producing appropriate decisions. Until it reaches such an egregious point that one or more citizens or businesses or somebody has had material harm done to them and it can no longer be ignored. That's one step too far. With respect to the citizenship voting on this, remember that we're asking citizens, most of whom never encounter any factor of this judicial branch, to vote on the people that will be judging them or others; they don't experience that, they have no background. We at least study this, we look at it, and we say well we're familiar with the judicial system; most people are not, and never will be. I support the idea of age 70 for the reasons I've expressed. I think it's important that we continue to bring new blood into a system that has worked for us for several hundred years, is not broken, and can certainly use the turnover to allow newer blood to come and present themselves for service in the judiciary branch at the highest levels. For those reasons I oppose this amendment. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise in opposition of the CACR, and mine might be a different tack than what we hear. I'm sure every single one of us in this room has heard of this little thing called "term limits." In fact, some 84 to 86 percent of the people in this state and across America are now asking for term

limits. So, when I look at the concept of extending the term of people in public service, it goes against what I believe and what I think the people of New Hampshire are looking for. They think, with all respect, that some of us have been here too long. And, in full disclosure, Mister President, I'm a guy that has signed pledges to do term limits and think I've actually co-sponsored bills to do the same thing. So, this does give us an opportunity to talk to the people of New Hampshire and America to say we recognize the fact that people should get in and do their time and go home and extending these people's terms in public service is not what the people of New Hampshire are looking for today. So, I'd ask the body to vote down the CACR. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Losing your fastball, that's a suggestion. I had the honor and the privilege to argue cases at the New Hampshire Supreme Court before Chief Justice Linda Dalianis and Justice Carol Ann Conboy, and, trust me; they had their fastballs, without a doubt. And, their time in the court was cut short. It is a glass ceiling. It took them a long time to get there. It's easier for men to advance in the legal profession than it is for women, and then their time was cut short. You know you leave the Supreme Court, and there's all these portraits of men, all the former justices. Once your time on the bench is done you get portrait. The first portrait of a woman is going up: Justice Carol Ann Conboy; the first portrait of a woman. It's bitter sweet because on the one hand it's great to see that on the halls of the New Hampshire Supreme Court, but on the other hand it was way too soon, way too soon. And when we talk about sending this to the people, and that we as a legislature should have some kind of veto authority on this particular question, I think this is a unique one, Mister President. We're talking about separate branches of government. Shouldn't the people have an opportunity to weigh in on the other branch of government? We as a legislature are going to prevent the people from weighing in on the other branch of government? Who do we think we are? Let's let the people decide. This is a unique situation. Let the people decide about the other branch of government. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I don't have any problem with it; with the Judges who are qualified and still have all their faculties going for as long as they want. But I do have a problem with the wording of this bill. First of all, we're talking about all the judges. Sheriffs are also in here. Sheriffs don't have their faculties anymore? And sheriffs are re-elected by the people every two years. A judge, once appointed, until they get to 70, they're there–forever, and ever, and ever until 70 do we part. So, the problem is not the judges that do have their faculties, it's the judge who is starting to lose his faculties, and the people that have to appear in front of him are concerned about his ability to make fair and honest decisions. And some of us have said well we have this judicial review committee: lawyers, and by lawyers, for lawyers, with lawyers–lawyers, lawyers, lawyers. Okay. Maybe that's the right thing. But maybe it's right that maybe at age 70 we go back to the Governor and Council who appointed them in the beginning and say we would like to have this person reappointed. They are doing a great job. We think that everything is hunky dory. We ought to go and let him be a judge two more years; just as the Governor is re-elected every two years; just as you are elected every two years. And if the people believe that because

of advanced age you are losing your fastball, your faculties, however you want to term it, we get a review. We get a review not of the lawyers, by the lawyers, but of the people, by the people through the Governor and the Council who are elected. Thank you.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: I rise in support of this Constitutional Amendment and letting it go to the people of New Hampshire. I would agree that we should let the people decide on what happens to another branch of government, but I also want to say I have grave concerns about turning down this amendment because what we would be doing is turning our back on the value of experience and knowledge, and what institution in this state makes more serious and profound decisions than those that are related to the legal system that are handled through our courts. And I would want to have the most experienced and able people as possible sitting on that significant body. And by limiting the age we're also shutting the door on valuable knowledge and experience. Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. Mister President, a question was raised concerning the issue of the sheriffs, and I have my trusty Constitution here. And, Article 78, which is what we are talking about, amending, says, "No person shall hold the office of judge of any court," so it deals with any court, "or judge of probate, or sheriff of any county, after he has attained the age of seventy." So, the issue of the county sheriffs being term limited at age 70, it's already in our Constitution. Thank you, Mister President.

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

SENATOR LASKY: Senator, I just wanted to clarify, so that I understood something that you just said. You were advocating election of judges as a whole, or only after a certain age?

SENATOR GRAY: I did not advocate for the election of judges at all. What I said was that at age 70, if they still have their faculties and are still operating well, that maybe we should have a review process which would be reappointment by the Governor and Council as they are appointed right now. And, in my opinion, at that point, there would be no reason for an upper age because the Governor and Council would be the ones. And, also to clarify my stance on the sheriffs, I would remove the sheriffs from the article altogether because they are re-elected and the people are making the decision how long that person should serve as the sheriff and there's no need to have it in the Constitution.

SENATOR LASKY: Thank you, with all due respect, I think any of that would have to, also, go through a Constitutional process, Constitutional Amendment process. So, it couldn't just happen. Thank you.

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

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

PARLIAMENTARY INQUIRY

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

SENATOR SANBORN: Parliamentary inquiry, Mister President. I apologize, being this is for a Constitutional Amendment is it 15 or 16 to pass?

PRESIDENT MORSE: Fifteen.

SENATOR SANBORN: Thank you.

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

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

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

Roll Call, Yeas: 13 - Nays: 11. Failed, lacking necessary 3/5 vote.

Senator Bradley moved to Lay on the Table.

A division vote was requested.

Yeas: 8 - Nays: 15. Failed.

Senator Bradley moved Inexpedient to Legislate.

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

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

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

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

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

Senator Bradley moved to Lay on the Table.

A division vote was requested.

Yeas: 10 - Nays: 14. Failed.

Recess. Out of recess.

Senator Bradley moved to Lay on the Table.

The question is on the adoption of the motion to Lay on the Table.

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

PARLIAMENTARY INQUIRY

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

SENATOR FELTES: Mister President, if you know as I know that we could potentially special order this bill to try to come to some consensus, would you now vote no on tabling? Thank you, Mister President.

PRESIDENT MORSE: If you're in favor of CACR 20 being tabled you're going to say aye, if you're opposed you're going to say nay.

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.

JUDICIARY

SB 336, relative to the judicial district for the towns of Waterville and Livermore.

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

Senate Judiciary
January 9, 2018
2018-0063s
04/05

Amendment to SB 336

Amend the bill by replacing section 3 with the following:

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

SENATOR FRENCH: Thank you, Mister President. I move Senate Bill 336 Ought to Pass with Amendment. This bill moves the towns of Livermore and Waterville from the Conway judicial district to the Plymouth-Lincoln judicial district. Livermore is an unincorporated place with no one but the ghosts of past wandering around. However, a portion of the Kancamagus Highway and Triple-I road both run through Livermore leading to the potential of an arrest taking place in Livermore. Currently, although Lincoln's Police Department has jurisdiction over Livermore, they are required to go all the way around the mountain and back again to go to the Conway Court for any proceedings. This bill would alleviate some of the added burden on Lincoln's Police Department by allowing them just to take a short hike down to Plymouth for those proceedings where they already have prosecutors instead of to Conway. The committee amended the bill to have a specific effective date in order to prevent any potential confusion. Therefore, the majority of the Judiciary Committee asks you for your support in the motion of Ought to Pass with Amendment on Senate Bill 336. And I thank you, Mister President.

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

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

SB 392, establishing a commission to study and evaluate the impact of the discharge of state prisoners.
Ought to Pass with Amendment, Vote 4-0. Senator Gannon for the committee.

Senate Judiciary
January 9, 2018
2018-0071s
04/01

Amendment to SB 392

Amend RSA 622:59, I as inserted by section 1 of the bill by inserting after subparagraph (j) the following new subparagraphs:

(k) The warden of the New Hampshire correctional facility for women, or designee.

(l) One member representing the New Hampshire Association of Criminal Defense Lawyers, appointed by that organization.

SENATOR GANNON: Thank you, Mister President. I move Senate Bill 392 Ought to Pass with Amendment. This bill establishes a commission to study and evaluate the impact of the discharge of state prisoners on Concord and the surrounding towns. Concord is home to the New Hampshire State Prison and will soon be home to the new Women's Prison. There's undoubtedly an impact felt by Concord and its neighbors due to the discharge of prisoners, and it is important for Concord to develop a strong understanding of this impact. This study will not only result in

the identification of challenges, but also help community leaders and state officials develop best practices and improve policies across the state. The committee amended the bill to add a member from the New Hampshire Association of Criminal Defense Lawyers and the warden of the New Hampshire correctional facility for women. The majority of the Judiciary Committee asks for your support in the motion of Ought to Pass with Amendment on Senate Bill 392. 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.

TRANSPORTATION
SB 300, naming a certain bridge connecting Dover and Newington the Ruth L. Griffin bridge.
Ought to Pass, Vote 5-0. Senator Watters for the committee.

SENATOR WATTERS: Thank you, Mister President. I move Senate Bill 300 Ought to Pass. This bill names a certain bridge connecting Dover and Newington the Ruth L. Griffin Bridge. Ruth Griffin's name is identified with the improvement of the State of New Hampshire. She is a deeply committed public servant who served in the House and Senate, and on the Executive Council, representing District 3 for twenty years. She is an icon in state and national politics and is respected by Republicans and Democrats alike. She has an enduring reputation for her commitment to her community and her constituents. Naming this bridge in her honor suitably ensures her legacy. All members of the Transportation Committee ask for your support in the motion of Ought to Pass on Senate Bill 300. Thank you, Mister President.

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

SB 344-FN, authorizing New England Donor Services, Inc. to issue decals for multi-use decal number plates.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 344-FN Ought to Pass. This bill authorizes New England Donor Services, Inc. to issue decals for multi-use decal number plates. Currently, there are twenty-four states that have organ donation decal plates and there are two other New England states currently looking at using such decals. These decal plates provide an opportunity for people to advocate for organ donation. Allowing the issuance for such decals is an important step in raising awareness. Since there are several pieces of legislation this session that deal with decals for multi-use decal plates, some of which need amendments in order to be passed into law properly, a subsequent motion will be offered that I hope each of you can support. This will ensure that all pieces of similar legislation are passed properly. All members of the Transportation Committee ask for your support for the motion of Ought to Pass on Senate Bill 344-FN. Thank you, Mister President.

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

Senator Bradley moved to Lay on the Table. Adopted.

SB 345, naming a bridge in the town of Lincoln in honor of the Clark Family.
Ought to Pass, Vote 5-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move Senate Bill 345 Ought to Pass. This bill names a bridge in the town of Lincoln in honor

of the Clark family. Ed and Florence Clark founded the now well-known Clark's Trading Post in Lincoln in 1928. Their family is still engaged with the trading post to this day. The 90th celebration of the trading post is quickly approaching this year and honoring the family by naming this bridge just beyond their property would be a wonderful gesture. Further, the town of Lincoln supports this legislation. All members of the Transportation Committee ask for your support in the motion of Ought to Pass on Senate Bill 345. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President, and I want to thank the Transportation Committee for their great work on this bill, Senate Bill 345, which will name a bridge in the town of Lincoln for the Clark Family known for the iconic attraction Clark's Trading Post, which began in 1928 when Edward and Florence Clark opened up their roadside attraction in Lincoln for visitors. Ed Clark's Eskimo Sled Dog Ranch featured guided tours with their pure-bred Eskimo sled dogs and they also included three black bear cubs. The bears were a perfect visual attraction for passing motorists, and in 1949 Ed and Murray began training their bears for show work. The Clark brothers and their bears delighted guests with humor and hospitality. In 1932 Florence drove her dog team all the way up to the summit of Mount Washington to become the first woman to make the successful climb to the summit. With the coming of World War II, the Federal Government approached the Clark's to see if they would supply Eskimo sled dogs for the war effort. The dogs were to be delivered to Iceland to the Norwegian Army. There was a general agreement that someone from the family needed to oversee the delivery of these dogs, and Edward and Florence being in poor health chose the logical choice of their 18-year old son, Ed Clark. Ed and the dogs boarded the SS El Conston in Boston, and the ship headed across the Atlantic in a very dangerous place in the summer of 1942. During time in the outside world, Ed discovered a love for engineering, steam locomotives, and upon the return from Iceland decided to join the United States Merchant Marines. And a few months after he left that service, he was called into service again and asked to bring more dogs to be shipped to Scotland and this was passed onto his 15-year old son, Murray, for an adventure; and he was pulled out of school; and Murray went to Manitoba to procure the needed dogs and then bring them to Scotland. Over the years the Clark's business evolved to what it is today, and what the guests are much more familiar with. In the 50s Ed had a fascination for steam locomotives and he began saving locomotives that were destined for demolition creating, as Ed put it, green pastures for iron horses. This led to the founding of the White Mountain Central Railroad in 1958. In 1963 saw the addition of a covered bridge spanning the Pemigewasset River, which allowed the extension of the scenic railroad. The Clark brothers married the Avery sisters of North Woodstock. Ed married Joyce, and Murray married Barbara, and between them they had nine children. I would just say today, Mister President, 2018 marks the 90th year of this operation. The Clark Family today, any trip to their great facility there in Lincoln, you'd find as many as twenty family members working there spanning five generations. It's still locally owned, locally operated business where you hand a dollar to an owner. And they're a great family, we love having them in the North Country.

And I just want to share one personal note. Last fall I did a historic covered bridge tour, and you might not know, Mister President, but 24

percent of the state's historic covered bridges are in my district. Well, I assumed these bridges were on public roads, which was a wrong assumption because the night before, after we had a bunch of DOT and historic people and others who were just interested, I found out that this bridge we were going to tour was inside the grounds of Clark's Trading Post and off season. So, the night before, calling to say can we bring a whole lot of people over to your facility, the Clark's always respond, always gracious, always willing to show off the great work that they do there. And this is an appropriate honor and I want to thank the committee and the Senate for your support of this. Thank you.

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

CONSENT CALENDAR REPORTS REMOVED

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 330, requiring the department of environmental services to give certain persons time to cure violations before imposing a penalty. Inexpedient to Legislate, Vote 5-0. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. This bill would require the Department of Environmental Services to give certain persons time to cure violations before imposing a penalty. The committee felt this legislation would limit the New Hampshire Department of Environmental Services ability to impose administrative fines and also seek civil penalties in certain cases. The legislation would also result in increased oversight and potentially direct enforcement in New Hampshire by the United States Department of Environmental Protection, which we believe is an overreach and would require New Hampshire businesses to have to appear before federal court for these penalties if we were failing to authorize them. The committee was unanimous in its recommendation of Inexpedient to Legislate, and I ask you to support the committee recommendation.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and ask the body to overturn the Inexpedient to Legislate motion so I could offer a motion of Ought to Pass. Mister President, in the discussions that have been had that I am aware of on this bill, the reasoning given to not pass the bill was the fact that the agency is presently going under a performance audit, and we want to see how that audit turns out. But Mister President, we know, we know that giving people an opportunity to correct their wrongs, if they have not done something with malice, is an important part of how we should look at our government. Since I've been in this building, we have time and time again talked about, looked about, and passed legislation that says we recognize that sometimes people make paperwork mistakes, and sometimes people make mistakes unknowingly, and we believe that those people should be given an opportunity to cure it before they feel the hard hand of government administratively and financially. Mister President, this is a bill that looks to do that same thing that recognizing the fact that with 1.3 million people in this state, hundreds and hundreds of thousands of business owners and 170,000 small businesses that sometimes mistakes happen. Sometimes people don't know the laws, sometimes people don't understand what the requirements are. We know that in the state of New Hampshire, for example, our Shoreland Protection Act is the most

comprehensive and difficult to understand and work with in America; not saying that it's bad, it's hard to follow, it's hard to understand. And, for the record, Mister President, I own waterfront properties so, therefore, I'm declaring I may or may not have an ethics challenge, but I'm still participating. So, what are we to say as a body that if we don't believe that people have the right to correct an honest mistake, that everyone's guilty, everyone should be punished, everyone should pay a fine without any ability for them to say I apologize, give me a chance to fix that? I think it sends a bad message, Mister President. I believe this body should overturn the Inexpedient to Legislate so we could introduce a motion of Ought to Pass, and let the people of this state know that we're trying to pass good laws and right laws, and we have agencies that are making rules on a regular basis that very few people in this building ever voted on, and the general public might need and deserve that opportunity to fix their problem before they get the heavy hand of government right up their canoe. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to ask the body to please support the very strong 5-0 vote of the Executive Departments Committee that heard this legislation. The Senator from District 9 is correct in speaking to the fact that the Department is currently going through a performance audit, and they have asked us to wait until the spring when do receive a copy of the audit, or the audit is finalized. And, they're going to be more than willing to work with the legislature in order to correct any deficiencies. But what I think was really more troubling was a letter that I received from the Department, and they talked about cases of oil spillage. And the question that we were asked was would this require that the New Hampshire Department of Environmental Service to first inform the facility of the potentially knowing and ongoing oil discharge, and then wait to see if the discharges stopped within thirty days. Only if the discharge continued past the thirty days would the Department seek to authorize or impose a civil penalty. So, in essence it's basically tying their hands and allowing what could be a very potentially, endangering situation go on for thirty days, and they felt that this was not appropriate. In addition, Senate Bill 330 may result in increased oversight and direct enforcement in New Hampshire by the U.S. Environmental Protection Agency. If sufficient fines or penalties are not imposed by New Hampshire DES in particular cases, the EPA could seek to impose Federal civil penalties in Federal court. These additional court actions are known as "over-filing." Second, and more drastically, if the Department's authority to impose fines and penalties is reduced, or effectively eliminated, EPA may withdraw its approval of New Hampshire's delegated and authorized environmental programs under various federal environmental statutes. As a result, businesses and individuals would be required to communicate and negotiate with the EPA directly rather than with their local New Hampshire DES office. Mister President, most of us, if not all of us in this room believe that the closer government is to the people the better it operates. Why would we pull the state of New Hampshire out and have our citizens have to deal with the Federal Government? I think we all know that dealing with the Federal Government can be very difficult, and why would we put them in jeopardy of doing that? So, again, Mister President, after careful consideration the committee believed, very strongly, 5-0 that this bill is Inexpedient to Legislate, and I'll ask the body to support that. Thank you very much.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President, members of the Senate. I have the honor of representing District 2, which has nineteen lakes, including Winnipesaukee in the district. The number one cause of complaints across my desk is the Department of Environmental Services. It is I who requested the performance audit of the wetlands division, the Wetlands Bureau of the water division of DES, because of the seemingly high number of consistent complaints out of that one agency. A number of, I think, misstatements, or misunderstandings, have been presented with respect to the administrative process. A thirty day stay, offering a person the right to remedy a problem in no way impacts the time frame. Penalties and fines are assessed after months, sometimes years of attempting to get a potentially intransigent citizen or business to remedy the problem. So thirty days has no bearing on the penalty or fining process; it's the boogeyman. We're not harming the DES; the United States EPA is not going to jump in if we give a grace period for someone to fix the problem that is the reason they might jump in. And it does not do anything to remove the ability of DES to fine or penalize the business or individual for noncompliance. It merely says you get thirty days to clean it up. If that doesn't happen, parenthetically, most of the time DES can't act within thirty days anyway they're so backlogged, but when an exigent circumstance arises they can, and they do. Offering the right to remedy the problem in no way mitigates the fact that the person can be fined for violating the rules. So, I think that the arguments are disconnected, and I think that this is a good bill. I'm going to oppose the Inexpedient to Legislate and ask you to support that motion.

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

SENATOR SANBORN: Senator, thank you for taking my question. The Senator from District 13 read a letter from the agency making a suggestion that if there was an oil leak on a property that if this bill were to pass that the owner of that property would let an oil leak continue unabated for another thirty days while they considered whether or not it was an egregious act or not. Could you think of anything more insulting to the business community or the people of this state then to make a suggestion that people would be willfully making a decision to be nonresponsive if something was happening on their property?

SENATOR GIUDA: I would elevate the discussion out of insults back and forth. What I would say is I know of no reasonable business person or individual with an oil leak on his or her property if it's brought to their attention is not going to do everything in their power to fix it because they're aware of the civil penalties and fines and other consequences that are levied if they don't. I don't believe anybody willfully wants to destroy the environment, especially given the attention our state has given to that. Thank you.

SENATOR SANBORN: Thank you. So, would you agree with me that if the Department of Environmental Services would make this claim in a letter that they're showing a level of exaggeration of what bad things might happen, and it would be inappropriate for them to do so?

SENATOR GIUDA: Well, I think that the Department would like not to have strictures put on it, or potentially that might enable the person to fix something without the heavy hand of government in their face. Again, I don't know their motivation, but I do know that giving people a

thirty day grace period, okay, is not a bad thing. Most people will honor that, and those that don't are still subject to fines and penalties and all the other authorities of the agency.

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

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

SENATOR LASKY: Thank you, Mister President. Senator, granted, I am aging, and my hearing may be going, but did I hear you say that you attributed this letter to the Senator from District 13?

SENATOR SANBORN: No, oh, Senator, thank you for that. I thought I specifically said, and sure the recording would show I specifically said, a letter that the Senator from District 15? Eleven, 14, my apologies my math is off today.

SENATOR LASKY: Thank you. I do not want any egregious statements attributed to me. Thank you.

SENATOR SANBORN: I appreciate that. And, for the record, Senator, I thought I attributed the letter itself making a statement; and if I attributed it to the wrong Senator, I apologize for math today; I must be approaching seventy.

SENATOR LASKY: Again, I am aging. So, thank you.

SENATOR SANBORN: Thank you.

PRESIDENT MORSE: The way this day is going, I'm aging!

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

SENATOR AVARD: A real quick question, Senator, and thank you for taking my question. With regards to the audit, when is that audit due?

SENATOR CARSON: We were informed that it was due this spring time.

SENATOR AVARD: This spring time. Would it make sense, then, or could it make sense that we would vote in favor of passing this and then tabling and holding this in case that audit is not up to par?

SENATOR CARSON: Thank you for the question. Our crossover is March 22nd. I do not believe that the audit will be completed by then.

SENATOR AVARD: Thank you, Senator.

SENATOR CARSON: You're welcome.

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

SENATOR FULLER CLARK: Senator Carson, it's my understanding, if you could confirm this, that according to the report from your public hearing that the Environmental Department said that their compliance assurance response policy makes sure there is an opportunity for a company to fix a problem before they necessarily institute a fine. So, it is my understanding that there is a lot of give and take in terms of working with our residents in this state who are out of compliance. Is that your understanding?

SENATOR CARSON: Thank you for the question, Senator. Yes, it is. As you can see, we did get testimony from the Department stating just that.

SENATOR FULLER CLARK: Thank you.

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

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

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

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

Roll Call, Yeas: 20 - Nays: 4. Adopted.

TRANSPORTATION
SB 397-FN, authorizing the university system of New Hampshire to issue decals for multi-use decal plates.
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

SENATOR CAVANAUGH: Thank you, Mister President. Mister President, I'm only 52 but I forget what I'm supposed to say. I'm just kidding, I have it written down. This bill would allow the University System of New Hampshire, including Granite State College, Keene State College, and Plymouth State University, to issue multi-use decal plates. The sales revenue for these plates will be used exclusively for student scholarships based on need and merit. These plates would also allow the students, faculty, and alumni to demonstrate pride in their institutions, just as those of the University of New Hampshire already may. As we have already heard today, there are several pieces of similar legislation dealing with issuing decals this session. As a house-keeping measure, a subsequent motion will be offered that I hope you can support in order to ensure that all of these pieces of legislation are passed properly. Thank you, Mister President.

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

Senator Bradley moved to Lay on the Table. Adopted.

Without objection, the Clerk shall read the first complete House Message and thereafter only the title of each bill shall be read. Adopted.

PRESIDENT MORSE: Senator Bradley, Senate Bill 215. Do you still wish to special order that to the next session?

SENATOR BRADLEY: I do wish to special order Senate Bill 215 so that the committee has an opportunity to discuss it.

SPECIAL ORDER

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

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

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 48, establishing a commission to study the efficiency and effectiveness of the fish and game department's operations, governance, and management structure.

Senator Avard moved Concurrence. Adopted.

SB 119, relative to the length of docks on a water body and boat slips.

Senator Avard moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Bradley, Sanborn and Fuller Clark.

SB 132, relative to historic burial grounds and cemeteries.

Senator Carson moved Concurrence. Adopted.

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

Senator Bradley moved Concurrence.

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

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

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

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

SB 71, relative to the law governing alimony.

Senator Carson moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Carson, French and Lasky.

SB 249, relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file.

Senator Carson moved Nonconcurrence. Adopted.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: First, I want to thank my colleagues from District 13 and 14 for "degeezering" me; giving me a fountain of life, although I certainly don't feel that way. So, Mister President, thank you very much.

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 Gray: SB 247-FN-A
Senator Sanborn: CACR 20, HB 225, HB 561-FN, SB 48, SB 92, SB 71, SB 119, SB 132, SB 247-FN-A, SB 249, SB 300, SB 321, SB 324-FN, SB 325, SB 326, SB 328, SB 330, SB 333, SB 334-FN, SB 336, SB 344-FN, SB 345, SB 358, SB 360, SB 367, SB 369-FN, SB 371, SB 372-FN-A, SB 375, SB 376-FN, SB 377-FN, SB 380, SB 384, SB 385, SB 392, SB 396-FN, SB 397-FN, SB 399, SB 407, SB 469
Senator Woodburn: SB 247-FN-A

ANNOUNCEMENTS

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I stand for unanimous consent. And I'm here this afternoon to pay tribute to a great and 50 year New Hampshire resident and a great man who died last week on January 11th at the age of 92. My father, John William

Hennessey, Jr., was a veteran of World War II, a scholar, a feminist, a progressive, and an ethicist, with an exceptional career. He majored in economics in social institutions at Princeton writing his senior thesis on the merits of national health care. After graduating from Harvard Business School in 1950 my father knew that he wanted to be a teacher. He completed his Doctorate in Organizational Behavior followed by moving to Hanover, New Hampshire with his wife, Jean, and their two young children. My father accepted then the deanship at Tuck in 1968 at the age of 43 on the condition that the trustees allow women to be admitted into the Business School. This was three years prior to the undergraduate college's acceptance of women. And he also worked to remove racial barriers by recruiting minorities into the five most selective business schools in the country.

My father served on more than thirty non-profit college and corporate boards serving as a chair of the Dartmouth Hitchcock board, Encyclopedia Britannica, Vermont Law School, Connecticut Mutual Life Insurance and others. More recently he sat on the boards of Americans for Campaign Reform and Patient Choices at End of Life. In 1981 he received an honorary Doctor of Humane Letters from the University of New Hampshire, and on the occasion of his 80th birthday, then New Hampshire Governor John Lynch proclaimed March 25, 2005 John W. Hennessey, Jr. Day. While his resume is extensive, and this only represents a small taste of all the things John Hennessey accomplished, I will always remember my father for his intellectual curiosity, his fierce integrity, his humanitarianism, and his convictions regarding the inherent dignity of all humans.

As a colleague, a teacher, a mentor, a friend, or a dad, my father made others feel as if they were the only ones in the room. He practiced unconditional, positive regard and always knew that asking good questions was more important than giving quick answers. I wish that I had a nickel for every time someone has told me how my father changed his or her life. He made people, including me, want to be the best versions of themselves. But those closest to John Hennessey knew about him was that he had a love affair with words, and still was using words that I had to look up in the dictionary on his deathbed.

He loved to make people laugh. His wit was sharp; he was also playful, and he made us smile to the very end. His children and three grandchildren were always his first priority. He read the books they read in school so they could discuss them, and he recently apologized to our youngest daughter for not being able to read her law school texts because of his failing eyesight. He took all of my children to all 50 states, and he attended every local event. And in the past six years he became the proud great-grandfather of 5 great-granddaughters, a new thrill in his life.

Some of you know that my mother was very involved in New Hampshire politics along with her dear friend, New Hampshire Senator Mary Louise Hancock, who died one month ago. After my mother died in 2004 my father married former Governor Madeleine Kunin from Vermont in 2006. He felt sure that she was a gift from my mother, knowing that she would not want him to be alone. We lost a great man last week, and although he lives on in so many who knew and loved him, he will be dearly missed. In today's *Valley News,* Martha Loreman, from the first class of women at the Amos Tuck School, wrote a letter to the Editor that stated in part, John was a wonderful man, devoted to his family, dedicated to his students, dedicated to improving the world, and an ardent supporter of the Socratic Method. My heart is hollering in pain at his passage. I'd

like to take this opportunity to thank everybody who has expressed their condolences to me, and I just wanted, for the record, to read something about him. Thank you.

PRESIDENT MORSE: Senator Hennessey, I want you to know the thoughts and prayers of all the Senators are with you and your family, and your remarks will be entered into the permanent *Journal*.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Again, a point of personal privilege; you know it's kind of a tragedy that whenever we get up and do these things, we're talking about people that have passed on and left real holes in our hearts. But the memories and the relationships that were created will live forever, and that's really what life is all about.

We lost a truly great man last week when we lost Colonel Paul O'Leary. Now some of you might remember Paul, some of you don't remember Paul, but I was a friend of Paul's for the last forty years. Paul O'Leary became Colonel of our State Police and, believe it or not, Paul O'Leary was the first and only person to rise from Trooper to Colonel and go through every rank that was offered by the State Police. He went through every rank from zero to Colonel and is one of two men to have the rank of Lieutenant Colonel for the State Police. He and Lieutenant Colonel Hayes were the only two ever to be Lieutenant Colonels. And I might say in his lifetime he suffered a demotion at one time when they took the Lieutenant Colonel away and made him a Major and placed him over at the highway building at a desk in isolation. But the man had the courage of a lion; he lived through this and went on to become Colonel of the State Police. Paul served in the Coast Guard and in the Marine Corps. And in the Marines we always say, as Senator Giuda might know, Semper Fi; and he was Semper Fi, and lived with that.

Paul passed away in Rochester surrounded by his family. He suffered some tragedies prior to his passing. He lost a son, and he lost a daughter, and Paul loved his family. He really loved his family and was a great, great family man. I got to know Paul because he liked football players, you know, and I had the privilege of playing when I was in college and Paul and the Chairman of the Board of Trustees at the University would drop over and say hello. But with O'Leary's passing we have lost a memory of leadership because Paul was a strong leader. And we know we have great confidence in our State Police, and the reason why we do is because of the leadership that has been manifested by people like Paul O'Leary through the years. That's a great loss, but in essence the memory will live on because Paul left us with something. He left us with a vibrant organization, with an organization that we believe in, and an organization that serves the public.

I've had the privilege of meeting a number of great guys in my service in this state and Paul O'Leary ranks right up there with the tops. You know he's a Walter Peterson type–big, strong guy who wasn't afraid to do anything. So, it's a great loss for the state, great loss for his family. His wife still lives in Rochester. I know Senator Gray knows the O'Leary family. They were married for 68 years; that's a milestone in today's world. And, as I say, it's a great loss for the state. So, hopefully we'll remember Paul O'Leary for the service that he rendered to the state of New Hampshire over his many years in the State Police. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise for a moment of personal privilege, and want to thank my colleagues for the eloquence in which they've addressed family members, and those who have dedicated great service to the state. It's just remarkable to hear the life story of people. And here we are, we are not necessarily at that same age that's been described today, but if we live long enough, we're here to honor those who we've known that are now deceased.

I rise today on behalf of a friend, Representative Gladys Johnsen, who has represented Keene in the House of Representatives for the past seven years. I've known Gladys since 1991 when she joined the Keene State College music faculty. We worked together for fifteen years at Keene State College. Gladys has a remarkably beautiful voice and is an outstanding choir director still directing the choir at the Keene Unitarian Church. It was two Thursdays ago when she was in a House session that Representative Johnsen received a call that her husband of twenty-seven years, Melvin Morgan, had collapsed and died at home. I was fortunate to know Mel. He often accompanied Gladys to the State House and events that occurred in Cheshire County, and at Keene State College. When the Reverend Michael Hall, at the Keene Unitarian Church, gave a wonderful eulogy for Mel, who was an active parishioner, he described Mel as a kind and loving man. That is exactly what those of us who knew Mel would have said. By all accounts of many of his grandchildren who said he was the coolest man in Keene. We all envied the title. A tribute to a man who directed his attention and his love to family, church, and community, and I hope that you'll join me in sharing your sympathy with Representative Johnsen's loss, and the loss of a man who will be missed by his Cheshire County, New Hampshire and Maine friends.

And while I'm standing today, I'll just pay tribute to another member of New Hampshire's music community. We lost a fantastic musician this last week, saxophonist Scott Mullett. If you were out on the music circuit in Keene you knew Scott. You could pick Scott out in a group as, "there is the musician." The burley, mustached, quiet, demurring, quiet sense of humor who played the saxophone. He shared his talent with students in the Boston Conservatory, Vermont Jazz Center, and Keene State College, and played with many bands in New Hampshire. He was a young man and we lost him way too soon; we pay tribute and write into the record my thoughts on the loss of both Melvin Morgan and Scott Mullett. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. A little personal privilege and most of you know I don't speak a lot in here so I'm going to ask that you indulge me for just a moment. And given the context of today's debate, this is a particularly interesting discussion I'm about to have.

When I was a boy, I was fortunate and had four grandparents and five great-grandparents. They were a font of knowledge and wisdom and information, and I thought they were a terrific addition to my life. And I took advantage of that and talked with them often and learned a great deal from them. Across the street from me was a woman named Mrs. Otten, who lived on a corner lot and swept her gutter every day. I was 7, 8, 9 years old and every day when she went out, I went out and I sat on the curb with her and I talked at her for the full hour it took her to work her way around. And it was a wonderful experience to learn from

these folks and to understand their perspective and everything that they had been through. I've had a number of people that I consider mentors who generally have been older than me: my grandfather is one; my father, certainly; and a number of older folks that I've always looked up to. And I lost my last grandfather just four years ago; my last great-grandmother was in 2000 when I was 36. So I had an opportunity to learn an enormous amount from these people.

Today we named a bridge after someone who is still with us; a person who has the characteristics of those folks that I grew up with, and has served as a mentor to me, Ruth Griffin. And I think she's had an impact on people, and our state, and our community that goes far beyond anything she can imagine, which is true for my grandparents and great-grandparents. I don't think they understand the impact they had on who I am today–maybe now they do, they didn't when they were living. And Ruth Griffin is that type of person for so many of us; probably many of us in this room. She has been an icon in our state for a long, long time. And I remember the first time I went to meet her. I was running for Congress and, you know, you got to get this endorsement, Ruth is really important. You walk into her parlor and you sit down, and you see those eyes of hers, and everybody's seen them, they're looking right through you and you know it, and you think, Oh my God. You know, she sees everything about me, how am I going to get through this? And when I sat with her, she made me wait weeks before she would endorse me, and I swear it was a plan. But eventually she did, and I had to go hold court with her again, and it was a wonderful thing, and our friendship has grown over the years. I'm negligent in visiting her, the record will show that. I will be scolded when I finally arrive, but I will do so. But I think one of my favorite comments from Ruth was this: I was troubled recently, and I won't tell you which party had me troubled, could be both of you, and I said I'm not quite sure how to approach this. And you can guess what she might have said–Oh the hell with them, do what's right and do what you believe is right, and you'll be just fine. And that's the way Ruth has lived her life, and that's the way she has mentored so many of us to lead our lives in politics. She's a landmark in her own right, and it's only fitting that we name a landmark after Ruth Griffin.

So thank you all for your vote today, and thank you Ruth for all that's you've done. Counselor Griffin, all that you've done for our state and for the citizens of our state we are all grateful. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President, for a point of personal privilege. One year ago today the most important person in my life was stricken, and that commenced a journey that has taken me from the heights of exhilaration to the depths of despair. Through all of that, your prayers, your cards, your kind wishes and words have helped me sustain traction in life, have helped me keep moving day after day when sometimes the days seem more than I can take. I'm here today to talk for just a moment about the courage of a lady who was supposed to not survive a year ago today, and yet here we are. At this point in time, she can be in a chair for about an hour and fifteen minutes before her heart starts to give out because she's been horizontal for so long, but we're making progress. Two weeks ago, for the first time, with her eyes open, the director of nursing asked her, Christine are you comfortable? And she said uh-huh. And then he asked her, if you just said yes, would you blink your eyes once? And she blinked her eyes once. It is a torturously

slow journey, and yet one which has deepened my faith, reinforced my faith in human nature; I cannot tell you how much different the real world is in the hearts of small town people than what we see and read in the papers every day of violence and hatred and anger. But I can tell you I lived at Dartmouth for five weeks and during that period of time my kids were going back and forth to home. We would find hot meals on the stove from people we didn't even know. We would find chocolate chip cookies with a note that said, smile, it will get better. We had more things done–people plowed our driveway; all of these things that are in the good heart and the good nature of the people of this state, and I believe of this world. I'm here to attest to the courage of a lady, who wasn't supposed to make it and we're a year down the road, and she may just be coming back to us. Thank you for your support for me in my journey. Thank you for your prayers for my wife and hers. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Personal privilege for two reasons: first, a wonderful constituent of District 15 has just had a new grandbaby, a baby girl, Violet Saylor. That constituent is our Clerk, Tammy Wright. Let's give a round of applause to Tammy Wright.

On a much more somber note, Mister President, a good friend, fellow neighbor in the South End of Concord, a former State Senator, Chip Rice, passed away recently, and I'll read portions of his obituary into the record.

> Chip Rice was a great story teller–as long as you had lots of time and patience. Before you had a chance to say yes to his question, have I ever told you? Chip would launch into a story about meeting Robert Frost at Kimball Union, his shenanigans in the Navy or playing rugby against Prince Charles. It delighted Chip when his grandson Emmett joked that he kept a spreadsheet of all Chip's stories and the frequency with which he told them.
>
> Chip and his wife Ann loved to travel, and while many people collect souvenirs, Chip collected friendships. A B&B proprietor from Wales, a root beer baron from Glasgow, and some RV'ers from Germany are a few of the people Chip convinced to visit him in New Hampshire. He was always game to try the local cuisine–like guinea pig in Ecuador and salt cod in Nova Scotia–but his family wasn't always excited when he brought the recipes home with him.
>
> Chip was the original hipster–he made hummus before it was a thing, he carried a manbag, traveled to Manchester for Rooster Sauce, made his own pita chips, roasted his own coffee, and rocked a mean goatee. His hairstyle was lovingly known as the "grenade look" and he was happiest in saggy jeans and a coffee stained sweatshirt. But on special occasions, he pulled out all the stops, with his Scottish kilt, tailored jacket and every accessory. Chip never did anything halfway. In fact, when he experimented with raising sheep, he had a herd of 50 of them.
>
> Chip was a practical and creative joker who made people laugh but was very serious when it came to his community. He dedicated his life to helping others whether as Executive Director of Rockingham County CAP, CEO of Bancroft Products, or as a state Senator. He loved living in Concord and was passionate about his work with the refugee community; organizing community discussion groups and

representing the South End in the New Hampshire State House. His ability to look beyond difference and find mutual understanding made him an inspiring leader and mentor. His most recent project was supporting the creation of the John Winant statute, which was spawned by his obsession with the book *Citizens of London*.

Chip's dogs were his constant companion. Tinker, Max, Dakota, and Izzy all found a happy spot under Chip's hand. Most of all he loved his wife Ann, who sang him silly songs, shared his love for travel and people, and made him smile every day.

Chip died on Wednesday, January 3rd, in the way he had hoped–at home, without medical intervention, with his loving wife and children holding his hands. His family, both by birth and by choice, will continue to share his stories.

(*Union Leader*, Jan. 7, 2018)

Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Personal privilege. I'd simply like to inquire as rather or not the remarks that were made by Senator Woodburn about the Clark family could not also be included in the permanent *Journal* since they really record a really remarkable history. Thank you.

PRESIDENT MORSE: The answer is yes. I believe any debate that we have during the session is included.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you very much, Mister President. Today is a great day in the Lasky family because Senator Lasky's husband is having a birthday today, so congratulations and all the best. Thank you, Mister President.

PRESIDENT MORSE: And before we recognize Senator Bradley–Rick, Kat congratulations on your wedding! We'll enter that into the permanent *Journal*.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 225-FN, relative to information collection concerning electric renewable portfolio standards.
SB 92, relative to the consumer complaint process at the banking department.
SB 300, naming a certain bridge connecting Dover and Newington the Ruth L. Griffin bridge.
SB 321, relative to group host net energy metering.
SB 324-FN, allowing an optional retirement system allowance to include a subsequent remarriage of a divorced retiree.
SB 326, relative to the functions of the division of historical resources.
SB 328, relative to attorney general membership on certain committees and repealing the criminal justice information system.
SB 333, relative to pharmacy interns and vaccinations.
SB 336, relative to the judicial district for the towns of Waterville and Livermore.

SB 345, naming a bridge in the town of Lincoln in honor of the Clark Family.
SB 358, relative to reorganization of the department of education.
SB 360, establishing a commission to study whether the department of education should be required to conduct criminal history records checks, via a fingerprint check, on all applicants for teacher certification.
SB 367, relative to public utilities commission review of group host agreements.
SB 369-FN, relative to the publication of the rulemaking register.
SB 376-FN, relative to the sale of certain cold medications.
SB 377-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners.
SB 380, relative to the therapeutic use of cannabis.
SB 384, relative to written certification under the use of cannabis for therapeutic purposes law.
SB 385, establishing a foster care children's bill of rights.
SB 392, establishing a commission to study and evaluate the impact of the discharge of state prisoners.
SB 396-FN, relative to gold star number plates.
SB 399, naming a bridge in Concord in honor of David E. Powelson.
SB 407, relative to membership of the McAuliffe-Shepard discovery center board.
SB 469, relative to the appropriation of funds from the equipment inventory fund.

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.

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

First and Second Reading and Referral

18-2832
SB 588-FN, relative to inspections of laboratories. (Bradley, Dist 3; Executive Departments and Administration)

18-2926
SB 589-FN, relative to regulation of certified recovery support workers. (Reagan, Dist 17; Carson, Dist 14; Gannon, Dist 23; Sytek, Rock. 8; McGuire, Merr. 29; Knirk, Carr. 3; Executive Departments and Administration)

18-2835
SB 590-FN-A, making a supplemental appropriation to the state loan repayment program, relative to emergency involuntary admissions, and relative to the child protection act and making appropriations therefor. (Bradley, Dist 3; Carson, Dist 14; Avard, Dist 12; Gray, Dist 6; Fuller Clark, Dist 21; Watters, Dist 4; Feltes, Dist 15; Danielson, Hills. 7; Rosenwald, Hills. 30; M. MacKay, Hills. 30; Health and Human Services)

18-2906
SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers. (Soucy, Dist 18; Reagan, Dist 17; Rosenwald, Hills. 30; Keans, Straf. 23; Health and Human Services)

18-2819
SB 592-FN-A, relative to the child welfare system. (Carson, Dist 14; Morse, Dist 22; Bradley, Dist 3; Avard, Dist 12; Reagan, Dist 17; Hinch, Hills. 21; Kotowski, Merr. 24; Bove, Rock. 5; Umberger, Carr. 2; Health and Human Services)

January 24, 2018
2018-0270-EBA
08/03

Enrolled Bill Amendment to SB 48

The Committee on Enrolled Bills to which was referred SB 48

AN ACT establishing a commission to study the efficiency and effectiveness of fish and game department operations.

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 48

This enrolled bill amendment corrects the name of the commission established to make it consistent throughout the bill.

Enrolled Bill Amendment to SB 48

Amend this bill by replacing section 3 with the following:

3 Repeal. RSA 206:1-d, relative to the commission to study the efficiency and effectiveness of fish and game department operations, is repealed.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

January 19, 2018
2018-0207-EBA
06/04

Enrolled Bill Amendment to SB 247-FN-A

The Committee on Enrolled Bills to which was referred SB 247-FN-A

AN ACT preventing childhood lead poisoning from paint and water.

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 247-FN-A

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to SB 247-FN-A

Amend section 18 of the bill by replacing line 1 with the following:

18 New Section; Lead in Drinking Water in Schools and Licensed Child Care Facilities. Amend

Amend RSA 485:17-a, I as inserted by section 18 of the bill by replacing line 10 with the following:

approved by the department, within 30 days of notification of parents or, in consultation with the

Amend RSA 540-A:3-a as inserted by section 19 of the bill by replacing line 5 with the following:

shall notify the tenant or prospective tenant and shall install on the kitchen faucet a filtering

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

February 1, 2018

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

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

Dear God, we start this morning by praying for our colleague, Senator D'Allesandro, who is absent to be with his brother Paul in Boston with pneumonia. Strengthen them; give them the assurance of healing presence.

This morning we give thanks for our government and its leaders. Help them to be men and women acting justly and righteously; that we may lead a quiet and peaceable life in all goodness and honesty. Give our leaders wise and understanding hearts and let knowledge be pleasant to them. Guide them in making wise and just choices. Guard over them with understanding, keeping them out of danger; make their hearts and ears attentive to wise counsel, doing what is right for the people they serve. Give us upright, just and fair men and women in our government that our state will be secure and prosperous. Help them to do justice, love kindness, and walk with humility. Let all of us who enjoy the fruits of liberty and justice having seen their example pitch in and do our part to make our country and state a better place to live. Amen.

Senator Bradley led the Pledge of Allegiance.

Senator D'Allesandro is excused for the day.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I would like to introduce and congratulate the coach and the team for the Hollis Thunder FIRST LEGO League, and congratulate them on their winning the State Championship in Windham, New Hampshire. Coach Gregory Szczeszynski. Did I say that right? Elliott Miller, Christopher Pyle, and Ania Szczeszynski congratulations! And we're looking forward to them representing our state in the 2018 FIRST LEGO League World Festival in April in Detroit, Michigan. Congratulations!

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I would like to introduce two people that are in the Senate chambers today, Melanie Zalman McDonald. Melanie is the Executive Director of The Jewish Federation of New Hampshire, a statewide nonprofit out of Manchester, New Hampshire. The Federation carries out a number of activities serving thousands of people statewide, and among those are the only full day Jewish preschool; the monthly newsletter, the Jewish Reporter, circulated to 4,000 households; provides social services for needy families; produces the Jewish Film Festival, now in its 10th year; and is a powerful voice against anti-Semitism in partnership with twenty different agencies across the state. So, Melanie, thank you for being here today, and thank you for bringing your guest, as well.

Her guest is Noam Wolf, who hails from Maccabim-Re'ut, a city between Jerusalem and Tel Aviv in Israel. Noam, she arrived in Manchester, New Hampshire in August through a partnership between The Jewish Federation of New Hampshire and The Jewish Agency for Israel on a Shaliach. A Shaliach means that she is a designated emissary for New Hampshire, and carrying out a variety of educational and public service activities throughout the state. Her goal is to bridge the gap between the people in Israel and in the United States, and to promote a better understanding of Israeli ideals. And in her short seven months in the United States so far she's been able to present 140 different educational programs to people of all ages across the state. Welcome to the Senate chamber.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I'd like to introduce to the body Joseph Mitchell who is a good friend and a freshman at White Mountain Community College who is with us today. Welcome to the Senate, Joe Mitchell.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: I only see one in the audience so far, because they were so busy providing us a wonderful breakfast this morning, but they might show up later so I'm going to ask for a second accommodation, Mister President. But today some of you may have come down to visit the American Cancer Society, which is the best run cancer society in America; run by the best people in the state of New Hampshire, residing in the best Senate district in the state of New Hampshire, Mister President. And so I welcome all the members of the Cancer Society who were kind enough to give many of us breakfast this morning to talk a bit about their issues. So, if you could please welcome them to the chamber.

INTRODUCTION OF PAGES

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I would like to introduce Mister Oni Saleh. An eleventh-grade student from Keene High School. He is an outstanding violinist who plays in the Keene State College Orchestra. He's a volleyball player and a math team member. Oni's got a terrific political resume, he's very active and was named an outstanding young Democrat last year for his activism. He is intending to pursue a career in biology, while he continues to be active in politics. Please thank him, welcome Oni for his work today.

SPECIAL ORDER

Without objection, the following bill is special ordered to the beginning of the regular calendar. Adopted.

TRANSPORTATION
SB 402, naming a portion of route 110 in Berlin in honor of Anthony B. Urban.

FN REPORT FOR FEBRUARY 1, 2018

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

CONSENT CALENDAR:

JUDICIARY
SB 496-FN, relative to mediation for child support arrearages over $5,000.
SB 558-FN, relative to discrimination based on pregnancy or lactation—if Interim Study recommendation is overturned.
SB 574-FN, clarifying the repayment period for parental reimbursement.

REGULAR CALENDAR:

HEALTH AND HUMAN SERVICES
SB 378-FN, relative to an exemption from the board of registration of medical technicians.
SB 482-FN, relative to confidential emergency medical and trauma services data.
SB 549-FN-A, making an appropriation to the department of health and human services for the Sununu health services center and relative to infants born with substance abuse or withdrawal symptoms resulting from prenatal drug exposure or fetal alcohol spectrum disorder.

JUDICIARY
SB 387-FN, relative to liability of governmental units.

TRANSPORTATION
SB 521-FN, authorizing Sophia's Fund to issue decals for multi-use decal plates.

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

CONSENT CALENDAR:

COMMERCE
SB 429-FN, extending the authority of the department of justice to trade or commerce involving insurance.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 531-FN, relative to the office of professional licensure and certification.
SB 534-FN, relative to the classification of certain state employee positions.

REGULAR CALENDAR:

EDUCATION
SB 355-FN, relative to the names of colleges in the community college system.

ENERGY AND NATURAL RESOURCES
SB 528-FN-L, relative to dam registration fees and relative to permit fees for constructing or reconstructing a dam.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 457-FN, waiving initial licensure fees for indigent applicants for certain professions—if Inexpedient to Legislate recommendation is overturned.
SB 465-FN, relative to documentation requirements for the department of labor.

HEALTH AND HUMAN SERVICES
SB 310-FN, establishing a pilot program for community-based diversion services.
SB 551-FN, relative to deductibles under health insurance policies—if Interim Study recommendation is overturned.

JUDICIARY
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 492-FN, prohibiting bump stocks in New Hampshire—if Interim Study recommendation is overturned.

Without objection, today's FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

JUDICIARY
SB 496-FN, by Senator Carson

CONSENT CALENDAR

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

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

COMMERCE
SB 303, relative to a security freeze on a consumer's credit report.
Ought to Pass, Vote 5-0. Senator Lasky for the committee.

> This bill is an attempt to allow our consumers to better protect their financial security by eliminating the $10 fee paid to the credit bureaus. Now the law states in order to take action to protect one's credit one must prove that their credit has been compromised and adds a $10 fee. This legislation removes that $10 fee and allows you to freeze your credit for free.

SB 312, clarifying the New Hampshire Foundation Act.
Ought to Pass, Vote 5-0. Senator Innis for the committee.

> This bill makes three simple technical corrections to the Foundation Act. First, it clarifies that the principal office of a foundation need not be located in New Hampshire. This is consistent with the LLC Act, the Corporations Act and the Trust Act. It also adds a missing "and" and corrects a cross reference to the "General Powers" section of the Act. Finally, it adds a cross reference to the "Capital" section of the Act, to clarify that the language in this section limiting a founders powers must be read in conjunction with the "Reserved Power" section.

SB 315, relative to the definition of beverage.
Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

Mead is fermented with three basic ingredients: honey, yeast and water. It isn't classified as beer or wine, but stands apart in its own rank of alcoholic beverage. The amendment defines "mead" in statute and includes mead in the RSA that allows the commission to approve a malted beverage greater than 6 but not to exceed 8 percent of alcohol.

Commerce
January 24, 2018
2018-0283s
08/04

Amendment to SB 315

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

AN ACT relative to the definitions of beverage and of mead.

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

1 Beverage; Definition. Amend RSA 175:1, VIII to read as follows:

VIII. "Beverage" means any beer, wine, similar fermented malt or vinous liquors and fruit juices, and any other liquid intended for human consumption as a beverage having an alcoholic content of not less than 1/2 of one percent by volume and not more than 6 percent alcohol by volume at 60 degrees Fahrenheit and specialty beer as defined in RSA 175:1, LXIV-a. The commission may approve any fermented malt beverage ***or mead*** greater than 6 percent but not to exceed 8 percent or any cider greater than 6 percent.

2 New Paragraph; Definitions; Mead. Amend RSA 175:1 by inserting after paragraph XLVIII the following new paragraph:

XLVIII-a. "Mead" means an alcoholic beverage primarily made from honey, water, and yeast, and which may contain fruit, fruit juices, spices, or herbs added before or after fermentation as completed, except that the ratio of fermentable sugars from honey must exceed 50 percent of the total fermentable sugars used to produce mead.

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

2018-0283s

AMENDED ANALYSIS

This bill defines mead and allows the liquor commission to approve certain meads.

SB 319, relative to exempt securities.
Ought to Pass, Vote 5-0. Senator Soucy for the committee.

This bill modifies the exemption from securities regulation for government issued securities including any industrial development bond or industrial revenue bond. NH is currently one of only 9 states that requires that when these securities are sold to the public a notice needs to be filed. NH is such a small state that it does not make sense for a bond issuer from other states to file a form and pay a fee in NH. The fee is modest but the legal and accounting costs to prepare the form far exceed the amount of the fee. This puts NH at a competitive disadvantage.

SB 348, relative to senior-specific certifications or designations for securities broker-dealers.
Ought to Pass, Vote 5-0. Senator Soucy for the committee.

The Legislature recently recodified the Securities Act but this particular provision was omitted. This bill would prohibit the use of senior designations unless the designation has been issued by a group that has been recognized by the nationally recognized accrediting organization. The original statute dealing with professional designation arose as a result of financial professionals that were falsely implying that they had expertise in senior issues and trying to capitalize on that market by offering products which may or may not have suited senior citizens. It is important to correct this oversight so the bureau can protect this age group that has been targeted in the past. In addition the bill makes technical corrections to federal and state statutory citations.

SB 429-FN, extending the authority of the department of justice to trade or commerce involving insurance.
Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

The original intent of this bill was to remove the insurance commissioner from the consumer protection act because although not law or a rule, the commission wouldn't allow anyone to go before the commission who was being represented by an attorney. The committee amendment replaces all and allows the insured to be represented by an attorney in dispute with an insurer in front of the commission as well as codifying other policies of the department. Adding this to statute clears up any confusion with the department.

Commerce
January 24, 2018
2018-0279s
03/01

Amendment to SB 429-FN

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

AN ACT establishing a consumer services program within the insurance department.

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

1 New Section; Consumer Services Program. Amend RSA 400-A by inserting after section 15-d the following new section:

400-A:15-e Consumer Services Program.

I. The commissioner shall maintain a program to investigate complaints and respond to inquiries received, and, when warranted, refer matters for enforcement, further investigation, or examination against insurers, producers, or any other entity subject to the regulatory authority of the commissioner. The program shall include, but not be limited to, the following:

(a) A toll-free telephone number dedicated to the handling of complaints and inquiries.

(b) A standardized complaint form designed to assure that complaints will be properly registered and tracked.

(c) Maintenance of a comprehensive database of complaints and inquiries adequate to promote efficient case handling and to allow department analysts to discern potential issues with regulated entities and market trends that require follow up and potential regulatory action.

(d) The commissioner shall, if deemed appropriate, notify insurers, producers, or other regulated entities against whom the complaint is made of the nature of the complaint, may request appropriate relief for the complainant, and may meet and confer with the complainant and the regulated entity in order to mediate the complaint. This section shall not be construed to give the commissioner power to adjudicate claims.

(e) Retention of records on complaints and inquiries consistent with the insurance department's general record retention policy.

(f) Sharing of complaint information, pursuant to RSA 21-U, with other state agencies regulating financial services.

(g) Referral of complaints not within the department's jurisdiction to appropriate public and private agencies.

(h) Complaint handling goals that can be tested against consumer satisfaction surveys carried out pursuant to paragraph V.

(i) Inclusion in the department's annual report to the governor and council, required under RSA 400-A:26, detailed information regarding the program required by this section, that shall include, but not be limited to: a description of the operation of the complaint handling process, listing the number of complaints and inquiries received; enforcement actions taken pursuant to complaints received; the amount of staffing resources devoted to the handling and resolution of complaints; and the amount of recoveries made on behalf of consumers.

II. The commissioner may establish a secure, online complaint response system to distribute and receive complaint information from insurers and other regulated entities. Insurers or other regulated entities shall be required to submit and receive complaint information, including, but not limited to, requested claim files, underwriting files, correspondence, and other supporting documents, using any system established by the commissioner pursuant to this paragraph.

III.(a) In receiving complaints and inquiries, investigating complaints, and responding to complaints and inquiries by members of the public concerning the handling of insurance claims by insurers or producers, or alleged misconduct by insurers or producers, the commissioner shall not decline to investigate complaints for any of the following reasons:

(1) The insured is represented by an attorney in a dispute with an insurer, or is in mediation or arbitration.

(2) The insured has a civil action against an insurer.

(3) The complaint is from an attorney, if the complaint is based upon evidence or reasonable beliefs about violations of law known to an attorney because of a civil action.

(b) Consistent with the principles of res judicata and administration and judicial economy, the commissioner may defer any mediation effort or enforcement proceeding related to a complaint until the finality of a dispute, mediation, arbitration, or civil action involving the claim is known.

(c) Nothing in this section shall be construed to waive the confidential and privileged nature of all documents, materials, or other information in possession of the department pursuant to an investigation of a complaint as provided in RSA 400-A:16.

IV. In coordination with the consumer services program, the commissioner shall provide for the education of, and dissemination of information to, members of the general public concerning insurance matters. The commissioner may in person or through employees of the

department meet with individuals, organizations, and associations interested in insurance for the purpose of securing cooperation in the enforcement of the insurance laws of this state and may disseminate information concerning the insurance laws of this state for the assistance and information of the public. In addition, the commissioner shall arrange for public service announcements, website information, social media statements, and other outreach efforts reasonably designed to inform consumers of the availability of the department's consumer assistance program and how to register a complaint or make an inquiry to the department.

V. The department shall include, with each notification of final action to a complainant, or, at a minimum, with a number of randomly selected notifications of final action sufficient to assure the validity of results, a complaint handling consumer satisfaction evaluation form. This form shall clearly and concisely seek an evaluation of the department's performance in handling the complainant's grievance. The areas of evaluation shall include, but not be limited to: whether the complaint was handled in a fair and reasonable manner, evaluated thoroughly and without bias; the time required for resolution of the complaint; whether the complaint was referred and, if so, whether it was referred within a satisfactory time; whether the staff involved in handling the complaint demonstrated an adequate knowledge of the issues involved in the complaint; whether the complainant was satisfied with the result of the department's intervention; and whether the complainant would recommend the department's complaint handling services to others.

VI. The commissioner shall ascertain patterns of complaints by insurer, geographic area, insurance line, type of violation, and any other valid basis the commissioner may deem appropriate for further investigation, and periodically evaluate the complaint patterns to determine additional examination, investigative, or enforcement actions which may be taken by the commissioner, and report on all actions taken with respect to those patterns of complaints in his or her annual report to the governor and council pursuant to RSA 400-A: 26, and to the public. For the purposes of this paragraph, complaints mean those written complaints received by the commissioner under paragraph I, and written complaints received by the commissioner from any other sources, alleging misconduct or unlawful acts by insurers or production agencies.

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

2018-0279s

AMENDED ANALYSIS

This bill establishes within the insurance department a consumer services program to investigate complaints and respond to inquiries.

EDUCATION

SB 349, relative to course requirements in a career and technical education program.

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

> This bill includes a career and technical education program in the non-mathematics content area courses a student may take to fulfill the competency in mathematics requirement. This legislation seeks to clarify and reassert the intent of the fourth-year math program that was implemented several years ago so that it applies to career and technical education (CTE) programs.

SB 356, adding a representative from the community college system to the apprenticeship advisory council.
Ought to Pass, Vote 5-0. Senator Giuda for the committee.

This bill adds a representative from the community college system of New Hampshire (CCSNH) to the apprenticeship advisory council. CCSNH has made important strides in building apprenticeship programs and relationships with employers and community organizations statewide. Adding a representative from the CCSNH would allow them to expand their work to include others on the council as they work to expand apprenticeships to industries beyond the traditional trades, such as healthcare, IT, and advanced manufacturing.

SB 361, relative to dual and concurrent enrollment agreements between high schools and colleges and universities.
Ought to Pass with Amendment, Vote 5-0. Senator Kahn for the committee.

As amended, this legislation extends the dual and concurrent enrollment program to high school courses approved for credit by the university system of New Hampshire. It also requires the department of education and the university system to develop a model dual and concurrent enrollment agreement to be used by participating school districts.

Senate Education
January 23, 2018
2018-0244s
06/05

Amendment to SB 361

Amend RSA 188-E:25, I as inserted by section 1 of the bill by replacing it with the following:

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

Amend the bill by replacing section 2 with the following:

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

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

Amend RSA 188-E:28, I as inserted by section 3 of the bill by replacing it with the following:

I. No later than July 1, 2018, the school board of each school district shall develop and adopt a policy permitting students residing in the district who are in grade 11 or 12 to participate in the dual and concurrent enrollment program. The policy shall, at a minimum, include compliance with measurable educational standards and criteria approved by the CCSNH ***and/or the university system of New Hampshire*** and that meet

the same standard of quality and rigor as courses offered on campus by the CCSNH ***and/or the university system of New Hampshire***. The policy shall also comply with the standards for accreditation and program development established by the National Alliance for Concurrent Enrollment Partnerships. The policy shall include, but not be limited to, student eligibility criteria, standards for course content, standards for faculty approval, program coordination and communication requirements, tuition and fees, textbooks and materials, course grading policy, data collection, maintenance, and security, revenue and expenditure reporting, and process for renewal of the agreement.

Amend RSA 188-E:28, III as inserted by section 3 of the bill by replacing it with the following:

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

2018-0244s

AMENDED ANALYSIS

This bill:

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

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

SB 382, relative to withdrawal from cooperative school districts.
Ought to Pass, Vote 5-0. Senator Giuda for the committee.

> At the request of the Department of Education, this bill requires certain cooperative school districts to amend their articles of agreement to include a method of withdrawal from the cooperative district. Issues to be considered shall include, but are not limited to, the process for ongoing education following withdrawal or dissolution, maintenance of student records, employment issues, on-going liability issues, capital issues, and bond issues.

ENERGY AND NATURAL RESOURCES
SB 448, establishing a commission to study the establishment of a state department of energy.
Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

> This bill will create a commission to study the establishment of a state department of energy. Currently, state energy policy is ad-

dressed through many different state agencies, leaving the public confused about where to access information regarding energy policy and programs. SB 448 will examine the potential to create a single state agency or consolidation under another agency in order to better provide information and support to an area of policy that is both intricate and complex.

Energy and Natural Resources
January 16, 2018
2018-0158s
06/01

Amendment to SB 448

Amend RSA 162-H:23, I as inserted by section 1 of the bill by inserting after subparagraph (k) the following new subparagraphs:

(l) One representative of the New Hampshire High Tech Council, appointed by the council.

(m) The consumer advocate, or designee.

(n) The commissioner of safety, or designee.

Amend RSA 162-H:23, IV as inserted by section 1 of the bill by replacing it with the following:

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 531-FN, relative to the office of professional licensure and certification.

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

The legislation provides for the Office of Professional Licensure and Certification to establish by rule and collect fees for boards and commissions administered by their office and to deposit these fees in the Office of Professional Licensure and Certification Fund. In addition, this creates one unit for budgetary purposes to track financing and to know when fee structures may need to be reviewed.

SB 534-FN, relative to the classification of certain state employee positions.

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

This legislation, which was a request of the Joint Committee on Employee Classification, revises the salaries and titles of certain unclassified employees in the department of health and human services, in addition to increasing certain salaries in order to recruit and retain qualified personnel. The amendment corrects a typographical error in the original bill.

Senate Executive Departments and Administration
January 24, 2018
2018-0275s
05/04

Amendment to SB 534-FN

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

1 Compensation of Certain State Officers; Salaries Established. Amend RSA 94:1-a, I(b) by deleting the following:

I.	EE	Department of health and human services, administrator, bureau of division of elderly services and adult community services
II.	HH	Department of information technology, chief information security officer
III.	II	Department of administrative services, assistant commissioner
IV.	II	New Hampshire hospital, chief executive officer
V.	PP	Department of health and human services, unit director, medical

2 Compensation of Certain State Officers; Salaries Established. Amend RSA 94:1-a, I(b) by inserting the following:

I.	FF	Banking department, general counsel
II.	HH	Department of administrative services, project management, innovation and operational analysis unit, director
III.	HH	New Hampshire hospital, chief operating officer
IV.	HH	Department of information technology, assistant chief information security officer
V.	II	Department of information technology, chief information security officer
VI.	JJ	Department of administrative services, assistant commissioner
VII.	JJ	Department of health and human services, associate commissioner, operations
VIII.	JJ	Department of health and human services, associate commissioner, population health
IX.	KK	Department of business and economic affairs, commissioner

Amend RSA 94:3-b, II(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Associate medical examiner, department of justice, $160,000 - $240,000

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

4 New Section; Bank Commissioner; General Counsel. Amend RSA 383 by inserting after section 5 the following new section:

383:5-a General Counsel. The commissioner shall appoint a general counsel, who shall serve at the pleasure of the commissioner. The general counsel shall perform such duties and exercise such powers as the commissioner may authorize.

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

2018-0275s

AMENDED ANALYSIS

This bill revises the salaries for certain unclassified positions and adjusts salaries for recruitment and retention purposes. The bill also establishes the position of general counsel in the banking department.

JUDICIARY

SB 338, relative to the growing of cannabis if it becomes legal.
Interim Study, Vote 5-0. Senator Hennessey for the committee.

This bill would have allowed New Hampshire farmers to legally grow cannabis if cannabis were to become legal in the State. The

Committee is aware of the ongoing Commission that is reviewing the concept of cannabis legalization and therefore, would like the Commission to have the opportunity to study this issue before moving forward.

SB 386, relative to access to criminal records.
Ought to Pass, Vote 5-0. Senator Lasky for the committee.

This bill will allow a person to request and receive a copy of the criminal conviction of another person without requiring the individual's authorization to be notarized. Fundamentally, this removes the redundancy of confirming the identity of an individual when their identity is already confirmed through fingerprinting.

SB 558-FN, relative to discrimination based on pregnancy or lactation.
Interim Study, Vote 5-0. Senator Carson for the committee.

This bill would create a cause of action for a person who believes she has been discriminated against by an employer for breast-feeding. The Committee will be examining this issue in SB497-FN and therefore, requests the bill be moved to Interim Study to prevent any confusion.

SB 574-FN, clarifying the repayment period for parental reimbursement.
Ought to Pass with Amendment, Vote 5-0. Senator Gannon for the committee.

This bill clarifies the reimbursement period for which a parent or guardian may be required to reimburse the state for services provided in a juvenile court proceeding. The bill is a request of the Department of Health and Human Services and the Committee amended the bill to place delinquency orders in line with CHINs orders in regards to ending the obligation of parental reimbursement upon the death of a child.

Senate Judiciary
January 25, 2018
2018-0314s
05/01

Amendment to SB 574-FN

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

4 New Subparagraph; Delinquent Children; Parental Reimbursement Obligation. Amend RSA 169-B:40, I by inserting after subparagraph (f) the following new subparagraph:

(g) If at any point during the reimbursement period, the child or recipient of services dies, no future payments from the parent or person chargeable by law for the child's support and necessities shall be required, provided that proof of death has been provided to the department of health and human services, and the reimbursement obligation shall be dismissed for payments beyond the date of death of the child or recipient. Accrued unpaid reimbursements in arrears shall continue to be paid.

2018-0314s

AMENDED ANALYSIS

This bill clarifies the reimbursement period for which a parent or guardian may be required to reimburse the state for services provided in a juvenile court proceeding. The bill also provides that in delinquency cases,

the parental reimbursement obligation ends upon the death of the child receiving the benefit of services.

PUBLIC AND MUNICIPAL AFFAIRS

SB 339, relative to voting by zoning boards of adjustment.
Ought to Pass, Vote 5-0. Senator Kahn for the committee.

This bill clarifies the number of votes required for a zoning board of adjustment to act. The committee felt that this clarification will bring the petitioner an increased level of certainty about zoning board of adjustment actions.

SB 393, relative to county audits and performance audits.
Ought to Pass with Amendment, Vote 5-0. Senator Kahn for the committee.

This bill modifies a county's authority for conducting county audits and performance audits. It will combine the county audit statutes into one and allow the county commissioners to facilitate the audits. Language is clarified regarding standards and requires a copy of the audit be sent to the Department of Revenue Administration.

Public and Municipal Affairs
January 26, 2018
2018-0317s
06/10

Amendment to SB 393

Amend RSA 28:3-a as inserted by section 1 of the bill by replacing it with the following:

28:3-a County Audits. In the event that an audit is required or requested by resolution by either the board of commissioners or the county convention, the ***county*** commissioners[~~, with the approval of the executive committee of the county convention,~~] shall engage the services of a certified public accountant qualified in municipal and county finances for the purpose of conducting an audit of the county books of [~~account~~] ***records***. The performance and scope of the audit shall be in accordance with generally-accepted auditing [~~practice~~] ***standards***. The audit shall include an examination for conformance with state and federal laws and regulations relating to county finances, including rules adopted by the commissioner of revenue administration pursuant to RSA 541-A, and shall also include an examination of any subject of county finances that may be requested either by the commissioners, by the county convention, or by the treasurer. The audit shall be completed within [~~90~~] ***120*** days following the close of the county fiscal year. The commissioners shall cause the report of the auditor, together with the customary management ***representation*** letter and [~~auditee~~] ***management*** responses, to be published with or supplementary to the annual reports of the county officers, ***with a copy forwarded to the department of revenue administration***.

TRANSPORTATION

SB 347, relative to seasonal highway weight limits.
Inexpedient to Legislate, Vote 5-0. Senator Watters for the committee.

This bill would delete the requirement that the district engineer, department of transportation, approve vehicle exclusions from seasonal highway weight limit regulations. The Senate Transportation Committee believes that since the state has a role in maintaining roads throughout New Hampshire, a district engineer should still be consulted in approving these exclusions from seasonable highway weight limit regulations.

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

REGULAR CALENDAR

TRANSPORTATION
SB 402, naming a portion of route 110 in Berlin in honor of Anthony B. Urban.
Ought to Pass, Vote 5-0. Senator Watters for the committee.

SENATOR WATTERS: Thank you, Mister President. I move Senate Bill 402 Ought to Pass. This bill names a portion of route 110 in Berlin in honor of Anthony B. Urban. Mister Urban was a longtime resident of Berlin, New Hampshire. He was an extremely talented educator and coach in the area and also served on many boards, commissions and the like. Mister Urban also worked in state service after retiring as a principal. As a go to person in the city of Berlin it is an appropriate honor for Mister Urban that this portion of route 110 be named for him. All members of the Transportation Committee ask for your support in the motion of Ought to Pass on Senate Bill 402, and thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in support of the motion and grateful to the Transportation Committee. I'd also like to recognize two people that are here; Pamela Urban-Morin who is Tony Urban's daughter. Glad to have her here with us today. Thank you. As well as a great friend of Tony Urban's, a retired colonel of the state police, Fred Booth. It's good to have Fred here. Thank you for your participation.

Tony urban was a legend in the state, in the North Country as an educator, teacher, principal, coach referee, community leader, police commissioner and also his work in the state government, state administrative services, state racing charitable gaming commission. He was an old-fashioned go to guy and in the city of Berlin and around the North Country so many projects bear his name. His quiet influence, his quiet effective influence at building the biomass plant in Berlin, Berlin High School's renovation many years ago in building of a new high school, the Notre Dame Arena, the attraction of Federal Prison in the city of Berlin. Tony was also a skilled political operator who knew how to bend the political system to make things better in his home community, his home town. But most of all Tony was a teacher, a mentor.

I met him on the basketball court many, many years ago when him and his brother, striking resemblance, hard to miss, they had a real presence on the court, but his presence in people's lives is really the testament of his great work. He was always there, always involved with a twinkle in the eye, occasionally a kick in the pants but it always sent you in the right direction. I met Tony and really got to learn politics from Tony as in 1980 working in Governor Hugh Gallen's reelection camp and how to properly put up signs. He was meticulous and he was just a fun person to be around. I spoke to the mayor of Berlin, Paul Grenier on my ride down this morning and he said, and I think said it better than anyone could say and certainly with knowledge that nobody has better than Mayor Grenier, that nobody in my generation has done more for the city of Berlin than Tony Urban. That was Mayor Paul Grenier and I would just conclude that he also said, you're lucky he's not alive, because if he knew you were naming this, he'd be awful mad at you. So, you know what, we said, the mayor said this is not for Tony Urban, this is for us

because we need to remember him, and we need to behave like him, and we need to be inspired by him and we will be forever with the name of this stretch. Thank you very much, Mister President.

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

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

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

The following Senators voted No: (None)

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

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

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider SB 402, the bill having previously been found Ought to Pass. Adopted.

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

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

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

The following Senators voted No: (None)

The following Senators were excused: D'Allesandro.

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

COMMERCE

SB 428, relative to the payment of weekly and biweekly wages.
Ought to Pass, Vote 4-1. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on Senate Bill 428. Last year the Commerce Committee passed legislation that allowed for employers to pay their employees less frequently than weekly, without requiring approval from the state. This bill works with last year's legislation to require employers to pay their employees who are paid bi-weekly within fifteen days of the completion of overtime work. The purpose of this legislation is to tighten up the statute and to bring the language of the statute into compliance with what the Senate passed last year. This bill does have the support of the Department of Labor. Please support the Commerce Committee recommendation of Ought to Pass for Senate Bill 428. Thank you, Mister President.

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

EDUCATION

SB 355-FN, relative to the names of colleges in the community college system.
Ought to Pass with Amendment, Vote 4-1. Senator Reagan for the committee.

Senate Education
January 23, 2018
2018-0255s
04/10

Amendment to SB 355-FN

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

AN ACT relative to the names of the colleges in the community college system and making an appropriation therefor.

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

1 Community College System of New Hampshire; Names of Institutions. Amend RSA 188-F:13 to read as follows:

188-F:13 Names of the Colleges. The [~~names of the~~] respective colleges of the community college system of New Hampshire shall [~~be established, and may be changed, upon approval by the board of trustees and approval by the governor and council~~] ***each bear the designation "New Hampshire state college." This designation shall be followed by a specific, geographically or regionally appropriate designation to be determined by the board of trustees.***

2 Pre-Engineering and Technology Advisory Council; Membership. Amend RSA 188-E:16, I(d) to read as follows:

(d) The president of the [~~New Hampshire technical institute~~] ***New Hampshire state college in the city of Concord***, or designee.

3 Advanced Manufacturing Education Advisory Council; Membership. Amend RSA 188-E:22, I(e) to read as follows:

(e) The president of the [~~New Hampshire technical institute~~] ***New Hampshire state college in the city of Concord***, or designee.

4 Appropriation. The sum of $500,000 for the biennium ending June 30, 2019 is hereby appropriated to the community college system of New Hampshire for the payment of expenses related to the renaming and rebranding of the colleges in the community college system pursuant to section 1 of this act. This sum is in addition to any other sums appropriated to the community college system of New Hampshire for the biennium. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Section 4 of this act shall take effect July 1, 2018.

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

2018-0255s

AMENDED ANALYSIS

This bill changes the names of the colleges in the community college system of New Hampshire, authorizes the community college system board of trustees to determine part of that name, and makes an appropriation for the renaming.

SENATOR REAGAN: I move Senate Bill 355-FN Ought to Pass with Amendment. The bill is an attempt to improve the marketability of the Community College System, met with some resistance from faculty members and then a deal was made to pass this and table this, so the majority of the Education Committee asks for your support in the motion of Ought to Pass with Amendment on Senate Bill 355.

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.

Senator Bradley moved to Lay on the Table SB 355-FN. Adopted.

ENERGY AND NATURAL RESOURCES

SB 444, relative to cutting timber near certain waters and public highways. Ought to Pass, Vote 3-2. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Senate Bill 444 Ought to Pass. This bill makes an exception to the restriction of the amount of trees that may be cut buy certain highways. Senate Bill 444 removes the regulatory basal area restriction adjacent to class 6 roads. A class 6 road is a road that is largely unmaintained, impassible and has seen no municipal investment in five years or more. It does not make sense to maintain an esthetic standard along a road that is not maintained nor traveled. Note that the esthetic buffer serves little purpose in terms of forest management. It is for the appearance for roads with light to heavy traffic. For class 6 roads this esthetic standard is irrelevant in the case of a professionally managed forest. The bill will expand the potential for income for timber owners and save time for the Department of Natural and Cultural Resources. The Senate Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass on Senate Bill 444. Thank you.

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

SB 445, designating the Warner River as a protected river.
Ought to Pass, Vote 5-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 445 Ought to Pass. This is a bill that designates the Warner River as a protected river under the New Hampshire Rivers Management and Protection Program. The Warner River will become the 19th river protected under this program. The river's nomination came about after the discovery of wild brook trout, which is indicative of high-water quality. The designation adds no additional regulations on private landowners beyond what local zoning ordinance requires. Some landowners expressed concerns about their ability to develop their dams on the river. Their input was welcomed into the process and many of their problems were addressed in this bill. The nomination received profound support from the surrounding communities of Sutton, Bradford, Warner, Webster, and Hopkinton. The level of community involvement and profound dedication to this river's nomination is a testament to how far this program has come. And I would just add having been and served in this building a long time, when the early days of the river protection program, the controversy surrounding a designation was significant. As the process has unfolded, as people understand it better as they realize that it does not negatively impact private property rights and it's meant as an enhancement not a detraction. The overwhelming support is indicative to how New Hampshire people have come to view this program and the fact that virtually everybody that testified on our friend from District 15's bill indicates the progress that we've made in protecting not only our rivers but our general environment. Thank you, Mister President. I urge support for the motion of Ought to Pass.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President I rise for two reasons, one is just to echo everything my friend

from District 3 said, second is to thank everybody who's worked on this you know and our friend from District 8 as well has worked on this. A lot of folks locally, the Central Planning Commission, Sam Durfee, the Rivers Council, people worked on this for a number of years Mister President, and what you have is a final product that reflects a lot of local input, municipal input and stakeholder input and I just want to thank everybody who spent so much time and work and effort on this. It was a good final product and as my friend from District 3 noted, that was reflected based on the testimony at the hearing. So, thank you very much, Mister President.

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

SB 528-FN-L, relative to dam registration fees and relative to permit fees for constructing or reconstructing a dam.
Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources
January 24, 2018
2018-0268s
08/03

Amendment to SB 528-FN-LOCAL

Amend RSA 482:9, II(a) through (d) as inserted by section 2 of the bill by replacing it with the following:

(a) Non-hazard potential dam [~~$2,000~~] ***$2,500***
(b) Low hazard potential dam [~~$3,000~~] ***$3,500***
(c) Significant hazard potential dam [~~$4,000~~] ***$5,000***
(d) High hazard potential dam [~~$4,000~~] ***$6,000***

SENATOR BRADLEY: Thank you, Mister President. I move that Senate Bill 528 Ought to Pass with Amendment. The bill proposes an increase in dam registration fees and permit fees for constructing or reconstructing a dam. The Dam Bureau at the Department of Environmental Services is largely funded through a fee structure on dam permits as well as reconstruction projects of dams. Currently, the bureau faces a significant shortfall based on the current fee structure. Senate Bill 528 increases the fees in order to prevent allocating money to dam inspections in the next budget cycle with general fund dollars. In my opinion this represents a necessary step in ensuring that the Department of Environmental Services can inspect the quality of dams around the state. And let me just add on this bill too having lived through the dam failure in, not that I was personally involved in any way, in Alton, but as a resident of the Lakes Region, one town over from Alton, when that dam failed, somebody was swept in a car into one of the headwaters of Lake Winnipesaukee, died, the damage was extensive and it was out of that dam failure that this program was instituted in 1996. There was a fee increase about ten years ago so there hasn't been a fee increase since then. I know that not everybody likes fees in this room, I get that, but I think we would like it even less if dams failed because we didn't adequately inspect them and so I would imagine all twenty-four of us would agree with that and so it becomes a, how do we pay for it? Is it a general fund expenditure or is it up to the owners of the dams? The purpose of this legislation, why it's filed now and why the effective date is held for a year and I believe is July 1 of 2019 is to get everybody ample notice that these fee increases

are coming. There was no opposition to this bill in front of the Energy and Natural Resources Committee and I think that is a testament to the fact that Jim Gallagher at the Department of Environmental Services has run this program extraordinarily well for years. So, I commend this bill to the body and hope that we will support the unanimous recommendation of the Energy and Natural Resources Committee. Thank you. The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President I rise with a cautionary position. As my colleague from District 3 said, there are many people in this room that are opposed to just raising fees, fines, penalties, taxes and assessments and in doing so we're looking at a specific group of people to highlight who should be paying these fees. Now I fully understand and agree with the Senator from District number 3 that we should always be concerned about the good for the general public. But in this case, it's looking to raise a fee on a small select group of people of which a dam is on their property with a concern that if the dam falters it's going to affect everyone downstream from the property. So if we are truly concerned that this is a concern for the general good of all of the residents that may or may not be in the path of something bad happening to a dam, I would suggest that if there's going to be a cost associated with that it should be looked at within the general fund and not specifically looking to raise fees on the people that own the dam fully. In addition to that I might point out that some know that this body was very accommodating and I'm very appreciative of that fact when about a year ago I was working on an issue with a dam for a fixed income living retired widow that lives just north of Concord, New Hampshire by which the Federal Government changed how dams are to be looked at and regulated and as a result of that, the state of New Hampshire decided to universally change all of its ratings on the dams in New Hampshire. The result of that action brought forth a position where again, a retired widow on a fixed income could not afford to comply with what the dam examiners wanted. This is not to say that the dam examiners are not good people, I think they're great people, I think they're trying to do a great job. But this body needs to be concerned when we make a decision that we're going to increase a fee, fine, penalty tax or assessment. If we truly believe that it is necessary and we have run our government to its efficiency level that it should be run at, and there's still some sort of a justifying need to do that, that I feel like that should be laid upon all of the people that would benefit or be harmed by it and not just a specific property owners. At that Mister President, I would ask the body to vote down this bill based upon the fee increases and if it's something that they feel they need to do in the next budget they should bring it forward and I would ask for a roll call. Thank you.

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

SENATOR DANIELS: Thank you, Mister President. Thank you for taking the question. Do we know how many of these dams are owned by municipalities and what the effect, what kind of costs we're going to be passing on to local taxpayers?

SENATOR BRADLEY: I don't know how many of these dams are owned by municipalities. I know that some are, some are owned by the state, some are owned privately, some are owned by associations. In the case of the, and I guess this means I have a conflict and need to declare it in

the case of my lake that I live on or small pond, Rust Pond, the dam is owned by the association, so I think the ownership is varied. I can try to find that information out for you before it goes to your committee.

SENATOR DANIELS: Thank you.

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

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

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

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

The following Senators were excused: D'Allesandro.

Roll Call, Yeas: 17 - Nays: 6. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 371, establishing the Meldrim Thomson, Jr. Memorial Commission. Ought to Pass with Amendment, Vote 3-2. Senator Carson for the committee.

Senate Executive Departments and Administration
January 11, 2018
2018-0106s
08/04

Amendment to SB 371

Amend RSA 4:9-o, III as inserted by section 1 of the bill by replacing it with the following:

III. The commission shall select the design for the Meldrim Thomson, Jr. memorial and oversee the construction and maintenance of the memorial.

Senator Carson moved to Lay on the Table SB 371. Adopted.

SB 457-FN, waiving initial licensure fees for indigent applicants for certain professions.
Inexpedient to Legislate, Vote 3-2. Senator Reagan for the committee.

SENATOR REAGAN: I move Senate Bill 457-FN Inexpedient to Legislate. This bill would require the boards of nursing, mental health and licensing for alcohol and other drug use professionals to waive the initial license fee for applicants whose income is less that the federal poverty level. The ED&A Committee received no testimony stating license fees were a deterrent to anyone wishing to enter any of these fields due to their costs. It was also brought to the committee's attention that all students would fit in this federal poverty level category which meant all students would not have to pay for licensing fees. The ED&A Committee voted Inexpedient to Legislate and asks for your support in their recommendation.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I would ask the body to reject this so I could have a motion of Ought to Pass and then an amendment that would make this just a not permanent, so we get a two-year review of this idea. Mister President, jobs change lives, work builds people's character and it binds their dreams to their passions.

This bill is a simple bill that would allow people who are applying for a nursing license, mental health practitioner license, license in alcohol and drug professional license to have their fees for that license waived, if they are below the poverty line. Given that New Hampshire has current shortage in the licensed professionals in these areas and the increase in need for their expertise and the services that we continue to use to combat the opioid epidemic we are facing, this legislation addresses a pressing problem with the needs for solution. During a time of crisis there's no logical reason why we should not allow our qualified professionals to assist patients in need as simply because they are currently unable to pay the license fee. So, thank you, Mister President. I hope we look favorably upon this idea. Let's get people to work, let's move people from poverty to professions and let their dreams go wild and save and help people and make this a better state and a better country and a better world. Thank you, Mister President.

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

SENATOR GANNON: The question Senator would be what if you had, all the republicans in the room echo your sentiment of getting people back to work. Where they're going into honorable professions here that pay well, what of we gave them a deferred six months to pay the fee, would that be something you might consider in your amendment?

SENATOR WOODBURN: Thank you, Senator. I certainly would be open to that and would be supportive of any effort to move people from poverty to work and let their dreams flow and their passions flow to help people. These are all professions that help people and are not the highest professions, we're not getting the lawyers, we're not trying to encourage more lawyers, we're trying to encourage people who are working in the field to help people in need, Mister President. Thank you.

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

SENATOR GIUDA: Thank you, Senator for taking my question. My question would be do we have a sense of the impact to the board of licensing and professions that this bill might have given that we are adding additional staff so we're actually going to be reducing revenues to a body that we're adding personnel to and costs to?

SENATOR WOODBURN: Very good question, thank you Senator. We have anecdotal information, we don't have the numbers, what they would be, but we know that the process in terms of these professions and the work that's going on and we have some disagreements as to how this process would be initiated in terms of all these students coming in. So, you know that's why I've agreed to an amendment of two years, let's take a look and see if the numbers are such and we need to revise it let's, it would sunset. It would go away. But I think just in this crisis point where we need these workers, let's try this.

SENATOR GIUDA: Thank you, Mister President. Do you know what the cost is for LNA or nursing license in the state?

SENATOR WOODBURN: I don't recall what the license fee for all these professions is.

SENATOR GIUDA: Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I rise to support the committee vote Inexpedient to Legislate. The committee seriously considered this issue in fact we had a bill last year from our colleague

from District 7 that really got folks started thinking about it, about reducing fees or waiving fees and one thing struck me during our conversations when we exec'd this bill was the possibility of creating a student fee that would be at a reduced rate. And, Mister President, I would like the body to support our decision, it is something that I am going to work with the OLPC Board about and hopefully we can get something that we can attach to a bill coming over from the House and have a reduced fee rather than no fee whatsoever to minimize that impact that our good friend from District 2 spoke about. Thank you, Mister President.

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

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

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

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

The following Senators were excused: D'Allesandro.

Roll Call, Yeas: 13 - Nays: 10. Adopted.

SB 460, relative to the terms and qualifications for the adjutant general and deputy adjutant general.
Inexpedient to Legislate, Vote 3-2. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 460 Inexpedient to Legislate. This bill would establish a six-year term of office for the adjutant general and would change the retirement age for the adjutant and deputy adjutant general to age sixty-four. The ED&A Committee members received testimony from those who believe this legislation has more potential negative impact than advantages to these requested changes. In relation to the change in retirement age from sixty-six to sixty-four, title 10 of the US Code of Armed Forces state that the adjutant general is allowed to work until age sixty-six. Term limitations and retirement age in these positions is believed to be unnecessary. The ED&A Committee voted Inexpedient to Legislate and asks for your support in their recommendation. Thank you, Mister President.

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

SB 465-FN, relative to documentation requirements for the department of labor.
Inexpedient to Legislate, Vote 4-1. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. Mister President, I move Senate Bill 465-FN Inexpedient to Legislate. This bill would drastically impact all of our state's labor laws. This legislation would significantly amend the youth employment law, repeal rule making authority for the Commissioner of the Department of Labor relative to youth employment and payment of wages, provide that an employer's unintentional documentation errors would not result in the imposition of a fine, repeal the requirement that employers maintain written safety plans and changes the definition of tip sharing by eliminating the prohibition of coercion. This legislation would allow an employer to not pay an employee for up to thirty days without any ramifications or consequences to that employer. This bill would have allowed under a written agreement for an intern to serve for six months without pay as a volunteer for a charitable or learning opportunity, potentially leading to significant consequences in the case of

injury because they would not be covered by workers compensation. The bill would further amend required pay which is in the current statute for employees working a two-hour minimum but would eliminate department's ability to enforce this requirement. The bill would have amended RSA 275: 49 notification requirements to employees of their rate and benefits which currently must be in writing. This legislation would have reduced it to verbal which in fact is a protection that exists now for the benefit of employers. The current statute on tip pooling and tip sharing, which is similar to our federal regulation, except for the legislature having inserted the terms voluntary and without coercion, would be completely re-written and take out those provisions that protect employees. The filing of safety summary forms which was put in place to reduce incidence of injury, it worked, and was part of a comprehensive compromise that was enacted at the time workers' compensation law came into effect is removed from this bill. For all these and many other reasons the ED&A Committee believes it's important to have legislation which protects both the employee and the employer, thus the ED&A Committee voted Inexpedient to Legislate and asks for your support in their recommendation.

Senator Carson moved to Lay on the Table.

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

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

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

The following Senators were excused: D'Allesandro.

Roll Call, Yeas: 13 - Nays: 10. Adopted.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. And I apologize for the second introduction. As I mentioned this morning, some of you may have had the opportunity to have a wonderful breakfast down in the cafeteria by the New Hampshire Cancer Society which operates in the best state in America, the most effective cancer society in America and I might say in a very jaundiced view, operating in the best Senate District in the state of New Hampshire. My fellow colleagues if you could welcome more members of the New Hampshire Cancer Society to the chambers I'd appreciate it. Thank you, Mister President.

PRESIDENT MORSE: And I'm sure Senator Sanborn was talking about District 22 and Nancy Kearny is here so, thank you.

FINANCE
SB 63, relative to record management of abuse and neglect reports and establishing a pilot program and making an appropriation therefor. Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Senate Finance
January 24, 2018
2018-0260s
05/04

Amendment to SB 63

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

AN ACT relative to record management of abuse and neglect reports and establishing a pilot program regarding electronic storage of abuse and neglect records.

Amend the bill by deleting section 6 and renumbering the original section 7 to read as 6.

2018-0260s

AMENDED ANALYSIS

This bill revises the record retention requirements for founded, unfounded, and screened-out reports of abuse or neglect; establishes a pilot program regarding electronic storage of abuse and neglect records; and establishes certain classified positions within the department of health and human services.

SENATOR REAGAN: I move Senate Bill 63 Ought to Pass with Amendment. This bill revises the record retention requirements for founded, unfounded and screened out reports of abuse and neglect. Senate Bill 63 seeks to establish a pilot program regarding electronic storage of abuse and neglect records and makes an appropriation to fund the program. The bill also establishes certain classified positions within the Department of Health and Human Services. The Senate Finance Committee agrees with the proposed pilot program but recognizes that a funded vacant positions currently available within the department, which could enable them to begin the pilot program. Subsequently the committee amended the bill and removed the appropriation. The committee recommends passage of Senate Bill 63 as amended and asks for your support.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President I rise in opposition to the committee amendment. During the testimony before Health and Human Services, John Williams and Diana Baker talked about how the committee needs to be aware that there's a significant fiscal impact to this bill even though there's no fiscal note attached. They also said this is one of the bills that did not pass the House last year on child protection, and that DCYF can use the information in these reports to establish patterns of behavior, but only if we have the information long enough. And they went on to talk about how putting the information electronically into the system is essential to tracking this information. And to be clear the bill tracks information on screened out reports for seven years, unfounded reports for ten years and it puts in place a case management and records management system but the committee amendment unfunds even a pilot of the record system. By a 4-0 vote, the Senate Finance Committee got rid of the funding for even a pilot on tracking reports in child protection. Joe Ribsam, the new head of DCYF was before Senate Finance and said he needs the money for the pilot.

Mister President, the money here to do the pilot, to get the information into the system so we can track, meaningfully track, child protection reports. There's 24,000 in fiscal year ending in FY 2018 and then 154,000 the next year for a total of 180,000. That's for a pilot, that's not even the whole state. It's a pilot. Mister President, I think we ought to put, you know, our money where our mouth is on child protection. If we're going to track these cases lets fund the system to track the cases. This is only a pilot; the committee amendment takes the money out for the pilot and makes it ineffective to track and upload the reports into our computer system. Part of the reason Mister President, myself and I think many

others voted against the budget last year is because it was woefully deficient on issues concerning child protection, including failing to fulfill many of the recommendations in the independent audit report of DCYF which was released in December of 2016. Some of those recommendations Mister President, goes to case tracking and case management which this bill is all about. So, some of the recommendations that didn't get into the budget include voluntary services, family support workers, some of those issues may be addressed this year, hopefully they weren't in the budget and it's a key reason why a number of us voted against the budget. And now we're in a situation where Senate Finance has removed even money for a pilot, a pilot on tracking child protection cases. Mister President, I just strongly disagree with this. I think we ought to vote down the committee amendment and move forward with the bill and move forward to continue our work on dealing with the child protection crisis in the state. Thank you, Mister President.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. Just to give some perspective here, the committee has not recommended stopping the program. The Senate Finance Committee is in favor of the program, wants to see it start and believes that the money is in the HHS budget and that there's sufficient personnel available to do it, and so while this makes us all happy to think we're doing a good thing, nothing's going to stop this program from going forward. So, I urge you to oppose the motion to do away with the amendment.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I want to stand up and support the Finance Committee recommendation, in disagreement with my good friend from District 15. I think all of us together have taken significant measures to improve our child safety against abuse and neglect of children. Twenty new case workers were hired in the budget, those positions are largely filled. Another bill this year that you and I have co-sponsored would correct the voluntary services issue. I hope that we'll have the resources to do that as well as hire three new judges which is a recommendation of the Attorney General's Office for DCYF. The good news here is I think there's now broad agreement that we ought to do a better job of tracking these reports to have a better opportunity to ascertain when there could be a problem, and because some of the reports that are unfounded but build a pattern will help DCYF be able to better protect kids. But I have to say, when the Department of Health and Human Services came to the HHS Committee wanting eight, let me repeat that, wanting eight full-time positions to do this tracking.

Even me, who a lot of my colleagues think it's liberal Jeb again, even I blanched. Thank God. And so, the department came in with a pilot program. We said okay, knowing that when it got to the Finance Committee there was going to be this discussion over resources. I agree with my friend from District 17, that this is something with today's technology, we ought to be able to do the job of tracking without having to spend what this bill authorizes up to four positions, two for the pilot program, two more if approved by the Fiscal Committee. We ought to be able to do this without having to go to four positions and while I felt that as it came through HHS, all five of us did vote for the policy if you will but knowing the financing would be a problem. I think that the department can do this, should do this, and we ought to have the existing resources

within the department to do it. So, I didn't want to make you blanch Mister President, but that's where it's at and I would suggest you support the Finance Committee recommendation. Thank you.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. Just to add to the previous testimony, there was money in the capital budget for buying the scanners that the department needed for scanning in the documentation they're talking about. And what they were looking for is the positions. What happens is, when we passed the budget, there were a number of funded but vacant positions within the department so the department comes in periodically to Fiscal with positions that they they're looking at as priority for what they need and we replace unfunded positions with these funded positions and that's what we recommended that they do in this case here is that this seemed to be a high priority for the department so we recommended that they do that. I will also point out that the 4-0 vote was a bipartisan vote. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I don't believe I was one of the four, but I just want to clarify a couple things. One, as HHS made it abundantly clear, that they don't have the resources to do this. Joe Ribsam was there in Senate Finance, the new head of DCYF and said that, and number two, if we're going to put this on existing staff to do this, there's already a backlog of child protection cases, and we're going to ask existing staff to, you know upload boxes of documents into a computer system which is needed. Now this is not just a recommendation and a high priority for the department to my good friend from District 11, this is a recommendation of the independent audit of DCYF released in December of 2016. So, let's start fulfilling our obligations here. I agree that some steps were taken in the budget, I still disagree that it was willfully, I think it's willfully deficient, that's why I voted, partly the reason I voted against the budget, because of the child protection deficiencies. This is one of the issues that we can address today Mister President, and we should address and relieve this burden on the department and fulfill the recommendations of the independent audit. Thank you, Mister President.

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

SENATOR FULLER CLARK: Senator Feltes, would you be able to say what is the amount of money that we're actually talking about, that would be need to fund those positions?

SENATOR FELTES: Thank you very much, Senator Fuller Clark. The pilot, which was trimmed down from the, at the request of the Senator from District 3 and it was made a pilot, is 24,000 for fiscal year ending June 30, 2018 and 154,000 for fiscal year ending June 30, 2019. For a total of 180,000. That's what's needed for the pilot, not a statewide program, so we're not even, in the pilot we're not even doing what was recommended quite frankly, but the pilot, the trimmed down version, the resources, the labor needed to do all this work, to get these documents uploaded and whatnot, is $180,000.

SENATOR FULLER CLARK: Thank you.

The question is on the adoption of the Committee Amendment.

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

Recess. Out of recess.

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, Fuller Clark.

The following Senators were excused: D'Allesandro.

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

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

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

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

The following Senators voted No: (None)

The following Senators were excused: D'Allesandro.

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

SB 240-FN-L, relative to the monitoring and treatment of contaminated wells.
Ought to Pass with Amendment, Vote 5-0. Senator Daniels for the committee.

Senate Finance
January 17, 2018
2018-0154s
08/03

Amendment to SB 240-FN-LOCAL

Amend RSA 485-C:6-c as inserted by section 1 of the bill by replacing it with the following:

485-C:6-c Contaminated Wells; Monitoring. Upon receiving information that a drinking water well that is not a source for a public water system exhibits the presence of a man-made contaminant, other than road salt, but the concentration does not exceed an existing ambient groundwater quality standard, the department shall determine if the contaminant is increasing in the well by primarily measuring the contaminants in the well and comparing such measurements to any previous measurements, and therefore, should be monitored and whether it is possible to identify the source of the contaminant. If a responsible party is identified as the source of the contaminant and the department determines monitoring is warranted, the department shall require the responsible party to monitor the contamination at a frequency sufficient to provide advance warning of any exceedance of the standard. If the department determines that monitoring trends or other available information reasonably suggest that the concentration of the contaminant in the well is likely to exceed the ambient groundwater quality standard prior to the next scheduled monitoring date, the responsible party shall provide treatment or an alternative supply of drinking water that meets all applicable standards and is approved by the department.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 240-FN-LOCAL Ought to Pass with Amendment. This bill seeks to require testing of wells if certain contaminants are found. It also requires

the responsible party, if the source of the contaminant is identified, to either treat the water or provide an alternative source of drinkable water. The Senate Finance Committee amended the bill to require measurements be taken of the contaminants in a suspect well to aid the Department of Environmental Services in their determination of increased contaminants, resulting in monitoring of the suspect well. The committee recommends passage of Senate Bill 240 as amended, and asks for your support. Thank you, Mister President.

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

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

SB 372-FN-A, establishing positions in the office of professional licensure and certification and making an appropriation therefor.
Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

Senate Finance
January 24, 2018
2018-0262s
10/01

Amendment to SB 372-FN-A

Amend the bill by replacing section 1 with the following:

1 Office of Professional Licensure and Certification; New Classified Positions; Appropriation.

I. Three license clerk positions, labor grade 11, are hereby established as classified positions in the office of professional licensure and certification.

II. The amount necessary to pay for the positions established in paragraph I, which shall be in addition to any sums appropriated in AU 01-21-21-212010-2405 and AU 01-21-21-215010-2406 for the divisions of technical professions and health professions, is hereby appropriated to the executive director of the office of professional licensure and certification. The governor is authorized to draw a warrant for such sum out of any money in the treasury not otherwise appropriated.

2018-0262s

AMENDED ANALYSIS

This bill establishes 3 license clerk positions in the office of professional licensure and certification and makes an appropriation therefor.

This bill is a request of the office of professional licensure and certification.

SENATOR REAGAN: I move Senate Bill 372-FN-A Ought to Pass with Amendment. This bill sought authorization to hire three license clerks in the Office of Professional Licensure and Certification to replace two existing clerks. The Senate Finance Committee amended the bill to establish the three classified clerk positions in that office. Funding for the positions is provided via licensing fees. The committee recommended passage of Senate Bill 372 as amended and asks for your support.

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

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

SB 467-FN-A, relative to the state art fund.
Inexpedient to Legislate, Vote 5-0. Senator Reagan for the committee.

SENATOR REAGAN: I move Senate Bill 467 Inexpedient to Legislate. This bill sought to place the State Art Fund on a more regular funding level. Supporters of the bill, however, have realized their intention requires much more time and effort in terms of such legislation. They plan to submit a more robust proposal next session. The Senate Finance Committee recommends Senate Bill 467 be found Inexpedient to Legislate, and asks for your support.

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

SB 471, relative to the authority of municipalities to address potential natural threats.
Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

Senate Finance
January 24, 2018
2018-0261s
08/04

Amendment to SB 471

Amend RSA 21-P:37-c, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) When the President of the United States declares an area a federal disaster area and a municipality has applied for federal emergency assistance from the Federal Emergency Management Administration (FEMA), the governor, with the approval of the executive council, may approve a loan in the amount up to the anticipated assistance from FEMA from funds not otherwise appropriated.

Amend RSA 21-P:37-c as inserted by section 1 of the bill by replacing paragraphs VI and VII with the following:

VI. If the state treasury provides advance funding to a municipality that has applied for and is waiting for FEMA disaster relief funding, the interest rate to be assessed on such advance funding shall be no greater than the prevailing rate at which the state treasury is able to invest its commingled cash.

VII. If the amount of FEMA assistance a municipality receives is less than the exceptional disaster relief loan, the state treasurer, with the advice and consent of governor and council, shall negotiate terms of repayment of the difference. If the municipality and the state treasurer are unable to reach an agreement, the department of revenue administration shall include the amount in the amount apportioned for setting property tax rates.

VIII. The director of homeland security and emergency management shall administer the exceptional disaster relief loan program.

SENATOR GIUDA: Thank you, Mister President. I move Senate Bill 471 Ought to Pass with Amendment. This bill creates a procedure for issuing exceptional disaster relief loans. It provides that the government with the approval of the Executive Council may approve a loan up to the amount of anticipated assistance from FEMA from funds not otherwise appropriated. It also addresses payback of that loan by the community and the interest rate to be assessed on such advance funding. The Senate Finance Committee recommends passage of Senate Bill 471 as Amended and asks for your support. Thank you, Mister President.

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

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

SB 472, establishing a committee to study the creation of an economic improvement fund.
Inexpedient to Legislate, Vote 3-2. Senator Reagan for the committee.

SENATOR REAGAN: I move Senate Bill 472 Inexpedient to Legislate. This bill sought to establish a committee to study the creation of an economic improvement fund to provide researchers at New Hampshire's public universities with additional funds necessary to support research and development activities. Members of the Senate Finance Committee were not convinced such a committee is needed. New Hampshire business entrepreneurs, such as Dean Kamen, were cited as major contributors in supporting research and development efforts in the Granite State. The committee recommends Senate Bill 472 be found Inexpedient to Legislate, and asks for your support.

Senator Bradley moved to Lay on the Table SB 472. Adopted.

SB 539-FN-A, making appropriations to the department of education for adequate education grants.
Ought to Pass with Amendment, Vote 6-0. Senator Daniels for the committee.

Senate Finance
January 24, 2018
2018-0273s
06/10

Amendment to SB 539-FN-A

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Education; Additional Adequate Education Grants to Certain Municipalities. The sum of $1,483,428 for the fiscal year ending June 30, 2018 is hereby appropriated to the department of education for the purpose of providing additional adequate education grants to certain municipalities as calculated in RSA 198:40-a and 198:41 in the amount of $684,498 for the fiscal year ending June 30, 2016 and $798,930 for the fiscal year ending June 30, 2017, specifically related to amounts calculated pursuant to RSA 198:40-a, II(e) which were not distributed to those municipalities in that fiscal year. Said sum shall be a charge against the education trust fund established in RSA 198:39. Notwithstanding RSA 198:42, the commissioner of the department of education shall disburse a lump sum to each municipality.

SENATOR DANIELS: Thank You, Mister President. I move Senate Bill 539-FN Ought to Pass with Amendment. This bill makes an appropriation of $1,483,428 in Fiscal Year 2018 for the Department of Education to provide additional adequate education grants to certain municipalities. The additional funding is specifically related to amounts calculated for differential aid attributable to each third-grade pupil in the average daily membership with a score below the proficient level on the reading component of the state assessment, which was not distributed in Fiscal Year 2016 and Fiscal Year 2017. The appropriation will be a charge against the Education Trust Fund. The Senate Finance Committee amended the bill as the amounts identified for each year in the original bill were inverted. The committee recommends passage of Senate Bill 539-FN as amended, and asks for your support. Thank you, Mister President.

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

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

HB 549-FN, relative to beverage vendor fees.
Ought to Pass with Amendment, Vote 4-1. Senator Giuda for the committee.

Senate Finance
January 17, 2018
2018-0153s
03/08

Amendment to HB 549-FN

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

1 Repeal. RSA 178:29, III(b), relative to beverage vendor license fee, is repealed.
2 Effective Date. This act shall take effect July 1, 2018.

2018-0153s

AMENDED ANALYSIS

This bill eliminates beverage vendor license fees.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 549-FN Ought to Pass with Amendment. The bill sought to establish a new fee schedule for beverage vendor licenses. Initially an agreement was reached to reduce the current license fee for small distributors and increase the fee for larger distributors. The Liquor Commission revenue's currently at a very healthy level, elimination of some distributor operating fees may encourage production of additional products. The Senate Finance Committee amended House Bill 549-FN to repeal RSA 178:29 III-b, the beverage vendor license fee. The committee recommends passage of the bill as amended and asks for your support. Thank you, Mister President.

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

SENATOR FELTES: Thank you, Mister President. Thank you Senator Giuda, for taking my question. This amendment that was put on in committee erases the bill and then repeals 178:29 III-b, the beverage vendor licenses. Do you know what the fiscal impact is of repealing the beverage vendor licenses?

SENATOR GIUDA: Thank you for the question and yes, I do. Currently the Liquor Commission is bringing in about $144.3 million. This bill would in fact reduce by 300,000 that's the totality of revenues realized by the beverage vendor licenses.

SENATOR FELTES: Okay. Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. I speak in opposition to the committee amendment. You know at the same time that we're not funding $180,000 for case tracking of child protection we're getting rid of beverage vendor license which generates $300,000 a year. There was no, from what I can recall, reason to take this kind of departure from the bill Mister President, it's a radical departure from the bill that came over to us from the House. And instead of looking at the bill that came over from the House, what happened here is that got erased

and then the beverage vendor licenses all got erased. And that's 300,000 that's erased from our state's resources. So, I think we ought to be cautious about this Mister President, especially at a time when we can't find the money to fund case tracking for child protection, we shouldn't be getting rid of a system that seems to be working right now. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. The Senator from District 15 has asserted that this repeals the licensure, it does not repeal licensure, it merely repeals the vendor fees. And with respect to the fiscal impact, we are seeing our economy really roar under a Republican Governor with Republican initiated initiatives to reduce taxes and fees on businesses, our numbers are up, the time to cut taxes and fees is when you're healthy. We have an opportunity to do that, even as the Liquor Commission's revenues are increasing because of the additions we've made to their plants with new structures around the state, $300,000 is not going to bankrupt anyone, if we're going to take that ploy then let's just add taxes and fees to everything to cover all the expenses that everybody wants. But the vendor fee of $300,000 will not cause any material harm to the Liquor Commission or to the revenues of the state. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I will stand with a polite and lovingly comment in dispute to my good friend from District number 2; this is not a cut of fees on the business community, this is a cut on fees for all those wonderful people that actually drink beer. We actually know that when there are fees imposed by our government, laid on to individuals of the business community, those fees, fines, taxes, penalties and assessments are always then laid on to the customer. We see an increase on the cost of operation for public service, or the generation of power, the consumer pays more money. We see higher fees, higher regulations, higher cost of doing business and they ultimately fall onto the backs of the consumer. So, I am sure, at least I hope Mister President, that no one wants to be raising taxes on beer drinkers. Now for the record Mister President, based upon our ethics laws that need to be changed, I am a licensee in this business and I actually sell beer, so therefore I may or may not have a conflict on this bill but clearly, I'm still participating, but the Super Bowl is on Sunday. Who wants to be raising the cost of beer and taxes on those people that are going to be drinking Bud Light this weekend, or any other beer for that matter? So, Mister President, again a polite loving retribution to my friend from District 2, this is a tax on drinkers in this state, not a tax on business owners, it should be repealed, and I would ask for a roll call.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to this bill and to this motion because this was a bill that the Commerce Committee actually heard and listened to a lot of thoughtful testimony on, none of which I would point out was in opposition. If anything, what this bill was designed to do was to attract more small businesses. This bill sponsored by a Republican committee chair in the House was actually brought to us as an effort to allow more vendors to bring their product into the state. What it does is graduate the fee schedule so only the largest manufacturers would pay a higher

rate, but it reduces fees for all of the smaller manufacturers, allowing them to bring more different products into the state and to give beer drinkers more choices. So, this is actually business friendly legislation, that as I said, no one opposed where a hearing was held. I don't know that Finance held another hearing, but where the hearing was held and people had an opportunity to weigh in, no one opposed this legislation. But lastly let me say what concerns me the most about this change is that this is a department whose primary charge is to generate revenue.

We keep asking the Liquor Commission to generate revenue and part of the reason we're doing that is because we know that there is an incredible need in this state for drug and alcohol treatment. And the funds that go to drug and alcohol treatment, the funds for the alcohol fund come from the revenues of this department. Why would we in the midst of an opioid crisis be taking away a tool for this very department charged with generating revenue? A tool that's been expanded yes, but a better-defined tool. Why would we be taking that away? This makes absolutely no sense to me. How can we promote that we are going to spend more to deal with the crisis if we take away the ability of the department that's generating money to collect the money? This makes no sense. And as I said, nobody was opposed to this. A very, very well represented industry in our state, they supported this in Commerce, so why today we have this change I don't understand, I think it's a grave mistake on our part if we support this motion. I would encourage my colleagues to think twice before we take this action. Thank you very much, Madam President.

President Pro Tempore Carson presiding.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: So, I rise a second time to give comment to the fact there was opposition on this bill in committee because in fact I was opposed to it, spoke about it in committee several times, spoke about it in the exec session. This bill raised the cost of the fee from $1,200 to $15,000. Now the amendment done by the Finance Committee, and I compliment the chair, my good friend from the wonderful town of Milford does the right thing and it does something even better than what the Commerce Committee did; it eliminated the fee. So if we are concerned about bringing more businesses to the state of New Hampshire, if we want to lift that shingle up and open that window and say we recognize that our existing fee structure is prohibitive to encourage other businesses to come to our state, we are going to open up the open for business sign. We are going to make it even more attractive to be here. To make a suggestion that this is going to discourage businesses from coming here, to make a suggestion that this is going to reduce the revenue the state of New Hampshire is going to see by making it easier for businesses to come here, I have a gentleman I like to read a lot named Milton Friedman, I think he would disagree with that statement. We do recognize the fact that the current fee structure that we had made the fees higher than the total revenue that some companies would have by selling their products in our state. Let me repeat that for the record; our fee structure was so high, it was higher than the gross revenue that some companies would have if they came to our state. Clearly there is a problem with this.

There was a move to make it more affordable for those small businesses, the Commerce Committee went some distance, and what we have seen now from the Finance committee is the Finance Committee went the rest of the way to join the Governor in saying our state is open for busi-

ness, our state is going to do things to encourage and welcome more companies to come to our state, and if they come to our state what will happen? They'll sell more product. The result of selling more product in the economy we understand means revenue goes up not down. So if we are concerned about ensuring there is sufficient revenue, in order to address our opioid problems, address our educational problems, pay for the $125 million road bond we have which is sucking money out of the liquor fund, so I would contend if people are truly concerned about ensuring we have enough money to pay for our opioid crisis we're facing, some might want to look at why we took $125 million out of that fund to buy a road. This bill will bring new companies, this bill will bring new business, this bill will bring new revenue and if the percentage of what we're looking for to help those that are in need in our state is predicated on more revenue, there should be absolutely no reason why people should support this bill. Thank you, Madam President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: I would like to remind the body that under the leadership of this Governor and with the assistance of this body and the House we have doubled the funding. It's not the 5 percent yet, but with 3.4 percent for the alcohol abuse fund, whatever we want to call it, and that will continue, and I believe very strongly that by eliminating these fees we will see more businesses in the state generating more revenues for the state and aiding us in reaching that 5 percent threshold. Thank you, Madam President.

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

President Morse presiding.

SENATOR KAHN: Thank you for taking my question. Would you agree that the fiscal note on this bill, relative to the $15,000 fee only applies to four businesses in the state?

SENATOR SANBORN: Senator, thank you so much for the question, and I'll agree the fact that the way that the fiscal note and the bill as amended, were structured, it did completely change from a single fee for everyone to make a graduated fee based upon how big a company is. But we also have to recognize that if enacted, it would actually double, nearly double the overall cost of the fee. So, while we dropped it on the lower end and it went up much higher on the higher end, it would essentially almost double the total income to the state of New Hampshire. So, in the end anyone with a strong background in math as I know that you have would see that if the revenue is doubling it means the fee is doubling.

SENATOR KAHN: Did any of the four vendors affected by the largest fee change, did any of them testify at the Commerce Committee?

SENATOR SANBORN: Senator, thank you so much for the question. I don't believe that they did, none of the four businesses testified because as we see so often, so often in our body, so often in our public hearings that the business community actually works for a living, hence the business community, and being able to show up between nine to five Monday through Friday can be very difficult for businesses to do.

SENATOR KAHN: Just that the fiscal note just seems pretty clear as to what's going up, what's going down. It looks like we've got about 300 firms in the state that are distributing beer affected by these fees about 200 of them would see a decrease, so I guess back to the testimony. Was there any objection from any of the industry to this bill?

SENATOR SANBORN: Senator, thank you so much for the question, and there's no question that by cutting fees, which is what this bill looks to do at some level. There is a hope and prayer that it's encouraging more economic success, because we want more companies to come here. Two-hundred is not enough for me, 300 is not enough for me. I want to see this state the place that all manufacturers come, so if we can position the state of New Hampshire as a business-friendly state and make the burden and the hurdle to get over to come here lower we will ultimately do more business and more money. Now my colleagues I hope I don't have to remind you that in addition to this fee we are still collecting thirty cents per gallon on every single gallon we sell. And in addition to that, even though I'm not a supporter and I don't advocate for it and I think it's too high, in addition to the thirty cents per gallon, we are charging 9 percent for every single penny of beer that is drawn in our state, and Senator we are tied as the highest, highest cost of rooms and meals tax in America. Tied only with our good friends on the other coast in California. So if there is a concern that our net result from this, whether or not we will see more revenue or less revenue, I would contend that the math on this of bringing more companies to New Hampshire, having more selections of people to drink to celebrate the Patriots win on Sunday, that we will have more companies, people who will buy more beer and the thirty cent per gallon tax and the 9 percent tax on top, we will actually see a net increase.

SENATOR KAHN: Wow. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. There were a number of things that I was going to respond to, but I'm just going to move on and say this was not given a public hearing; it's a dramatic departure from the base bill. It may have merit, it may not. I don't think it does, but maybe the Senator from District 2 is right, that it does, but let's have a public hearing, the base bill had a public hearing in Senate Commerce, it was voted out and went to Finance, dramatic change. At a minimum this should be referred back to Senate Finance for an actual public hearing on this pretty dramatic departure from the base bill but existing law too Mister President, erasing the fees for beverage vendor licenses but keeping the fees on all the rest of the licenses. So, I think there's probably going to be some people that are going to have some input on that and so it makes sense Mister Chairman to at a minimum, re-refer this to Senate Finance for a public hearing. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I would just submit to the body, that the absence of a complaint about a change to a fee structure is in no way correlatable to the enthusiasm that will be found within the businesses and by the drinkers of beer for the removal of the fee, and so for that reason I ask the body to support the amendment and the bill as amended. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Mister President, I just want to make one more point, because it was raised by my colleague from District 15. Without a public hearing and without any input the fact that we're making a significant change simply to one section of the fees affecting one small group is going to open the floodgates to every other entity within this category. So, we're just doing this for one category of beer vendors. Now the wine people, they

didn't have any say. Why didn't we do something to reduce their fees? How about the spirits people? Where were they? Did anybody ask them if they wanted their fees reduced? So, we're narrowly, just because we had one little section in front of us, going to carve out and say no fees whatsoever and think that's responsible to the rest of the industry in the three tier system? I personally don't believe that's responsible, that's why I oppose this amendment, that's why I support the work of the House Commerce Committee, the Senate Commerce Committee to rework these fees in a fair and equitable manner and that's why this amendment should be voted down. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

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

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

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

The following Senators were excused: D'Allesandro.

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

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

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

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

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

The following Senators were excused: D'Allesandro.

Roll Call, Yeas: 15 - Nays: 8. Adopted, bill ordered to Third Reading.

HEALTH AND HUMAN SERVICES
SB 310-FN, establishing a pilot program for community-based diversion services.
Ought to Pass, Vote 4-0. Senator Avard for the committee.

SENATOR AVARD: Thank you, Mister President. I move Senate Bill 310 Ought to Pass. This bill establishes a pilot program through which the Department of Health and Human Services shall contract with local organizations to provide community-based diversion services to prevent the need for foster care and out-of-home placements. There has been an exponential rise in the amount of children entering into foster care and one way to curb this trend is to ensure that the resources are available to families before DCYF needs to intervene. This will keep children safe and healthy at home with their families. This would be a 2-year pilot program and the department feels it could be up and running in about 3 months. So please support the committee's recommendation of Ought to Pass. Thank you, Mister President.

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

SB 378-FN, relative to an exemption from the board of registration of medical technicians.
Ought to Pass, Vote 4-0. Senator Gray for the committee.

SENATOR GRAY: Thank you, Mister President. I move Senate Bill 378 Ought to Pass. This bill would remove the requirement for certain care providers to register with the board of medical technicians. Personal care assistants are currently required to register with the board of medical technicians even though they are not providing medical care. These care providers often help with bathing, dressing and other needs a patient might have. Personal care assistants are already required to obtain a criminal background check prior to starting work. The Office of Professional Licensure and Certification as well as the Department of Health and Human Services are confident that there is enough protection in place for patients and that the requirements of registering with the board does not offer any additional benefit. Please support the committee's recommendation of Ought to Pass. Thank you, Mister President.

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

SB 477, establishing a therapeutic cannabis medical oversight board. Ought to Pass with Amendment, Vote 4-0. Senator Hennessey for the committee.

Health and Human Services
January 25, 2018
2018-0306s
01/03

Amendment to SB 477

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

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Rules. Amend RSA 126-X:6 by inserting after paragraph III the following new paragraph:

IV. The department shall adopt rules relative to the therapeutic cannabis medical oversight board's public hearing process pursuant to RSA 126-X:12, IV.

2 New Section; Use of Cannabis for Therapeutic Purposes; Therapeutic Cannabis Medical Oversight Board. Amend RSA 126-X by inserting after section 11 the following new section:

126-X:12 Therapeutic Cannabis Medical Oversight Board Established; Membership; Duties.

I. There is hereby established the therapeutic cannabis medical oversight board which shall monitor and contribute to the oversight of the clinical, quality, and public health related matters of the use of cannabis for therapeutic purposes under this chapter.

II. The board shall consist of the medical director, department of health and human services, or designee, a qualifying patient, appointed by the commissioner of the department, a clinical representative from an alternative treatment center, appointed by the commissioner, and 10 medical providers also appointed by the commissioner. The medical provider members shall represent the following fields:

(a) Neurology.
(b) Pain management.
(c) Oncology.
(d) Psychiatry.
(e) Pediatrics.
(f) Family or Internal Medicine.
(g) Obstetrics and Gynecology.

(h) Addiction.

(i) Palliative care.

(j) Physiatry/orthopedics.

III. At its first meeting the board shall elect by majority vote a chairperson and an alternate. A quorum shall consist of a majority of members.

IV. The board shall convene at least 2 times per year to monitor and contribute to the oversight of the clinical, quality, and public health related matters of therapeutic cannabis under this chapter by:

(a) Reviewing medical and scientific evidence pertaining to currently approved and additional qualifying conditions.

(b) Reviewing laboratory results of required testing of cannabis cultivated and/or processed by an alternative treatment center and the use of pesticides on products under RSA 126-X:6, III(a)(16).

(c) Monitoring clinical outcomes.

(d) Reviewing training protocols for dispensary staff based on models from other states.

(e) Receiving updates from alternative treatment centers on effectiveness of various strains, types of cannabinoids, and different routes of administration for specific conditions.

(f) Reviewing best practices for medical providers regarding provider education, certification of patients, and patient access to the program.

(g) Reviewing any other clinical, quality, and public health related matter relative to use of cannabis under this chapter.

V. The board may make recommendations to the commissioner to add or remove qualifying medical conditions under RSA 126-X:1, IX based on the findings pursuant to subparagraph IV(a) and after receiving input from the public through a public hearing process. The commissioner may recommend legislation based on the board's findings.

VI. On or before January 1 of each year, the board shall make a report to the president of the senate, the speaker of the house of representatives, the oversight committee on health and human services established under RSA 126-A:13, the board of medicine, the board of nursing, and the therapeutic use of cannabis advisory council established in RSA 126-X:9.

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

2018-0306s

AMENDED ANALYSIS

This bill establishes the therapeutic cannabis medical oversight board which shall monitor and contribute to the oversight of the clinical, quality, and public health related matters of the use of cannabis for therapeutic purposes law under RSA 126-X.

SENATOR HENNESSEY: Thank you, Mister President. I move Senate Bill 477 Ought to Pass with Amendment. This bill establishes the therapeutic cannabis medical oversight board to monitor the clinical, public health, and consumer related matters of the use of cannabis for therapeutic purposes. The therapeutic cannabis program has been greatly expanded in the last few years and it's important to make sure that healthcare providers are monitoring the effectiveness of the program. This board will review and research additional conditions and symptoms that have been requested for inclusion in the program and make recommendations to the legislature. The committee amendment added representation from alternative treatment centers and the physiatry or orthopedic community. Please support the committee's recommendation of Ought to Pass with Amendment Thank you, Mister President

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

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

SB 482-FN, relative to confidential emergency medical and trauma services data.
Ought to Pass, Vote 3-0. Senator Hennessey for the committee.

SENATOR HENNESSEY: Thank you, Mister President. I move Senate Bill 482-FN Ought to Pass. This bill establishes a privacy committee to review and approve requests for the use of emergency medical and trauma services records data for research purposes. Setting up this committee would allow the Office of Emergency Medical Services more efficient use of the data they are collecting. They would also be able to provide data to other agencies such as the Center for Disease Control and local hospitals for research purposes. This promises to improve health care outcomes for all in our state. Please support the committee's recommendation of Ought to Pass. Thank you, Mister President

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

SB 488, relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center.
Ought to Pass, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 488 Ought to Pass. This bill would continue allowing physicians that work with or at the Manchester Veteran's Administration hospital to continue working without obtaining a New Hampshire license. With the flooding disaster that occurred at the VA, other hospitals have taken over veteran's care and many of the VA providers, health care providers have been given privileges at area hospitals to help treat patients. As some of you may recall, Governor Sununu in August issued an executive order to deal with this licensure issue. What this bill does is continue the Governor's executive order through July 1 of 2019 to ensure that as the necessary construction happens at the VA to be able to restore service that there's not a licensure problem for the health care providers at the VA. So, Mister President, I ask the body support the unanimous recommendation of the HHS Committee. Thank you.

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

SB 549-FN-A, making an appropriation to the department of health and human services for the Sununu health services center and relative to infants born with substance abuse or withdrawal symptoms resulting from prenatal drug exposure or fetal alcohol spectrum disorder.
Ought to Pass with Amendment, Vote 4-0. Senator Gray for the committee.

Health and Human Services
January 25, 2018
2018-0310s
05/01

Amendment to SB 549-FN-A

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

AN ACT relative to plans of safe care for infants affected by substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder.

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

1 New Section; Protection for Maternity and Infancy; Plan of Safe Care. Amend RSA 132 by inserting after section 10-d the following new section:

132:10-e Notification and Development of a Plan of Safe Care. Health care providers involved in the delivery or care of infants born with and identified as being affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder shall notify the department of health and human services of the occurrence of such condition. The health care provider shall develop a plan of safe care, in cooperation with the department of health and human services, division of public health services and division for children, youth and families, as appropriate, and with the infant's parents or guardians to ensure the infant's safety and well-being following release from the care of the health care provider. The plan shall take into account whether the infant's prenatal substance exposure is a result of the use of medication prescribed for the mother by a health care provider. Such exposure shall not form the basis for a referral to the department for potential abuse or neglect, but shall be included in the plan of safe care provided to the department to ensure the safety and well-being of the infant, to address health and substance use treatment needs of the infant and affected family member or caregiver, and to ensure that appropriate referrals are made and services are delivered to the infant and affected family member or caregiver.

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

2018-0310s

AMENDED ANALYSIS

This bill directs health care providers to develop, in conjunction with the department of health and human services and the child's parent or guardian, a plan of safe care for a child born with substance abuse or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder.

SENATOR GRAY: Thank you, Mister President. I move Senate Bill 549 Ought to Pass with Amendment. This bill directs health care providers to develop, in conjunction with the Department of Health and Human Services and the child's parents or guardian, a plan of safe care for the child born with substance abuse or withdrawal symptoms resulting from parental drug exposure or a fetal alcohol spectrum disorder. There has been a large increase in the number of babies being born addicted to drugs or alcohol. This bill seeks to create safe plans of care to ensure that the baby receives all the care he or she needs to recover. The committee amendment removes the appropriations to the Sununu Center and adds in protections for mothers in recovery. And I might note that this could be legal drugs or illegal drugs. Please support the committee's recommendation of Ought to Pass with Amendment. Thank you, Mister President.

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

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

SB 551-FN, relative to deductibles under health insurance policies. Interim Study, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you very much Mister President. I move that Senate Bill 551 be Referred for Interim Study. This bill would allow

health insurance policy holders to claim treatments deemed medically necessary by their provider but not covered by their insurance to be able to claim those costs against their deductible. The committee felt there were a lot of unanswered questions including whether it would apply to medical marijuana that might be recommended by a provider. The committee moved Interim Study to at least have a little bit more opportunity to discuss this. I would just say that all the insurance companies in the state sent letters to members of the committee and I just want to read one sentence from the letter from AHIP, the America's Health Insurance Plans, it's a umbrella group for the insurers in New Hampshire. "Efforts such as Senate Bill 551 to limit health plan design would only result in higher premiums and/or higher cost sharing. It would do nothing to address the root cause of high prescription drug prices." So, based on that information even though there would be some merit to being able to deduct any medically necessary drug as ordered by your physician against your co-pay, the committee was well aware that this would drive up the cost of health insurance which as we have heard repeatedly, is among the highest in the nation and so for that reason I ask that we Interim Study this bill. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Mister President, thank you so much and I'd like to compliment the Committee on Health and Human Services for taking up this policy issue and discussing it, acknowledging when I put the bill in, it's a very complicated issue. But I'm hoping that raise the question and have the debate about what are we doing about the cost of health insurance. And more importantly, what are we doing about the cost of health care, because granted we are seeing across the nation and we're seeing as a result of policy decisions made in this building and in Washington D.C. that the cost of health insurance continues to skyrocket. What's more concerning to me is even with the increased cost of insurance, the cost of insurance should not be confused with the cost of health care. In order to slow down the increases in the cost of insurance, we're seeing more and more, and more expenses being laid on everyday people. You know it used to be Mister President, before the implementation of the Affordable Care Act, my health insurance was $748 a month, and I paid a $5 co-pay. That was it. Today I am paying some $1,700 a month, a $75 co-pay, a $12,000 deductible on each of my family members, plus an 80/20 what they call co-insurance which means no matter what, you're still paying 20 percent of the bill and an ever increasing amount of services that are provided that are "not covered services" anymore.

This body has not gone into this discussion about what is a covered service and what should not be a covered service. We are allowing the insurance industry in an effort to give an illusion of smaller increases and premiums to lay those costs directly on the hard-working people of this state, who actually have to pay for their own insurance. So, at what point do I ask this body that we see the pain of working families, that we see the pain that they can no longer financially afford their cost of health care. How often have you as members heard someone say well, I have health insurance, but I can just no longer afford to use it? Because I can't afford the co-pay, I can't afford the co-insurance, I can't afford the deductible and for the record all the things that I need are no longer covered by the insurance. Again, I applaud the committee in looking at this bill, I do hope they study it because I do recognize it's a very complex issue. But this body, this legislature has got to come to the realization that there are just

as many people who can no longer afford their health care as there are that we're giving it to free with a fully government subsidized product. If someone needs medical care, if their doctor says for your health you need this product or you need this service or you need this prescription or you need whatever it is to get you healthy or to keep you healthy, and your insurance carrier says we don't want to cover that, shouldn't that person be allowed to deduct that expense against their deductible or their payments.

While recognizing that the insurance industry would come back and say well if people reach their deductibles early, that means we're going to have to start paying more money in the system so yes, rates might go up and I agree with that Mister President, they might go up. But at what point do we need to look at the root cause of this, something the good Senator from District number 3 just said. New Hampshire now has the highest cost of health care in America. Meaning we have the highest cost of health care on Earth. The fact that our health insurance costs are equally the highest, is nothing more than a subset of the root cause that our cost of care is the highest in America. I believe it is incumbent upon this body and our friends next door Mister President, that we have to start asking the questions, why? And what are we going to do to help cut the cost of health care? So again Mister President, I begrudgingly support the motion of Interim Study because I do know it's complex and I support the committee's position, but I do implore onto this body at some point we need to stare something in the eye and recognize it is incumbent upon us that if we are truly serious about medical care in America and medical care in this state, that it's time we start doing something. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I just got up a second time to maybe explain why you know drug pricing is something that is driving the cost of insurance and health care and what insurance companies are doing, they create formularies, not every drug is on a formulary, but the reason for a formulary is to try and manage better the cost of not only the health care but the health insurance. While well-intended, this legislation would undermine exactly why insurance companies create formularies, whether we like it or not. And I just have to say, having you know, listened to an awful lot of arguments about health care, about cost, about where this country is going to go or where this state is going to go with health care, the arguments that we just heard sound strikingly similar to those who are advocating for a single payer system. I hope that's not the case, from our friend from District 9 and I know that he sponsored other pieces of legislation like associated health plans and cross state purchase of health insurance to lower the cost of health care, unfortunately Senate Bill 551, would drive that in the other direction and raise the cost of health care. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Mister President, I rise and frankly take exception to the point that someone would suggest that I support single payer health care. I am offended by that.

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

Recess. Out of recess.

JUDICIARY
SB 387-FN, relative to liability of governmental units.
Ought to Pass, Vote 4-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 387-FN Ought to Pass. This bill modifies several provisions of law relating to bodily injury actions against governmental units and raises liability limits in such actions to keep pace with inflation. Although a good portion of this bill is simply housekeeping, the main aspects are the product of long hours of work and compromise from a commission of stakeholders. The bill increases the liability of governmental units for bodily injury, personal injury, and property damage sustained by any one person from $275,000 to $325,000, and for an overall incident from $925,000 to $1 million. It is important Mister President, to note that the legislature has not raised this liability for thirty years. There are those that argue these changes are too small and those that argue that they are too large which truly reflects the compromise inherent in this bill. This is a much-needed change to our statutes, and therefore, the majority of the Judiciary Committee asks for your support in the motion of Ought to Pass on Senate Bill 387-FN. Thank you, Mister President.

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

SB 390-FN, establishing the office of solicitor general in the department of justice and establishing an unclassified attorney position in the department of justice.
Ought to Pass, Vote 4-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 390-FN Ought to Pass. This bill establishes the office of the solicitor general in the division of legal counsel at the Attorney General's Office, and establishes a full-time attorney position in the Attorney General's Office for the purpose of implementing and establishing a training program for regional, county, and state prosecutors. Establishing a New Hampshire solicitor general will enhance the quality of appellant work of the state in front of the New Hampshire Supreme Court, the United States Courts of Appeals for the First Circuit, and the US Supreme Court, by combining those practicing criminal and civil law within one office. Furthermore, the bill will consolidate the training programs of regional, county, and state prosecutors. This creation of a uniform training program will not only achieve efficiencies, but will also enhance the training program to have an added emphasis on knowledge basis and skill development of those prosecutors representing the State. Therefore, the majority of the Judiciary Committee asks for your support in the motion of Ought to Pass on Senate Bill 390-FN. Thank you, Mister President.

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

SB 492-FN, prohibiting bump stocks in New Hampshire.
Interim Study, Vote 3-2. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move that Senate Bill 492-FN be Interim Studied. This bill would establish a misdemeanor offense for the sale, manufacture, possession, or use of a multi-burst trigger activator, known as bump stock. While it is clear that the intention of this legislation comes from wanting to protect our citizens from mass shootings, the reality is that this bill will not achieve that. For decades it has been possible to create bump fire with something as simple as a belt loop or a wooden dowel and attempting to ban a bump stock will not change that fact. Furthermore, various parts of this legislation are incredibly broad and vague, creating multiple unintended consequences,

including unnecessarily prohibiting devices New Hampshire citizens lawfully use in competitions, hunting, and self-defense that have nothing to do with bump fire. Finally, Mister President, the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives recently opened a federal rulemaking procedure regarding regulating bump stocks, which included a public comment period that closed earlier this week. Therefore, it is important to take the time to hear what the Federal Government proposes before moving forward on this issue. Due to these reasons and concerns, the majority of the Judiciary Committee asks for your support in the motion of Interim Study on Senate Bill 492-FN. Thank you very much, Mister President.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise in opposition to the committee motion of Interim Study. After the hearing on Senate Bill 492, it did become evident that there was much work needed on this proposed bill. But the minority of the Judiciary Committee does not feel that Interim Study will accomplish that work. What I would like to do is I hope that I urge you to overturn the committee report of Interim Study so that I may offer an amendment that proposes a bipartisan commission with differing groups of people in it to work on a meaningful study of this subject of bump stock devices. So again, I hope you will overturn the Interim Study so that I may propose an amendment. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I come from a place where there's more guns than people. And my rural North Country district includes 28 percent of the state's land mass, an area larger than two states and seventeen foreign countries. Guns are part of our culture and are recognized as an essential tool. There also comes a lot of common sense and it is that understanding of the culture and the value of my region that I insert myself in this debate and this discussion. Bump stocks are devices that convert semi-automatic weapons to automatic ones. These are the ones that became famous as a result of the deadly shooting in Las Vegas last October. It was the deadliest mass shooting in American history, fifty-eight people were killed and over five–hundred were injured. And after that tragedy, Governor Sununu was quoted in the Union Leader as saying that he would be happy to take a look at it. It is that spirit of compromise that is essential and I appreciate that. I look forward to working with him. Republican governors of Massachusetts and New Jersey have most recently passed legislation with their support to ban bump stocks. In the few minutes that I've spoken a bump stock gun could spray 1,600 to 3,200 bullets in that short period of time that I've spoken. Now this is a hard one, because we have a bill that we have three options; we can kill it, we can pass it, or we can study it. And I appreciate the Republican majority's willingness to have a meaningful study, I applaud their recognition of the validity of this issue and this is a great day for those people who believe in common sense gun safety legislation because the true options that we have are studies, we have a study that is an interim study which we have an opportunity to review this because they believe in the merits of the bill and need to work on some of the details, we need to make change that brings everybody along, leaves no one out. And we also have, thanks to the Senator from Nashua, we have another study which would bring in opponents and proponents and other stakeholders into the process. Either one I think, the common sense demonstrated by our Governor of being open to

banning bump stocks, and the legislature to be able to look at how we can craft something that's truly the New Hampshire way. So, I think we can't lose. The only way we lose is if we defeat it and we're not doing that today. So, this is a great, great day, common sense prevails in the great state of New Hampshire and we are, I'm pleased, I'm happy, whichever direction we go is a great day for New Hampshire. So, thank you, Mister President.

Recess. Out of recess.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. A very special person is here today. I introduced her a year ago and now I get to introduce Karen McNiff as my fiancée. The only other thing I have to say is thank you for saying yes.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY. Thank you very much, Mister President. You know I think it's very important that we look back at the hearing report that occurred on this bill. The Judiciary Committee heard from an engineer who works I believe at Sig Arms which is a large manufacturer in New Hampshire of some of the best firearms in the world, arms that police force and the members of our military use routinely. But just going from the hearing report from what Mister Spreadbury said, who is a manufacturing engineer, the bill was poorly written by someone who doesn't understand the workings of the firearm. Bump stocks are what bump fire is. Or it was written so vaguely as to encompass an astounding number of things. And he goes on to say it's another attempt to turn law-abiding gun owners into criminals overnight. I think that's pretty precautionary and a lot of testimony that the Judiciary Committee heard is that with the exception of muzzleloaders, bolt action rifles or single shot rifles the vagueness of the legislation, the way it's written, the fact that it used a definition that is used multi-burst trigger activator in California is confusing, it's vague and it's problematic.

So, while our friend introduced this legislation, this needs a lot more work and way more work I think than we can do at this point in time without, as our friend from Londonderry said, the Bureau of Alcohol, Tobacco and Firearms doing extensive research and the public comment period actually just ended on this legislation. I'm very afraid listening to some of the other testimony about all the other rifles that people use routinely for hunting, for target practice and other things in New Hampshire that are not muzzleloaders, single shot, or bolt action that under this definition could potentially have been banned and confiscated. I don't think that's what any of us intend, I don't think it's what any of us want, and that's why I think that the current motion of Interim Study is exactly where we should go so that we can wait for the Bureau of Alcohol, Tobacco and Firearms to fully explore this subject and make a recommendation that all fifty states potentially would abide by as opposed to state by state. So, with that and wanting to protect the second amendment and not take away people's constitutional rights and ban guns or some guns I would urge the body to vote for Interim Study.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. The Majority Leader from District 3 is correct. We do need further work on this bill. It was

obvious from the testimony, which I sit on Judiciary that we did hear, that there could be and with the passage of the bill as it is, could be some unintended consequences. But in my mind and as I said before, Interim Study is not the way to go because it will not bring in the various stakeholders, we will not have the time to listen to what the Federal Government may do or have our Governor fully weigh in. Defeating Interim Study shows that we are wanting a really meaningful study or commission on this subject, which so many people after the heinous acts in Las Vegas and Connecticut are aware of, that something needs to be done. So again, I urge you to vote down Interim Study so that we can bring stakeholders from both positions on board, have a number of people weighing in and we can come up with really a good bill that does what I believe everybody in this body wants to do. So, I thank you, Mister President.

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

SENATOR HENNESSEY: My question is whether you are aware that the National Rifle Association who obviously hold the second amendment dear have come out saying something needs to be done about bump stocks and that it is part of, that it needs to be studied in a more complete way?

SENATOR BRADLEY: I'm not aware of that, but if that is the case, I think what the Bureau of Alcohol, Tobacco and Firearms is doing in the comment period that just closed is the appropriate way to proceed. I think that you and I, I hope you and I would agree that we need to protect and defend the second amendment and people's constitutional right to protect their lives, their loved ones and their liberties, that we shouldn't be, whether deliberately or inadvertently, banning guns and I think that where this was approved under the prior administration and that Bureau of Alcohol, Tobacco and Firearms I believe in 2010, that's the appropriate place at least in my humble opinion for that kind of discussion to take place.

SENATOR HENNESSEY: Yes, I believe that the second amendment is an important document. I also believe that the intent of the second amendment did not include devices such as bump stocks. So, I think it has to do with your interpretation of the second amendment and not my interpretation which is common sense.

SENATOR BRADLEY: And again, the reason why I go back to the second amendment and the actual language is that the committee, and you sit on it, heard pretty significant testimony that the way this bill was written with the exception of muzzleloaders, single shot rifles and bolt action rifles could ban all other rifles in New Hampshire. I don't think that's the sponsor's intent, at least I hope it isn't. I don't think it's the Judiciary Committee's intent, at least the minority, I hope it isn't. But this is a complicated issue, it's a highly technical issue and obviously it's a fundamental constitutional issue. I think that with Alcohol, Tobacco and Firearms, yeah, ATF looking at this now, we should wait and see what happens and, yeah wait and see what happens and take whatever course of action in the future is appropriate.

SENATOR HENNESSEY: Thank you.

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

SENATOR WOODBURN: First congratulations, Senator.

SENATOR BRADLEY: Thank you.

SENATOR WOODBURN: I'm just trying to understand that if your concern is this is a poorly written bill and if you're concerned that it jeopardizes the second amendment, why would you want to study it, either a good deep study or a light study? I mean why not defeat it if it's a bad bill?

SENATOR BRADLEY: Well I hope you're concerned that your language may deprive people of their constitutional rights to own, you know, the kind of guns that people in your district routinely own because they hunt, they target shoot, they defend their lives, loved ones and liberties. I don't think that we, I think that we should wait for the Alcohol, Tobacco and Firearms Bureau to make recommendations and remember, bump stocks were approved in 2010 by the prior administration and I think it's appropriate since that's where the manufacturers of the so-called bump stocks sought the approval, that's where this discussion needs to happen in my opinion and I think we'd be better served in New Hampshire to have a, if there's going to be any action on this, to have very tight definition that everybody knows what they want and we're not you know using California's definition of multi-burst trigger activator which no one really knows what it means. When I talk to people in the second amendment community, it's not defined they don't know what it means and that's where I think your legislation if we were to go forward with it is problematic and that's why I think Interim Study's the right course and we wait and see what ATF does if anything and react to it in the future.

SENATOR WOODBURN: I just want to make sure I understand, but the issue we're facing here today is not to pass my bill, it is do we study it in a deep dive as Senator Lasky is suggesting or do we do a more shallow dive as the committee has recommended. Either one is a win for gun safety. So, I appreciate any direction we go. There's no, in my belief any effort here today to pass this legislation, it's which way we study it.

SENATOR BRADLEY: And the deep dive I think is what's happening at ATF and that's the appropriate thing.

SENATOR WOODBURN: Thank you.

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

SENATOR SOUCY: Senator I just want to make sure since there are many questions mentioned about the technology and I for one can't speak to that myself. If we were to vote down Interim Study and you were to have the opportunity to offer your amendment, do you include as one of the stakeholders a gun manufacturer who could speak to the issue of technology?

SENATOR LASKY: Thank you for the question. Absolutely and I don't know if I'm permitted to read from the amendment but if I were and that I can speak to it there would be somebody from the gun manufacturer, there would be stakeholders of all kinds that we heard from at the hearing.

SENATOR SOUCY: 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. I just heard you say that this was a highly technical and complex issue, and by recommending Interim Study it's going to go back to a committee that doesn't really have that technical expertise. They would just be dependent upon whatever would be recommended you're saying from the ATF. Why wouldn't we want to bring together a group of stakeholders from all sides of the issue and work out a solution that

won't jeopardize the second amendment rights but at the same time is going to deal with this issue of trying to take automatic weapons out of the hands of ordinary citizens? I mean I got an email that said please kill this bill because what it will do is prevent hunters from being able to go out into the woods. Now would you tell me does a hunter need an automatic weapon? So, that's one part of the question but the larger part of the question is why doesn't it make more sense given how highly complex and controversial this issue is, that we should put together a true study committee to bring together voices from all sides and all experts?

SENATOR BRADLEY: I appreciate the spirit in which the question was asked and one of the things that as I have read the hearing report repeatedly, the engineer from Sig Arms said that the bump stock does not make a gun do anything that the gun cannot already do without it. And in listening to some of the other testimony, bump stocks, I mean people are talking about attaching rubber bands to the trigger somehow and dowels, I mean it's things I don't understand, I'll tell you that. So I think it's more than just an implement and you know I guess I would say that if it was good enough in the prior administration to leave this to ATF, I think it's good enough for us now to leave the expertise to ATF and then react to that and that's why I think the study of the specific study committee in New Hampshire is just not necessary. I think, you know let's wait for the process at ATF to unfold and go from there.

SENATOR FULLER CLARK: Time and time again I've heard that New Hampshire needs to go its own way and craft recommendations and legislations that are suitable to our state. So why in this case would we not want to take the recommendations from the ATF but have them examined closely and debated within a true study committee?

SENATOR BRADLEY: Well and remember, ATF approved this when they were asked by a manufacturer to determine if it was an implement that was legal or not. ATF approved these in 2010 so I think that's where you know the process should unfold, especially in light of the fact that the definition apparently in the bill came from California and a lot of people seem to think it would deprive people of the ability to own any kind of rifle except the three I've cited; muzzleloaders, bolt action, single shot. So, we may disagree on who would be best to study, but I think if it was good enough in 2010 for ATF to do it, I believe it's more than adequate in 2017.

SENATOR FULLER CLARK: Thank you.

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

SENATOR HENNESSEY: This is just a quick clarifying question for my benefit and maybe the benefit of others here. Do you believe that New Hampshire citizens have a second amendment right to own bump stocks?

SENATOR BRADLEY: I think, again, let me say what the engineer said, okay? The bump stock does not make a gun do anything the gun cannot already do without it. So, in order to answer your question, the question I think you're trying to get at is a bump stock turn a semi-automatic gun which is allowed under the second amendment because every time you want to shoot the gun you have to pull the trigger, that's allowed. The bump stock doesn't, if my understanding is correct, override the fact that it still requires a trigger pull. It just changes the pace of that trigger pull and it's used in particular in target shooting, and so that's a question I think would be best and should be best answered by the ATF. They answered it once already in 2010 under the prior administration, they ought to look at it again in light of you know new information if you will and answer it again.

SENATOR HENNESSEY: Thank you, so just because I'm not sure what your answer just told me, you do believe that I as a citizen of New Hampshire have a second amendment right to own a bump stock rifle?

SENATOR BRADLEY: I think we all have under the second amendment the right to protect our lives, our loved ones and our liberties with the protections that the second amendment affords. There have been some machine guns for instance that have long been illegal. So, I need more information to answer your question.

SENATOR HENNESSEY: Thank you.

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

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, Fuller Clark.

The following Senators were excused: D'Allesandro.

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

PUBLIC AND MUNICIPAL AFFAIRS

SB 507, proclaiming June as post-traumatic stress injury (PTSI) awareness month.

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

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 507 Ought to Pass. This bill establishes June 27th as post-traumatic stress injury awareness day and June as post-traumatic stress injury month. The committee found it a beneficial opportunity to create a PTSI awareness month and day to educate citizens on the realities of this affliction. New Hampshire citizens who serve our state and our country, our military and veterans, our first responders, police officers, fire fighters and anyone who suffers from the PTSI deserve dignity in their treatment free from the stigma often associated with it. Please support the committee recommendation of Ought to Pass. Thank you, Mister President.

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

TRANSPORTATION

SB 521-FN, authorizing Sophia's Fund to issue decals for multi-use decal plates.

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

SENATOR GANNON: Thank you, Mister President. I move Senate Bill 521-FN Ought to Pass. This bill authorizes Sophia's Fund to issue decals for multi-use decal plates. Sophia's Fund is dedicated to helping families in their crusade against cancer, either financially or otherwise. This organization assists with life changes, raising awareness to gain greater support in the local and national communities and ultimately strives to help families to focus their energy on the battle. I brought this forward, this legislation on behalf of a constituent and friend of mine, Tony Stoddard and his family. The Stoddard's lost their young son and brother Cole to neuroblastoma six years ago. This bill would allow their family and others to purchase a decal supporting Sophia's Fund, an organization that gave so much to their family during such a difficult time. Honoring Cole and other children in this way would bring great joy to the Stoddard family, especially to Mrs. Stoddard who longs to see that decal on the plate, as well as countless other New Hampshire citizens. Since there are other pieces of legislation

this session that deal with decals for multi-use decal plates, some of which need amendments in order to be passed into law properly, a subsequent motion will be offered, but I hope each of you can support. All members of the Transportation Committee ask for your support in the motion of Ought to Pass on Senate Bill 521-FN. Thank you, Mister President.

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

Senator Birdsell moved to Lay on the Table SB 521-FN. Adopted.

CONSENT CALENDAR REPORTS REMOVED

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

JUDICIARY
SB 496-FN, relative to mediation for child support arrearages over $5,000. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Judiciary
January 25, 2018
2018-0301s
04/05

Amendment to SB 496-FN

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

AN ACT relative to mediation for certain child support arrearages.

Amend the bill by replacing section 1 with the following:

1 Parental Rights and Responsibilities; Support. Amend RSA 461-A:14, XVIII to read as follows:

XVIII. Any motion for contempt of a court order regarding nonpayment of child support, if filed by a parent, shall be reviewed by the court within 30 days. ***Any claim involving an arrearage for a period of 8 weeks or more may be scheduled for mediation through the court within 30 days of the filing of the motion for contempt of court unless a hearing on the motion is scheduled earlier.***

2018-0301s

AMENDED ANALYSIS

This bill permits mediation for child support arrearages for a period of 8 weeks or more to be scheduled through the court.

SENATOR CARSON: Thank you very much, Mister President. This bill would permit mediation for child support arrearages on any claim involving an arrearage for a period of eight weeks or more. The committee amended the bill in order for the filing of the motion to be time based rather than amount based. Thank you, Mister President.

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

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14
February 1, 2018
2018-0419s
04/01

Floor Amendment to SB 496-FN

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

AN ACT relative to mediation for certain child support arrearages.

Amend the bill by replacing section 1 with the following:

1 Parental Rights and Responsibilities; Support. Amend RSA 461-A:14, XVIII to read as follows:

XVIII. Any motion for contempt of a court order regarding nonpayment of child support, if filed by a parent, shall be reviewed by the court within 30 days. ***When the arrearage equals or exceeds the equivalent of 8 weeks of child support under the existing order, the matter may be scheduled for mediation through the court within 30 days of the filing of the motion for contempt of court unless a hearing on the motion is scheduled earlier.***

2018-0419s

AMENDED ANALYSIS

This bill permits mediation for child support arrearages for a period equaling or exceeding 8 weeks to be scheduled through the court.

SENATOR CARSON: Thank you, Mister President. What this amendment does is merely tweaks the language a bit. It came from the court system and they said they needed to make just a few word changes here and there in order for it to work for them, so 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.

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 Sanborn: HB 549-FN, SB 63, SB 240-FN-L, SB 303, SB 310-FN, SB 312, SB 315, SB 319, SB 338, SB 339, SB 347, SB 348, SB 349, SB 355-FN, SB 356, SB 361, SB 371, SB 372-FN-A, SB 378-FN, SB 382, SB 386, SB 387-FN, SB 390-FN, SB 393, SB 428, SB 429-FN, SB 444, SB 445, SB 448, SB 457-FN, SB 460, SB 465-FN, SB 467-FN-A, SB 471, SB 472, SB 477, SB 482-FN, SB 488, SB 492-FN, SB 496-FN, SB 507, SB 521-FN, SB 528-FN-L, SB 531-FN, SB 534,FN, SB 539-FN-A, SB 549-FN-A, SB 551-FN, SB 558-FN, SB 574-FN,

ANNOUNCEMENTS

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. In the spirit of last week's 300th anniversary of the New Hampshire State Library, I wanted to just recognize a few books that were written and published. There's one by our former colleague, Senator Wayne King, who has authored *Sacred Trust*, which is described in its introduction as a monkey-wrench gang meets third industrial revolutions. It's a fictional account of unlikely compatriots who tackle a power line project; and a great read, great interesting story, and thanks, Senator King, for bringing that to us.

And another one in my home area of the North Country town of Groveton, Jamie Sayen has written a book. *If You Had a Job for Life: Story of a Company Town*, which is an oral history of the town, the village of Groveton within the town of Northumberland and the mill that dominated, and has since come down, and it captures the story of the history of that place, and I would recommend it to all of you. Thank you, Mister President.

PRESIDENT MORSE: I just want to make sure that I congratulate Jeb and Karen, and look forward to using that Jeb and Karen term for a long time. Congratulations!

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

SENATOR BRADLEY: Before I get to the motion, Mister Chairman, I want to thank Senator Woodburn for supplying food today. Senator Woodburn and I have discussed moving forward, a way of dealing with the food having the cafeteria downstairs supply us with food. I'm seeing a lot of heads nod. Kristy, our crack Chief of Staff, has estimated it will cost each of us somewhere between $65 and $70 for the rest of the session. Brother, do you like to eat? There's no free lunch. So, if anybody has a problem, please either see myself or Senator Woodburn, but I think that is what we want to do going forward. Alright, thank you Mister President. For your side, Senator Woodburn, for our side, me, okay, or Kristy. Does that work, Jeff? Okay.

LATE SESSION

Third Reading and Final Passage

HB 549-FN, relative to beverage vendor fees.
SB 63, relative to record management of abuse and neglect reports and establishing a pilot program regarding electronic storage of abuse and neglect records.
SB 240-FN-LOCAL, relative to the monitoring and treatment of contaminated wells.
SB 303, relative to a security freeze on a consumer's credit report.
SB 312, clarifying the New Hampshire Foundation Act.
SB 315, relative to the definitions of beverage and of mead.
SB 319, relative to exempt securities.
SB 339, relative to voting by zoning boards of adjustment.
SB 348, relative to senior-specific certifications or designations for securities broker-dealers.
SB 349, relative to course requirements in a career and technical education program.
SB 356, adding a representative from the community college system to the apprenticeship advisory council.
SB 372-FN-A, establishing positions in the office of professional licensure and certification and making an appropriation therefor.
SB 378-FN, relative to an exemption from the board of registration of medical technicians.
SB 382, relative to withdrawal from cooperative school districts.
SB 386, relative to access to criminal records.
SB 387-FN, relative to liability of governmental units.
SB 393, relative to county audits and performance audits.
SB 402, naming a portion of route 110 in Berlin in honor of Anthony B. Urban.
SB 428, relative to the payment of weekly and biweekly wages.
SB 444, relative to cutting timber near certain waters and public highways.

SB 445, designating the Warner River as a protected river.
SB 448, establishing a commission to study the establishment of a state department of energy.
SB 471, relative to the authority of municipalities to address potential natural threats.
SB 477, establishing a therapeutic cannabis medical oversight board.
SB 482-FN, relative to confidential emergency medical and trauma services data.
SB 488, relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center.
SB 496-FN, relative to mediation for certain child support arrearages.
SB 507, proclaiming June as post-traumatic stress injury (PTSI) awareness month.
SB 539-FN-A, making appropriations to the department of education for adequate education grants.
SB 549-FN-A, relative to plans of safe care for infants affected by substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder.
SB 574-FN, clarifying the repayment period for parental reimbursement.

MOTION TO RECESS TO CALL OF THE CHAIR

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

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

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 205-FN-A, establishing the small business jobs fund and tax credit.

HOUSE MESSAGE

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

HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation.
HB 1202-LOCAL, relative to town revolving funds for group net metering.
HB 1251, relative to indicia for payment of taxes on the transfer of real property.
HB 1256, relative to decal fees for multi-use veterans decal plates.
HB 1260, relative to the payout value of bingo games at private campgrounds and hotels.
HB 1276, adding an exemption for certain raffles conducted by charitable organizations.
HB 1292, relative to the effective dates of changes to the rates for the business profits tax and the business enterprise tax.
HB 1322, relative to risk-based capital for health maintenance organizations.
HB 1332, allowing warrant articles to be split by the deliberative session.
HB 1334, establishing a commission to review the structure of motor vehicle laws.
HB 1346, establishing a commission to study the New Hampshire veterans cemetery.

HB 1349, relative to biological products and diagnostic reagents for animal use.
HB 1357, relative to the delivery of articles to a prisoner in a state or county correctional facility.
HB 1364, relative to use of amber lights on vehicles.
HB 1370, relative to a school's emergency management plan.
HB 1392, relative to tallies of votes on budget items or warrant articles.
HB 1402, relative to ordinances regarding forestry activities.
HB 1407, repealing the prohibition on the use of milk containers.
HB 1455, relative to vehicle operation at uncontrolled intersections.
HB 1509-FN, authorizing Granite Pathways to issue decals for multi-use decal number plates.
HB 1513-FN, authorizing the New Hampshire Law Enforcement Officers Memorial Association to issue decals for multi-use decal plates.
HB 1518, repealing the requirement that motor vehicle lighting and safety equipment be approved by the director of the division of motor vehicles.
HB 1537, relative to a second opinion on health care matters for state or county prisoners.
HB 1538-FN, authorizing Friends of the Hampton Falls Bandstand, Inc. to issue decals for multi-use decal plates.
HB 1546-FN, authorizing Seacoast Youth Services to issue decals for multi-use decal plates.
HB 1551, relative to the retention of records of individualized education programs.
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 1614, relative to the international registration plan.
HB 1651, establishing a committee to study the use of liquid de-icers on roads.
HB 1675, relative to state house Internet service and relative to calendars and journals of the house and senate.
HB 1731-FN, relative to regulating bicycles.
HB 1739-FN, prohibiting female genital mutilation.
HB 1785, changing "hearing impaired" to "deaf" or "hard of hearing" in the New Hampshire laws.
HJR 5, that the New Hampshire house of representatives and senate reject hate, bigotry, and violence in all their forms.

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

First and Second Reading and Referral

HB 101-FN, relative to certification for solid waste operators. (Energy and Natural Resources)
HB 134-FN, relative to causes for divorce. (Judiciary)
HB 135, relative to the submission of evidence prior to hearings in divorce cases. (Judiciary)
HB 169-FN, relative to limits on wagers in charitable games of chance. (Ways and Means)
HB 252, relative to pro se litigants under the right-to-know law. (Judiciary)

HB 263, relative to facilities licenses for charitable gaming. (Ways and Means)
HB 267, establishing the New Hampshire transportation council. (Transportation)
HB 287, establishing a committee to study decriminalizing sex work. (Judiciary)
HB 298, relative to licensing requirements for apprentice plumbers. (Executive Departments and Administration)
HB 314, relative to autonomous vehicles. (Transportation)
HB 317, prohibiting the public utilities commission from increasing the system benefits charge without legislative approval. (Energy and Natural Resources)
HB 410, relative to the legislative youth advisory council. (Executive Departments and Administration)
HB 485-FN, relative to standards for emerging contaminants in drinking water. (Executive Departments and Administration)
HB 492, relative to electric personal assistive mobility devices. (Transportation)
HB 500, relative to organizations that are authorized to issue decals. (Transportation)
HB 523, establishing a committee to study the use and regulation of biometric information. (Commerce)

REPORT OF COMMITTEE ON ENROLLED BILLS

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

SB 48, establishing a commission to study the efficiency and effectiveness of fish and game department operations.
SB 132, relative to historic burial grounds and cemeteries.
SB 247-FN-A, preventing childhood lead poisoning from paint and water.

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

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

February 15, 2018

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

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

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

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

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

Let us pray.

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

Senator Watters led the Pledge of Allegiance.

INTRODUCTION OF PAGES

(The Chair recognized Senator Avard.)

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

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

HOUSE MESSAGE

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

Senator Bradley offered the following Resolution:

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

Recess to meet in Joint Convention. Out of recess.

SPECIAL ORDER

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

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

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

FN REPORT FOR FEBRUARY 15, 2018

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

CONSENT CALENDAR:

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

HEALTH AND HUMAN SERVICES
SB 550-FN, relative to drop in or walk in clinics.

REGULAR CALENDAR:

ELECTION LAW AND INTERNAL AFFAIRS
SB 440-FN, relative to prohibited political contributions.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 536-FN, relative to eligibility for death benefits for court security officers.
SB 570-FN, relative to the work requirement for the child care scholarship program.

HEALTH AND HUMAN SERVICES
SB 545-FN, increasing the age for sales and possession of tobacco products.
SB 552-FN, relative to transportation of trauma victims by first responders.

PUBLIC AND MUNICIPAL AFFAIRS
SB 504-FN, relative to sales of tax-deeded property.

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

CONSENT CALENDAR:

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

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

ENERGY AND NATURAL RESOURCES
SB 529-FN, authorizing river maintenance in the town of Warren.

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

REGULAR CALENDAR:

COMMERCE
SB 352-FN, relative to examinations of injured employees under workers' compensation law.
SB 554-FN, relative to the minimum hourly rate and employer-sponsored health benefits—if Inexpedient to Legislate recommendation is overturned.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 533-FN, relative to the composition and compensation of the personnel appeals board.
SB 535-FN, relative to licensure for the practice of professional art therapy.
SB 578-FN, relative to unclassified positions within the department of health and human services.

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

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

COMMERCE
SB 353-FN, by Senator Morse

EDUCATION
SB 357, by Senator Daniels
SB 432-FN-L, by Senator Gannon

HEALTH AND HUMAN SERVICES
SB 474, by Senator Bradley

CONSENT CALENDAR

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

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

COMMERCE
SB 311, clarifying rules of construction under the New Hampshire Trust Code.
Ought to Pass, Vote 5-0. Senator French for the committee.

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

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

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

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

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

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

Amendment to SB 415

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

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

2018-0510s

AMENDED ANALYSIS

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

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

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

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

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

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

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

Amendment to SB 359

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2018-0487s

AMENDED ANALYSIS

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

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

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

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

SB 434, relative to school nurse certification.

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

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

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

Amendment to SB 434

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

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

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

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

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

Amend the bill by replacing section 3 with the following:

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

SB 435, relative to alternative programs for granting credit leading to graduation.
Ought to Pass with Amendment, Vote 5-0. Senator Ward for the committee.

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

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

Amendment to SB 435

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

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

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

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

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

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

Amendment to SB 437

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

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

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

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

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

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

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

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

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

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

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

ELECTION LAW AND INTERNAL AFFAIRS
SB 320, relative to checklists used at elections.
Ought to Pass, Vote 5-0. Senator Gray for the committee.

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

ENERGY AND NATURAL RESOURCES
SB 366, relative to members of the site evaluation committee.
Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

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

Energy and Natural Resources
January 30, 2018
2018-0379s
10/08

Amendment to SB 366

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

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

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

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

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

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

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

Amendment to SB 529-FN

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

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

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

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

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

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

2018-0391s

AMENDED ANALYSIS

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 327, relative to the medical review subcommittee of the board of medicine and time limits for allegations of professional misconduct before the board.
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

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

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

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

SB 374, relative to adoption of emergency medical and trauma services protocols.
Ought to Pass, Vote 5-0. Senator Gannon for the committee.

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

SB 456, relative to the appointment of the state medical director for emergency medical services.
Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

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

Senate Executive Departments and Administration
February 7, 2018
2018-0519s
05/04

Amendment to SB 456

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

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

SB 538-FN, including police officers of the capital area police unit in group II of the retirement system.
Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

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

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

Amendment to SB 538-FN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Has full general arrest powers;

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

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

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

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

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

2018-0521s

AMENDED ANALYSIS

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

HEALTH AND HUMAN SERVICES

SB 332, relative to medication synchronization.

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

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

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

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

Amendment to SB 332

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

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

415:27 Medication Synchronization.

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

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

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

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

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

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

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

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

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

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

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

420-J:19 Medication Synchronization.

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

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

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

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

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

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

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

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

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

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

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

2018-0418s

AMENDED ANALYSIS

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

SB 379, relative to retroactive denials of previously paid claims.
Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

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

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

Amendment to SB 379

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

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

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

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

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

SB 476, establishing a committee to study reinstituting the unemployed parent program.
Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

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

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

Amendment to SB 476

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

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

Amend the bill by replacing section 4 with the following:

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

SB 481, establishing a committee to study the impact of pharmacy benefit manager operations on cost, administration, and distribution of prescription drugs.
Ought to Pass with Amendment, Vote 5-0. Senator Hennessey for the committee.

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

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

Amendment to SB 481

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

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

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

4 Duties. The committee shall:

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

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

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

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

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

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

(f) Access to pharmacies.

SB 486, establishing a commission to study enhancing the prescription drug donation program.
Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

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

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

Amendment to SB 486

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

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

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

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

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

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

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

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

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

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

SB 550-FN, relative to drop in or walk in clinics.
Interim Study, Vote 5-0. Senator Fuller Clark for the committee.

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

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

REGULAR CALENDAR

COMMERCE
SB 316, relative to the regulation of online auctions.
Ought to Pass with Amendment, Vote 4-1. Senator French for the committee.

Commerce
February 7, 2018
2018-0507s
05/03

Amendment to SB 316

Amend the bill by replacing section 1 with the following:

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

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

2018-0507s

AMENDED ANALYSIS

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

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

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

(The Chair recognized Senator Fuller Clark.)

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

(The Chair recognized Senator Sanborn.)

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

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

SB 352-FN, relative to examinations of injured employees under workers' compensation law.
Ought to Pass, Vote 3-2. Senator Soucy for the committee.

Recess. Out of recess.

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

(The Chair recognized Senator Sanborn.)

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

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

(The Chair recognized Senator Soucy.)

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

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

(The Chair recognized Senator Sanborn.)

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

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

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

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

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

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

Senator Sanborn moved Inexpedient to Legislate.

(The Chair recognized Senator Carson.)

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

Senator Sanborn withdrew Inexpedient to Legislate.

Senator Sanborn moved Refer to Interim Study.

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

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

The following Senators voted No: Giuda, Sanborn.

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

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

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

(The Chair recognized Senator Feltes.)

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

(The Chair recognized Senator Sanborn.)

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

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

(The Chair recognized Senator Fuller Clark.)

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

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

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

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

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

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

ANNOUNCEMENTS

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

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

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

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

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

CHERYL CATALDO: Thank you.

(The Chair recognized Senator D'Allesandro.)

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

(The Chair recognized Senator Bradley.)

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

(The Chair recognized Senator Carson.)

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

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

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

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

SB 419, relative to votes by condominium unit owners.
Inexpedient to Legislate, Vote 3-2. Senator Sanborn for the committee.

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

SB 554-FN, relative to the minimum hourly rate and employer-sponsored health benefits.
Inexpedient to Legislate, Vote 3-2. Senator Innis for the committee.

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

(The Chair recognized Senator Soucy.)

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

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

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

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

(The Chair recognized Senator Giuda.)

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

(The Chair recognized Senator Innis.)

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

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

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

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

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

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

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

EDUCATION
SB 436, relative to tuition in the community college system.
Ought to Pass with Amendment, Vote 4-1. Senator Watters for the committee.

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

Amendment to SB 436

Amend the bill by replacing section 1 with the following:

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

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

2018-0484s

AMENDED ANALYSIS

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

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

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

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

(The Chair recognized Senator Carson.)

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

(The Chair recognized Senator Giuda.)

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

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

ELECTION LAW AND INTERNAL AFFAIRS
SB 362, requiring disclosure of federal income tax returns by presidential and vice-presidential candidates.
Inexpedient to Legislate, Vote 3-2. Senator Birdsell for the committee.

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

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

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

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

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

So with that Mister President, I ask for please support the committee recommendation of Inexpedient to Legislate. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

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

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

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

(The Chair recognized Senator Giuda.)

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

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

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

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

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

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

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

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

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

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

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

Amendment to SB 363

Amend the bill by replacing section 2 with the following:

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

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

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

(The Chair recognized Senator Sanborn.)

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

(The Chair recognized Senator Woodburn.)

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

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

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

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

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

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

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

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

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

The following Senators voted No: (None)

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

SB 364, establishing a commission to study the establishment of a searchable database to verify that each vote was properly recorded.
Inexpedient to Legislate, Vote 3-2. Senator Gray for the committee.

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

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

SB 439, repealing the authority to share voter information or data with other states.
Inexpedient to Legislate, Vote 3-1. Senator Sanborn for the committee.

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

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

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

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

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

SENATOR LASKY: Thank you.

SENATOR SANBORN: Thank you.

(The Chair recognized Senator Lasky.)

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

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

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

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

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

(The Chair recognized Senator Feltes.)

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

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

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

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

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

SENATOR SOUCY: Thank you.

(The Chair recognized Senator Birdsell.)

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

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

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

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

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

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

SENATOR LASKY: Yes, it was originally initiated there.

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

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

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

SENATOR LASKY: Thank you.

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

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

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

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

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

PRESIDENT MORSE: Senator, is there a question?

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

SENATOR LASKY: I have an answer.

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

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

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

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

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

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

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

SB 440-FN, relative to prohibited political contributions.
Interim Study, Vote 3-1. Senator Gray for the committee.

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

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

(The Chair recognized Senator Lasky.)

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

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

ENERGY AND NATURAL RESOURCES
SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program.
Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources
January 31, 2018
2018-0393s
08/10

Amendment to SB 450-FN-A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amend the bill by replacing section 2 with the following:

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

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

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

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

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

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

Recess. Out of recess.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 533-FN, relative to the composition and compensation of the personnel appeals board.
Ought to Pass, Vote 4-0. Senator Carson for the committee.

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

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

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

Senate Executive Departments and Administration
February 7, 2018
2018-0522s
10/01

Amendment to SB 535-FN

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

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

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

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

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

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

CHAPTER 330-D
ADVISORY COUNCIL ON ALTERNATIVE
MENTAL HEALTH THERAPIES

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

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

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

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

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

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

2018-0522s

AMENDED ANALYSIS

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

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

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

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

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

(The Chair recognized Senator Watters.)

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

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

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

SB 536-FN, relative to eligibility for death benefits for court security officers.
Ought to Pass, Vote 4-0. Senator Reagan for the committee.

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

(The Chair recognized Senator D'Allesandro.)

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

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

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

SB 578-FN, relative to unclassified positions within the department of health and human services.
Ought to Pass, Vote 4-0. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 578 Ought to Pass. This legislation clarifies terms of appointment and salary for several unclassified positions within the Department of Health and Human Services. It will also clarify the approval process of the Governor and Council for these unclassified positions. The ED & A Committee voted Ought to Pass and asks for your support in their recommendation. Thank you, Mister President.

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

Recess. Out of recess.

SPECIAL ORDER

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

FINANCE
CACR 21, relative to alcohol and drug abuse prevention. Providing that a portion of liquor commission revenue shall be used for alcohol and drug abuse prevention.
SB 542-FN, relative to the use of funds in the revenue stabilization reserve account for public health emergencies.
HB 561-FN, relative to part-time employment of a retirement system retiree by a participating employer.

HEALTH AND HUMAN SERVICES
SB 381, deleting immunization/vaccination requirements for Hepatitis B.
SB 545-FN, increasing the age for sales and possession of tobacco products.

FINANCE
SB 310-FN, establishing a pilot program for community-based diversion services.
Ought to Pass with Amendment, Vote 6-0. Senator Feltes for the committee.

Senate Finance
February 7, 2018
2018-0504s
05/03

Amendment to SB 310-FN

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

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

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

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

2 Membership and Compensation.

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

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

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

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

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

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

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

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

2018-0504s

AMENDED ANALYSIS

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

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

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

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

SB 390-FN, establishing the office of solicitor general in the department of justice and establishing an unclassified attorney position in the department of justice.
Ought to Pass with Amendment, Vote 5-1. Senator Reagan for the committee.

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

Amendment to SB 390-FN

Amend the bill by replacing section 6 with the following:

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

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

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

Senator Bradley offered a Floor Amendment.

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

Floor Amendment to SB 390-FN

Amend the bill by replacing section 6 with the following:

6 Effective Date.
I. Section 3 of this act shall take effect July 1, 2019.
II. The remainder of this act shall take effect 60 days after its passage.

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

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

(The Chair recognized Senator D'Allesandro.)

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

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

(The Chair recognized Senator Gannon.)

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

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

SB 429-FN, establishing a consumer services program within the insurance department.
Ought to Pass, Vote 6-0. Senator Feltes for the committee.

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

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

SB 470-FN, relative to positions within the insurance department.
Ought to Pass, Vote 4-2. Senator D'Allesandro for the committee.

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

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

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

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

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

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

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

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

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

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

SB 579-FN, relative to penalties for welfare fraud.
Ought to Pass, Vote 6-0. Senator Feltes for the committee.

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

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

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

Senate Finance
February 7, 2018
2018-0506s
06/08

Amendment to SB 580

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

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

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

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

I. Notwithstanding any other provision of law, every department as defined in RSA 9:1 is hereby authorized to transfer funds within and among all accounting units within said department, provided that any transfer of $75,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council, and provided that no funds may be transferred in violation of the provisions of RSA 9:17-a, 9:17-b, or 9:17-c or in violation of any restrictions otherwise provided by law or to or from any account[~~, except accounts in the department of health and human services and the department of transportation,~~] which is not composed of the same funding source mix.

II. Notwithstanding any other provision of law except RSA 9:17-c, and subject to the approval of the fiscal committee of the general court and the governor and council, the commissioner of the department of administrative services***, the commissioner of the department of health and human services***, ***and the commissioner of the department of transportation*** [~~is~~] ***are*** hereby authorized to transfer funds within and among all accounting units and/or class codes within the department, and is further authorized to create new class codes within the department into which funds may be transferred or placed, as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal laws, regulations, or programs, and otherwise as necessary for the efficient management of the department; provided that if a transfer does not include new class codes, only transfers over $75,000 shall require prior approval of the fiscal committee of the general court and the governor and council.

2 New Paragraph; Appropriations; Department of Transportation; Transfers Authorized. Amend RSA 9:16-a by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding any other provision of law, the commissioner of the department of transportation is hereby authorized to transfer funds from any funding source mix within and among all accounting units and establish new accounting units and/or expenditures classes within the department, provided that if a transfer does not include new accounting units or expenditure classes, only transfers of $75,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council, and provided that no funds may be transferred in violation of the provisions of RSA 9:17-a, RSA 9:17-b, or RSA 9:17-c or in violation of any restrictions otherwise provided by law.

II-b. Notwithstanding any other provision of law, the commissioner of the department of health and human services is hereby authorized to transfer funds from any funding source mix within and among all accounting units and establish new accounting units and/or expenditures classes within the department, provided that if a transfer does not include new accounting units or expenditure classes, only transfers of $75,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council.

3 Appropriations; Department of Transportation; Transfers Authorized. Amend RSA 9:16-a, III to read as follows:

III. The $75,000 threshold under paragraphs [~~I-II~~] ***I-II-b*** shall be applied at the accounting unit level on a cumulative basis within the fiscal year. Once the threshold has been reached, the approval of the fiscal committee of the general court and the governor and council shall be required for subsequent transfers within the fiscal year.

4 Department of Health and Human Services; Capital Budget; Appropriation; Purpose Amended. Amend 2011, 253:1, VII, D, extended by 2013, 195:47, 60, amended by 2014, 121:3, extended by 2015, 220:23, 61, extended by 2017, 228:22, 82, to read as follows:

D. APS Repairs/Renovations-Roof, Windows and Curtain Wall ***and*** ***Door Replacements or Other Related Upgrades*** 3,675,000

5 Effective Date.

I. Sections 1-3 of this act shall take effect July 1, 2018.

II. The remainder of this act shall take effect upon its passage.

2018-0506s

AMENDED ANALYSIS

This bill:

I. Creates class lines within the department of transportation.

II. Creates class lines within the department of health and human services.

III. Amends the capital budget to allow for door replacements at the New Hampshire hospital.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move Senate Bill 580 Ought to Pass with Amendment. This bill originally created class lines within the Department of Transportation. The amendment also creates class lines within the Department of Health and Human Services, and amends the Capital Budget to allow for door replacements at the New Hampshire Hospital. Department of Health and Human Services previously had this transfer authority. The language to continue the authority was inadvertently omitted during last year's committee of conference process in the formulation of the budget. The department also wants to use unexpended funds from a prior capital project at New Hampshire Hospital for door replacements and other upgrades at the hospital in anticipation of receiving its joint commission on accreditation this August and September. The committee recommends passage of Senate Bill 580 as amended, and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HEALTH AND HUMAN SERVICES

SB 473, relative to employment contract restrictions upon health care providers.

Ought to Pass, Vote 4-1. Senator Avard for the committee.

SENATOR AVARD: Thank you, Mister President. I move Senate Bill 473 Ought to Pass. This bill would prohibit non-compete clauses from contracts for certain health care providers. In 2016 the legislature passed a bill, SB 417, which created a prohibition of non-compete clauses in contracts for physicians. Senate Bill 473 would increase that prohibition to include all other healthcare providers under RSA 310-A. Non-compete clauses often have geographic restrictions that prohibit someone from taking another job inside a certain radius. This could push providers away from their patients and sometimes force them to leave the state. In a time where our state is currently suffering from a lack of health care workers and we need to do everything in our power to keep these

workers in our state treating the patients that need their care. Please support the committee's recommendation of Ought to Pass. Thank you Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. So I guess I may be a little bit confused by the bill and maybe as I stumble my objection through, there might be clarification. My concern about non-compete is that we seem to swing in two different directions here. One is if there are non-compete, if there are investments and the rationale for a non-compete clause, I assume from my experience is that if there are investments necessary in order to set up that person in the practice by whoever has done the hiring, that there ought to be a means and a period of time in which that investment can be amortized. If that's equipment and that has a period of amortization, it might be five years and the IRS schedule. In the same sense, this might go too far in prohibiting that there not be non-compete clauses and I think in both instances it's the responsibility of both parties to negotiate the right medium. And so leaving them unchecked, leaving them totally excluded, I think are two extremes that don't represent the complexity of the issue. And so it's for that purpose that I rise in objection to this, and again there may be something in here that I'm not understanding.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Yes, I rise in support of Senate Bill 473 and would agree with Senator Avard that we need to be as flexible as possible in keeping health care workers in the state of New Hampshire. And one of the problems that we've seen is that while people go to work for major hospitals, they have very little leverage over the kinds of tasks that they're asked to do, the kind of pay that they're receiving. In many instances I've heard that, you know once people go to work for the hospital under this contract, that their pay is cut, that the hours that they're demanded by the hospital go up, and they leave because they feel like they're not being treated fairly and appropriately and then because of the non-compete clause they have to leave the area. The relationships that they've built up with people that they look after are broken, and I think that given how important it is that we have a varied and diverse source of medical trainees and specialists, that we should not tie them under a compete clause and I understand the issue about hospitals making these investments, but on the other hand, you know they are making those investments not just for the person that they're hiring, but for the sake of their patients. And I believe that if they were more supportive of the people they're hiring, those people would not be leaving. And so I think it's important to eliminate the non-compete clause. We did it for physicians, we haven't seen any really significant negative impact from that, and I think we should extend it to everyone who's working in the health care field because of the challenges that we're facing. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Very quick, I'd just like to thank the HHS Committee for considering the bill. As you know I was the prime sponsor of the bill last time, of what we thought we were eliminating mandatory non-competes on all medical providers and what turned out to be just MD's and the fact that we've come back in to consider this and found it to be favorable, I'm very appreciative and the health care industry is as well. So thank you for your work. I appreciate it.

PRESIDENT MORSE: I'll declare a conflict, in three months from now, but the reality is I probably do have one, but I'm still going to vote.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 483, relative to procedures for dispensing controlled drugs.
Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Health and Human Services
February 1, 2018
2018-0425s
10/06

Amendment to SB 483

Amend RSA 318:47-l as inserted by section 1 of the bill by replacing it with the following:

318:47-l Procedures for Dispensing Controlled Drugs. Only a patient for whom a prescription was written, the owner of an animal for which a prescription was written, or an authorized representative of the patient or animal owner, as defined in rules adopted by the pharmacy board, after consultation with the commissioner of health and human services, may pick up a prescription for a schedule II, III, or IV controlled substance. Prior to dispensing a prescription for a schedule II, III, or IV controlled substance to a patient not personally known to the pharmacist, the pharmacy technician, or the pharmacy intern, the pharmacist, pharmacy technician, or pharmacy intern shall require the individual receiving the drug to provide a signature and show valid and current government-issued photographic identification as evidence that the individual is the patient for whom the prescription was written, the owner of the animal for which the prescription was written, or the authorized representative of the patient or animal owner.

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in support of Senate Bill 483 Ought to Pass with Amendment. This bill establishes a procedure for patients or their authorized representatives to pick up a prescription for a schedule II, III or IV controlled drug at a pharmacy. This bill would require individuals picking up prescriptions for someone other than themselves to be authorized by the intended recipient of the medication. This is an important step to ensure that controlled medications including opioids are not being diverted from their intended use. The committee amendment clarifies that the pharmacy technician or pharmacy intern may also verify the identity of the person picking up the medication. Please support the committee's recommendation of Ought to Pass with Amendment and thank you Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 489, establishing a committee to study parental alienation in New Hampshire.
Ought to Pass with Amendment, Vote 4-1. Senator Avard for the committee.

Health and Human Services
February 7, 2018
2018-0514s
05/10

Amendment to SB 489

Amend subparagraph I(a) of section 2 of the bill by replacing it with the following:

(a) One member of the senate, appointed by the president of the senate.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

SENATOR AVARD: Thank you Mister President. I move Senate Bill 489 Ought to Pass with Amendment. This bill establishes a committee to study parental alienation in New Hampshire. Parental alienation is a form of child abuse where one parent, often following divorce or separation, creates a fear or hatred of another parent that is experienced by the child or children. This is an incredibly tragic situation that is occurring in our state. The committee will allow all of the stakeholders to work together to see if they can identify to the extent in which this is occurring in New Hampshire, as well as see if there are any services or resources that would benefit the children that have experienced this as children and as adults that have experienced this when children were involved. Please support the committee's recommendation of Ought to Pass with Amendment and thank you Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 552-FN, relative to transportation of trauma victims by first responders. Interim Study, Vote 5-0. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President, and members of the Senate. I sponsored this bill as a result of what happened to my wife and in the hearings on the bill and would have authorized a trauma victim's legal representative to specify which trauma hospital the patient can be transported to by first responders. It became clear that there are many more legs to this legislation than initially appeared. And as the prime sponsor of the bill, I agreed with the chairman of the committee that Interim Study would be a good place for this bill. I am working personally with the first responders over in the Department of Safety to bring protocols that are appropriate and up to national standards for the transmission of potential brain injured patients to our first responder community. And so for that reason I would support the committee's recommendation of Interim Study and ask you to do the same. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study. Adopted.

SB 573-FN-A, relative to the controlled drug prescription health and safety program and making an appropriation therefor.
Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

Health and Human Services
February 1, 2018
2018-0426s
01/10

Amendment to SB 573-FN-A

Amend RSA 318-B:33, II-b as inserted by section 1 of the bill by replacing it with the following:

II-b. The chief medical examiner and delegates may register and access the program.

Amend the introductory paragraph of RSA 318-B:35, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) By electronic or written request to prescribers [~~and~~], dispensers***, and the chief medical examiner and delegates*** within the state who are registered with the program:

2018-0426s

AMENDED ANALYSIS

This bill allows the chief medical examiner and delegates to register and access the controlled drug prescription health and safety program.

This bill also makes an appropriation to the controlled drug prescription health and safety program.

This bill is a request of the controlled drug prescription health and safety program, established in RSA 318-B:32.

SENATOR AVARD: Thank you, Mister President. I move Senate Bill 573 Ought to Pass with Amendment. This bill has two parts. The first part would allow the Office of the Medical Examiner direct access to prescription drug monitoring program for the purposes of conducting investigations. Currently the office needs to request reports from programs administrators and allowing them to direct access would increase their office efficiency. The second part of the bill deals with the long-term funding of the PDMP. This would take 5 percent of the revenues collected from license fees of the medical boards and place them in the PDMP. It is important that the program receive the funding it needs to do the job the legislature has asked it to do. The committee amendment that was requested by the attorney general's office clarifies language to make it consistent with other language used by the medical examiner's office. Please support the committee's recommendation of Ought to Pass with Amendment. Thank you Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

PUBLIC AND MUNICIPAL AFFAIRS
SB 394, enabling municipalities to establish term limits for elected officials.
Inexpedient to Legislate, Vote 4-0. Senator Kahn for the committee.

SENATOR KAHN: Thank you, Mister President. I move that Senate Bill 394 is Inexpedient to Legislate. This bill would enable municipalities to establish term limits for elected officials. The committee reviewed this and felt that the legislation needs further clarification before it receives and goes forward. It's very selective as to which offices and municipalities

or towns to which the term limits would apply, and specifically needs some language that would clarify charter towns and cities that can establish those term limits and for which offices. Therefore, the committee asks that you please support the recommendation of Inexpedient to Legislate. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, February 22, 2018. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS
SB 503, relative to increasing the maximum amount of the optional veterans' tax credit.

SB 504-FN, relative to sales of tax-deeded property.
Ought to Pass with Amendment, Vote 4-0. Senator Gray for the committee.

Public and Municipal Affairs
February 8, 2018
2018-0525s
06/10

Amendment to SB 504-FN

Amend RSA 80:80, I-III as inserted by section 1 of the bill by replacing them with the following:

I. No transfer of any tax lien upon real estate acquired by a town or city as a result of the execution of the real estate tax lien by the tax collector for nonpayment of taxes thereon shall be made to any person by the municipality during the 2-year period allowed for redemption, nor shall title to any real estate taken by a town or city in default of redemption be conveyed to any person, unless the town, by majority vote at the annual meeting, or city council by vote, shall authorize the [~~selectmen or the mayor~~] ***governing body*** to transfer such lien or to convey such property by deed.

II. If the [~~selectmen or mayor are~~] ***governing body is*** so authorized to convey such property by deed, either a public auction shall be held, or the property may be sold by advertised sealed bids. The [~~selectmen or mayor~~] ***governing body*** shall have the power to establish a minimum amount for which the property is to be sold and the terms and conditions of the sale.

II-a. If the [~~selectmen or mayor are~~] ***governing body is*** authorized to transfer such liens during the 2-year redemption period, either a public auction shall be held, or the liens may be sold by advertised sealed bids. The [~~selectmen or mayor~~] ***governing body*** may establish minimum bids, and may set the terms and conditions of the sale. Such liens may be sold singly or in combination, but no fractional interest in any lien shall be sold. Such transfer shall not affect the right of the owner or others with a legal interest in the land to redeem the tax lien pursuant to RSA 80:69, or make partial payments in redemption pursuant to RSA 80:71, but the transferee shall become the lienholder for purposes of RSA 80:72 and 80:76.

III. The [~~selectmen~~] ***governing body*** may, by a specific article in the town warrant, or [~~the mayor ***may***~~,] by ordinance, [~~may~~] be autho-

rized to dispose of [~~a lien~~] ***liens*** or tax deeded [~~property~~] ***properties*** in a manner ***other*** than [~~otherwise~~] ***as*** provided in this section, as justice may require. ***Before proceeding under this provision, the governing body shall make an affirmative finding that disposal by a method other than sealed bid or public auction is in the public interest.*** Amend RSA 80:80, VI as inserted by section 1 of the bill by replacing it with the following:

VI. For purposes of this section, the authority to dispose of the property "as justice may require" shall include the power of the [~~selectmen or mayor~~] ***governing body*** to***:***

(a) Engage a real estate agent or broker to list and sell the property, including a sale conditional on the buyer's obtaining development approvals;

(b) Sell undeveloped parcels to abutters for consolidation into adjoining lots for the purpose of affordable housing development, preserving open space, or reducing development density; or

(c) Convey the property to a former owner, or to a third party for benefit of a former owner, upon such reasonable terms as may be agreed to in writing, including the authority of the municipality to retain a mortgage interest in the property, or to reimpose its tax lien, contingent upon an agreed payment schedule, which need not necessarily reflect any prior redemption amount. Any such agreement shall be recorded in the registry of deeds. This paragraph shall not be construed to obligate any municipality to make any such conveyance or agreement.

2018-0525s

AMENDED ANALYSIS

This bill permits the governing body to dispose of liens or tax deeded property other than by sealed bid or public auction if it is in the public interest.

SENATOR GRAY: Thank you, Mister President. I move Senate Bill 504-FN Ought to Pass with Amendment. This bill as amended permits a governing body to dispose of liens or tax deeded property other than by sealed bid or public auction if it is in the public interest. Parcels could be sold to abutters for purposes of constructing an affordable housing development, preserving open spaces or reducing development density. The committee felt that listing the properties on the open market is in the best interest of the taxpayers. It will give more transparency to the citizens of the town by allowing them to have a say in how the property is used and protect the property values. I ask you please to support the committee's recommendation of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you. I'd just like to disclose that as an auctioneer and a real estate broker I will be participating.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 505, requiring abutter notice of the construction of a crematory. Ought to Pass, Vote 4-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move Senate Bill 505 Ought to Pass. This bill requires abutter notice of the construction of

a crematory. The committee felt that this legislation was appropriate given the sensitive nature of the crematory business, and the emotional and physical effect it may have on nearby property owners. Studies have shown that the operation of a crematory produces odors and smoke that may be unpleasant to those in the immediate vicinity. This notice will allow the affected abutter to appeal to the town zoning board if they have objections. I ask that you please support the committee's recommendation of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 508, establishing a committee to study the prevalence of post-traumatic stress disorder (PTSD) among first responders.
Ought to Pass with Amendment, Vote 4-0. Senator Ward for the committee.

Public and Municipal Affairs
February 8, 2018
2018-0535s
08/04

Amendment to SB 508

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the prevalence of post-traumatic stress disorder (PTSD) and other related disorders among first responders.

Amend1 the bill by replacing section 1-3 with the following:

1 Committee Established. There is established a committee to study the prevalence of post-traumatic stress disorder (PTSD) and other related disorders among first responders.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Two members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the prevalence of post-traumatic stress disorder and other related disorders among first responders, including police officers, fire persons, and emergency medical service providers, and consider how to mitigate cases of PTSD and other related disorders in those fields.

2018-0535s

AMENDED ANALYSIS

This bill establishes a committee to study the prevalence of post-traumatic stress disorder and other related disorders among first responders.

SENATOR WARD: Thank you, Mister President. I move Senate Bill 508 Ought to Pass with Amendment. This bill as amended establishes a committee to study the prevalence of post-traumatic stress disorder and other related disorders among first responders. The committee found that post-traumatic stress is a chronic condition which is taking a toll on first responders and emergency room personnel. The impact of repeated

exposures to the worst of crime and medical situations is evident in the mental health of these public servants. Studies have shown that the rates of depression and suicide are much higher among first responders. This established committee will take a deeper look at post-traumatic stress and other related disorders to investigate its prevalence and treatment options available. Recognizing the problem publicly is an important step towards reducing the stigma of mental health disorders among the best of our society. I ask you to please support the committee's recommendation of Ought to Pass with Amendment.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. As the prime sponsor of this bill I first want to thank the Dean of the Senate. He was the first person I asked to co-sponsor this and I walked into his office and it was a matter of seconds before he just said yes, no problem. And this is a bipartisan bill. We all understand that our first responders are critical to our infrastructure here in New Hampshire. A year back I went on a ride-along with Officer Casey Finn from Manchester, and when I went on the ride along with the officer I had to put on this vest, and I had to sign a release form, and it became very real at that moment. And the first call that we went on to, the people, it was a domestic violence situation and the people were yelling at him before he even got out of the car, and crossing the road. This is what our first responders have to go through on a routine basis. This eventually has its toll. I was just talking to the chief from Franklin, you know when I was a city councilor there, there was a fire where three people lost their lives. To this day it still troubles him. It's a scar that is right there, right on the surface. It's everywhere, it's in their minds it's in their heart and they have to deal with this. I know first responders from EMS people that have suffered based upon what they've seen. They protect us from a lot of things. So I'm happy for the co-sponsors on this bill and I'm happy to look into this and see how we can help. So I just wanted to say that.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President I rise neither in support and opposition of Senate Bill 508, but I rise to emphasize that our firefighters, police officers and emergency service workers are on the front lines, protecting us and our homes, patrolling our streets and rushing to the scene of the most serious and tragic incidents that occur in our communities each and every day, whenever they're called, whenever they're needed. And we can only imagine the things that they see on a daily basis. You know last session we recognized their exposure to traumatic events and long lasting effects with the passage of Senate Bill 507, sponsored by our colleague from District 3. In the committee our colleague highlighted not only the armed forces who suffer from PTSD, but also our first responders, and I'm grateful that the chamber last year recognized how important this is. However I believe this bill questions a little bit some of the previous work we did on proclaiming June PTSI Awareness Month. In testimony we received in both Public and Municipal Affairs and the Commerce Committee just in recent weeks, multiple studies were cited affirming the prevalence of PTSD in the first responder community. And I guess I just ask all of you to consider the weight of that evidence since so many of us serve on those committees, the academic peer reviewed and published studies

spanning decades about the incidence and prevalence of PTSD among our first responders. And having recognized all of that and heard all of that and for many of us who've done ride-alongs, witnessed all of that, I just question at this point whether five legislators are going to be able to gather additional information to move this issue forward. You know the chamber has taken several steps in the right direction with respect to mental and behavioral health issues. However I think if we wait another year to study this it just means that the people that we already recognize as being on the front lines, as already having PTSD, will just wait that much longer for services. So I hope that we can take steps this year to advance this process a little more rapidly. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. As a member of the Public and Municipal Affairs Committee I voted in support of this, I'm still in support of this. However, I just want to clarify a concern raised in the committee and that is that we do have another Senate Bill that deals with trying to provide worker's compensation for first responders that face post-traumatic stress disorders and without creating any prejudice to the Senate Bill 553 which is still moving through committee, but also not creating prejudice either way, that I don't think that this study interferes with us continuing to act on Senate Bill 553 on creating the unemployment compensation concern and trying to address it. I think there's a lot known about PTSD that first responders face. I think there's a lot of rationale for continuing to study and understand how to try to mitigate as this bill says, try to mitigate the effects of PTSI. But one thing that we can do, going forward is to consider the compensation for first responders when they need treatment and how we can go about doing that and delivering that. So I hope that we can allow the both of these serve a purpose during this session and carry both ideas forward. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 509, allowing municipalities to require income and expense information of business properties for tax appraisals.
Inexpedient to Legislate, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 509 Inexpedient to Legislate. This bill would allow towns and cities to require owners of business property to provide upon request income and expense information for purposes to determine market value. The committee felt that requiring business owners to provide this information to the municipality was an overreach of government. Historically, the factors that decide fair market value are investigated and provided by the municipality's property assessors. The committee found no justification to transfer that burden to the business owner. Therefore, I would ask you to support the committee's recommendation of Inexpedient to Legislate. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

SB 510, relative to municipal notice of leases on tax-exempt property.
Ought to Pass with Amendment, Vote 3-1. Senator Gray for the committee.

Public and Municipal Affairs
February 8, 2018
2018-0523s
05/04

Amendment to SB 510

Amend RSA 72:23, I(b)(1)(B) as inserted by section 1 of the bill by replacing it with the following:

(B) The lessors of all leases and other agreements, the terms of which provide for the use or occupation by others of real or personal property owned by the state or a county, city, town, school district, or village district, including those properties identified under subparagraph (d), shall notify the municipality of the lease and other agreement by April 15 of each year.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2019.

2018-0523s

AMENDED ANALYSIS

This bill requires lessors of tax-exempt public property to annually notify the municipality of the lease or any similar use or occupancy agreement.

SENATOR GRAY: Thank you, Mister President. I move Senate Bill 510 Ought to Pass with Amendment. The bill as amended requires lessors of the tax-exempt public property to annually notify the municipality of the lease or other agreement by April 15. According to New Hampshire statute RSA 72:23, if a public tax exempt property leases a portion of that property to a non-profit business, the portion becomes taxable. Currently the reporting requirements for the lessors is to notify the assessors of the leases are unclear and therefore the municipality loses out on tax revenue. The committee asks you to support the recommendation of Ought to Pass with Amendment. Thank you Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 513, establishing September as New Hampshire recovery month. Ought to Pass, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 513 Ought to Pass. This bill establishes September as New Hampshire Recovery Month. Unfortunately, there are many in our state who are struggling with opioid and various other addictions. Establishing a recovery month pays tribute to those who live in recovery every day and acknowledges the triumphs and struggles involved. Furthermore, it will help educate and encourage those who are struggling with addiction and the general public with the message that treatment works and recovery is possible. Nationally, September is recognized as Recovery Month and with this bill New Hampshire can reinforce our recognition of the importance of treatment and recovery. Therefore, I ask that you please support the committee's recommendation of Ought to Pass. Thank you Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President and colleagues. I rise to give my deep thanks to the committee on this. I also want to give

great thanks to the members of the recovery community who came out to support this and we may have some here today with us in the gallery, I wasn't sure if there was people that were going to come. I also particularly want to thank the Governor for in previous years having celebrated this with a proclamation and I speak for myself and my brothers and sisters in the recovery community, for me thirty-four years of one day at a time now and I think this is a really nice moment for New Hampshire to say that we, here in New Hampshire, want to recognize this in our state statute as recovery month. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider SB 513, the bill having previously been found Ought to Pass. Adopted.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Avard, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

FINANCE

CACR 21, relative to alcohol and drug abuse prevention. Providing that a portion of liquor commission revenue shall be used for alcohol and drug abuse prevention.

Inexpedient to Legislate, Vote 4-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank You, Mister President. I move CACR 21 Inexpedient to Legislate. We all agree that we are battling an opioid crisis, but this is a fight that we can win without a constitutional amendment that would require 5 percent of the previous fiscal year gross profits derived from the New Hampshire Liquor Commission from the sale of liquor be appropriated and used exclusively for alcohol and other drug abuse prevention, treatment, and recovery services. We have taken some very positive steps and calculated steps to address this issue head on. The legislature over the past few years has been extremely responsive to the various and ever changing needs of the opioid crisis. And we've established a comprehensive plan to address crucial needs including prevention, treatment and recovery efforts in all corners of the state. In fiscal year '18- '19 budget alone, we doubled the state funding, sending over 70 million to communities to fight this crisis. This funding includes: $601,678 for the Office of Substance Abuse Disorder and Behavioral Health, $6,889,167 for drug court funding, $1,938,247 for drug task forces, $1,605,431 for regional drug task force, $900,000 for prevention drug monitoring program, $250,000 for the residential substance abuse, $56,902,879 for the Bureau of Drug and Alcohol Services, $4,495,000 to establish a drug border drug interdiction program. That's a total of $73,582,402 we have allocated toward this fight in just the last year. Add to that the 40 percent of funds that were left unspent in the Alcohol Fund at the end of the last biennium, which was approximately $3 million and another $26 million via the Medicaid expansion and we

have over $102 million we are using, or plan to use, in this biennium to counter alcohol and drug abuse. It is now time to do our due diligence and acquire clear and convincing evidence of the effectiveness of these funds before appropriating additional monies.

Another important thing to remember is that CACR 21 would establish an unprecedented mandate for specific spending in the constitution. We will continue to fight this crisis with diligence, perseverance and commitment. We only need a constitutional amendment if we willingly abrogate our responsibility to be accountable to the effectiveness of the funds we have already dedicated to this endeavor. We will win this battle. We will not need any additional funding with this. And when we win, we will not need the additional funding that this constitutional amendment seeks. And we will win Mister President, for losing is not in our character. For that reason, I ask the body to support the Finance Committee's recommendation of ITL on CACR 21. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition. Yesterday a group of legislators and members of the faith community gathered across the street at St. Paul's Episcopal Church to celebrate Ash Wednesday and our great Senate Chaplain provided a sermon that really tested all of us there and he asked us to take a look at the state of our soul. And he pushed us to assess our own selves and how we sometimes have a tendency, particularly in this business to over play our response and our decency and morality and our open mindedness, which sometimes gets caught in the fight of the day. He illustrated that call with a story from C. S. Lewis and after a hard day of work C. S. was walking with a buddy of his to the local pub to enjoy a pint. And along the way he was approached by a man, a kind of befuddled man, maybe we'd call him homeless today, who was asking for change and C. S. took the change out and handed it to the guy and his attentive friend said, "you know he's only going to spend it on booze," and C. S. said, "that's what I was going to spend it on." So that's the situation that we're in, this CACR is a simple, asking for 5 percent of the gross profits from our state liquor stores. New Hampshire is famous for its frugality, and it borderlines at times on abandonment. We spend less than most states, we provide less treatment and access to treatment than most states, the vast majority and we have near record deaths, near record overdoses. We see families, communities, private property, schools, law enforcement, health care taxed by this epidemic. It's ravaging our communities and we need to address it. And we have the state liquor store, a monopoly, a tremendously successful monopoly that makes $700 million a year. And we're asking is that 5 percent of the gross profits go to the alcohol fund to fight substance abuse, treatment, recovery, intervention, prevention.

The state of New Hampshire, a state that pushes booze on its highways, needs to be pushing treatment, recovery and services that we need to provide in people in need. We are the wealthiest state in the nation, yet we spend 12 times more money on a tax cut for the wealthiest among us, than we do on substance abuse, treatment and recovery. You know this alcohol fund has become a political football, I have the history here, the great history of this idea, dating back to Senator Ned Gordon's proposal which was vetoed by a Democratic Governor. And in that day he brought in, and I think the Dean of the Senate was here, he brought in cases of beer and put little drops to show how much actually went into the alcohol fund. And it was the idea on an Alexandria student that said we

should be for taking and spending money on alcohol in the state of New Hampshire that we should be helping those who are addicted to it. And it wrote in perpetuity, in perpetuity. They thought in 2000, in perpetuity, but we all know what happened. We all know it was funded once at 5 percent, and we know this legislature– I was a member here– that we fully funded it and then we dropped the number down, and we played games. Well the party is over. The party is over. We need to take this issue, take the alcohol fund, put it in the constitution so we can solve this problem, we can solve this problem, but we can't solve it with small ideas, small investments, we need to make a concerted real serious effort.

You know substance abuse, we talked about how proud we are, how proud we are to have a day in September, and that's a great thing. But let's not just have a day in September, let's really make a serious investment. Substance abuse whether it be alcohol or opioids, is kind of like what Mark Twain said about the weather; everybody talks about it, but nobody does anything. Let's do something today, let's not wait, let's act, let's take this out of politics, let's put it in the constitution and ensure it's not touching these legislative hands, it's going directly to the services that people need, let's get the job done. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you very much. I rise and thank my good friend from the North Country for your comments, because this is one of the most important conversations we can have. And you're absolutely right my good friend, we cannot solve this problem with money alone. Our conversation needs to change from dollars to sense. We have to go and look at how good of a job are we doing, not how much money are we throwing at the job. We have to recognize the fact that we all, every single one of us, know we have a crisis, every single one of us have participated, every single one of us have brought ideas to the table. But our solution to this problem isn't just about money. You know I heard our Governor speaking this morning about all the things that we have been able to do that he has led on, that we have supported him on. We talked about we now have a teen addiction center. We now have a center specifically for pregnant moms. The Governor spoke today about the fact that we are considering today in one of our committees, establishing New Hampshire as the first place in America that'll specifically designate us as a workplace recovery-free center. That we recognize people are struggling on the jobs that we, in the state of New Hampshire, are trying to come up with a program to solve the problem, not just with money but with programs that'll make it work for us. When I first came here and we first began discussing this problem we were spending $4.5 million dollars on the opioid crisis. Today from my calculation, this year we're going to spend over $150 million dollars. We talked about the $70 million from my good friend the Finance Chair, we know in Medicaid expansion we spent another $27 million. I know from one specific insurer, just one of the insurers in this state, they have paid out over 139,000 individual claims for $53 million in new substance treatment in 2017 alone.

My friend, our issue today isn't, are we throwing enough resources at this problem? Our issue today is are we being effective with the money that we're spending? Now we all recognize today that we have seen that even with all the resources available some of our providers of support have struggled and in fact have failed. It's not due to lack of trying, it's due to what my concern is: our need to continue to really understand what our problem is and come up with good long term solutions that help our

people. My friend, you know how passionately I personally believe that we need to make a prescription drug monitoring program mandatory. We have to shut off the faucet from creating new addicts. Something this legislature could do without spending any money. You know how this body itself led the charge to recognize that peer to peer recovery is a viable alternative we should be looking at and I thank you so much for coming to the table and helping to pass direct funding to that organization, which is actually seeing results. Our need today is solutions; our need today is an accountability of the money that we're spending in order to get these opioid overdoses down, in order to get the deaths down. So as the Governor said, craft this solution. I know we all care about this, I know we are all working on this, I know I've seen the Governor, I've heard the Governor. It's so important to him and every single one of us in here, so I implore this body to change this direction from whenever there's a problem, it's only about money. Two, we have a problem and let's see how we solve it. So with that I ask the body to vote down this amendment on the constitutional amendment and let's find solutions with the resources we know we're using today to make them more effective to help the people we have. Thank you, Mister President.

(The Chair recognized Senator Watters for a question of Senator Woodburn.)

SENATOR WATTERS: Thank you, Senator for taking my question. You know I'm sure we share our appreciation of the work that the Senator from District 11 and the previous Senator from District 2 and really the whole body has done on increasing funding, but wouldn't you say that there's something that now all money is really just fundable that there's a particular responsibility since we are a state control on liquor that it suggested a particular responsibility that we decided to make money off of this that we need to dedicate money from that sale towards recovery services?

SENATOR WOODBURN: Thank you for the question, Senator. Of course we have a moral responsibility to make sure as people who are pushing, the state who is pushing booze on our highways, we have a moral responsibility to do more. And when I hear all this that we're doing too much, we're doing too much; if it was your kid, you'd be doing more, you'd be doing everything possible to get your kid clean. That's what you'd be doing, and that's what I'd be doing, and that's what we should be doing.

SENATOR WATTERS: Thank you, Mister President. Also we heard the Senator from District 11 suggest that it would be unprecedented to put an expenditure stream like this into the constitution, but isn't it the case that to get politics out of it we have the road toll in the constitution and the pension fund in the constitution?

SENATOR WOODBURN: That's correct, Senator, and also we have the lottery, which is also a protected fund. So this, it's been a process to protect from the politics of usual to be able to ensure that these priorities get funded.

SENATOR WATTERS: Thank you, Senator.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of the amendment. I'd like to talk to my colleagues as mothers and fathers, sisters and brothers of a person who is an alcoholic. What if your kid comes home one night stumbling and drunk. You thank God he got home, but he drove that car home and he could have

been in an accident. I was in this chamber when we voted this piece of legislation into law. That piece of legislation mandated that 5 percent went into a fund because we wanted to protect our children, we wanted to protect our families. Our Chair of Finance has given really a great iteration on the money we are spending and I applaud that. I applaud the fact that we have spent more money than other legislatures have spent. But there was a need, so we addressed the need.

When Senator Gordon sat in that seat and sponsored this bill, along with Representative Lemire, it was the culmination of years of activity, years of the carnage that takes place on our highways. There are more people dying in this state from alcohol than anything else. DWI's; look at them, look at the crashes on the highway, look at them on a daily basis. That's alcohol. What's our basic way of treating alcohol? What is it? It's Alcoholics Anonymous. As I said in my committee; they meet every Saturday morning in my district at a local restaurant. You know how full that room is? It's packed. It's packed with women, it's packed with young people, it's packed with older people. What are they there for? They're there to be part of a brotherhood that hopefully supports them and keeps them from returning to the most dangerous demon in the world, alcohol. The demon rum is pervasive, and it's been around since the beginning of time, since the beginning of time.

We have an opportunity as a legislature to do something that our fellow Senators did. They fully funded the program. And Mister President, I applaud you in terms of restoring money to that program and getting it to the level where it is. But I'm very, very suspicious of suspension. There are seven pages of suspensions in the budget that we passed. Seven pages of suspensions. You can suspend any time, and we do it, we do it on a regular basis. If you put this in the constitution you can't suspend it. Very few people have suspended the constitution. One was Abraham Lincoln when he suspended habeas corpus during the Civil War. Had a reason for it. But we didn't like it. We don't like our children dying.

I'm a coach I've been a coach all of my life. My players, many, many of whom, great Americans, but a few of them alcoholics. I'll cite you one example of a kid that I coached at Manchester Central High School, who was in an automobile accident when he was at the University of New Hampshire. He was driving on that Durham Road, and Senator Watters knows about that road because the kids drive it all the time on their way to Portsmouth to drink, because Durham was dry during those days. Gets in an automobile accident and becomes a paraplegic; a paraplegic, his life is gone. His life is gone; a kid who had the kind of potential that would make us all feel really good about it. He had potential. He ends up a paraplegic. Alright, thankfully he was able to recover and pull himself out. The quarterback of my football team at Bishop Bradley High School, he died walking up and down Elm Street. He died as a drunk. Went in the service, where you could get a beer for ten cents when you went to the PX. They gave it to you because you were fighting, you were defending this country and what do they give you? Alcohol. My friend who was in the corps knows that, and you could buy it at the PX for a very minimum price. We have an opportunity to save those lives. Boy, that's a wonderful, wonderful thing when you can save a life. We've got to think about that. We've got to think about our commitments here.

Senator Gordon was a brave guy. He's now a judge. Ask Senator Gordon how many cases he deals with on a regular basis. Republican Senator Gordon not a Democrat, Republican Senator. Ask him how many DWI's

he deals with from the bench, and what do we do? We put them in jail. Now that's a big cure isn't it? We put them in jail. How long must they go to jail? They've got to go for at least a year, so we fill up the jail, we've got a full house in Concord, we've got a full house in Berlin. How many are there for alcohol related problems, how many? At a cost of what, $35,000 a year? Think of it. Think about that Corrections budget, and how it grows and grows and grows. So we have an opportunity. It's not easy to do this, it's not easy to make this commitment, but we have to make a commitment to saving the lives of human beings. I've got three kids, I've got nine grandchildren, I have two great-grandchildren. You think my grandsons aren't going to drink? They're not going to go out some day and have a few beers or something when they shouldn't? Yeah. And what have I got to do? I've got to be on them all the time. Yeah, you've got to be on them, don't do that, don't let yourself be caught in that trap. But on the other hand let them how about all the kids that were caught in that trap? Don't we have a responsibility to take care of them? We, as Senator Woodburn pointed out, we sell alcohol, we are a control state. You know what that meant in the old days? We would control the sale of alcohol, we were going to control it. We are the second leading seller of alcohol in America. Only Pennsylvania supersedes us. Only Pennsylvania and our profit margin is greater than Pennsylvania's. So we're in the business. If you're in the business, you've got to deal with the repercussions. And we've got to wake up to that fact. It may not happen here today, but we are going to have to live with this for the rest of our lives, because that kid, our neighbor, our friend, that youngster you had in school; one of them is going to die. One of them is going to have a serious accident, and what have we done to protect them? We were supposed to be teaching in the schools, we were supposed to be spending money on PSAs about drinking and driving, drinking and driving, about over drinking. It hurts everybody across the board. So my plea to my colleagues is think about it. Just think about it, and think about what you would do if that case came home to roost on your door. Think about it. I think about it every day. When I see my grandson play, I go to him, I put my arms around him, I give him a kiss and I say, boy I'm glad you're safe from playing hockey, and I tell him please don't get involved in drinking. Just don't do it. Because if you do we're all going to suffer. It's a plea for you to think about it, just think about it. Every vote counts I understand that and I understand how to count, I know that too, I've been here long enough to know that. But I can say this, we have a responsibility. Don't lose your moral compass, because it's something that we'll have hopefully for the rest of our lives. We're only going to be here for a short period of time. But what we do here remains basically in perpetuity. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you. It's a little hard to speak after Senator D'Allesandro made such a compelling statement. I think it's important to put in context that both Republican majorities and Democratic majorities in the past have abrogated their responsibility. Time and time again when there was pressure on our budget, our general fund, we did not honor that 5 percent commitment that we had agreed to under the leadership as you heard of Senator Gordon. Right now on a daily basis we have fifty to sixty people waiting in emergency rooms around the state because we don't have the adequate number of treatment centers. We don't have the treatment centers for people who are suffering from alcohol. But the number of people with alcoholic problems in this state

is going up, it's not going down. And the opiate addiction crisis has sort of pushed that out of the way but we have a responsibility both to those people who are struggling with alcohol addiction and also with the opiate addiction and other types of addiction with regard to drugs. And I heard what our good Senator said from Senator District 9 about what we need to look at how effective we're being and not look at the resources. Well we can't be effective without resources to move forward. We've seen that in the last year from the amount of money that we've upped to spend on the opiate crisis, but where are we right now? We still have the highest number of deaths or second highest number of deaths in the country. We cannot solve these problems around addiction by investing only halfway. And we can't put this money at risk in the future by continually letting it be part of the discussion about how we're going to allocate our general funds from one year to the next. By voting for this CACR we're going to protect those monies for the future and make sure that we have them, not only to address those people who are suffering from addiction, but also to do a much more intensive education around the problems related to addiction and that costs money to do that. So I'm just here to say that we all have abrogated our responsibility at one time or another. But now we have an opportunity to put that program in a lockbox so it continues in the humanitarian way that it was set up to do to address the citizens of this state who are struggling with a wide range of addiction. Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. You know I find it interesting as I often do when we have these significant issues that come to this floor and how we all try to do the best that we can for our state and for our constituents, and I think we have. Maybe not perfect, but we've done a lot. We've done more than a lot. To my friend from the North Country; we haven't thought small, we've made a commitment. Senator from District 11 outlined that commitment that we've made over the last several years. Now our friend in the chair and our friend from Senate District 11 are the mathematicians here but I think what we're arguing about is the difference between 3.4 percent and 5 percent, which if I have it correct is $3 million and if I listen carefully to the great job that our Senate Finance Chair just did listing all of the initiatives that we've funded it's over $100 million. So have we met our responsibilities? Absolutely. Have we abrogated them? Clearly not. Have we invested in substance abuse? Absolutely. Have we treated the substance abuse and mental health crisis, as moral imperatives? Absolutely. My friend from District 11 talked about the dollars spent; let's talk about what some of those dollars have bought. The prescription drug monitoring program, which has been upgraded, and legislation that I believe while I was out of the room we voted on, we'll put it on a secure funding basis. We changed prior authorization law, I think our friend from Concord had a lot to do with that, and our former colleague from District 24 had a lot to do with that. The Governor called for creating an outpatient drug treatment center at the Sununu Center, it's in the process of being built. Our friend from the House, Representative Rosenwald, led the effort on reforming prescribing guidelines. We've done a huge amount to put more state troopers on the road and fund Granite Hammer to try to interdict drugs coming into our state.

Former Governor Hassan led the effort to have appropriate penalties for dealers of heroin and fentanyl. That was changed a couple of years

ago. We have put millions of dollars into this crisis, and somehow we are arguing about whether it's 3.4 percent, which it is today, or 5 percent misses the big picture of what we've done. But because words like abrogated responsibility or not fulfilling a commitment or not investing in the necessary funding for New Hampshire, I just have to ask the question; wasn't the 2015 budget vetoed, when we raised the alcohol fund to 1.7 percent? And didn't some of us vote against the budget that raised the funding level from 1.7 to 3.4 percent? If we want to talk about moral imperatives, let's talk about the 23,000 people that all of us ought to be thinking about, that need us to reauthorize our Medicaid expansion law. Some of us don't like it, some of us like it, some of us want it changed. That's a moral imperative. That should be a bipartisan moral imperative. It's going to call for each and every one of us to think about not only those 23,000 people, but the 50,000 people who benefit from that and get outside our comfort zone and not make the perfect the enemy of the good. That's our moral imperative. We have met, as our friend from Milford so eloquently described, the funding imperatives for substance abuse and I think we can and should do more, but this is not the right way to do it, which is why I ask for you to vote Inexpedient to Legislate on this, and remember what our moral imperatives really are and the issues that will come before us in the very near future. Thank you, Mister President.

Recess. Out of recess.

PRESIDENT MORSE: I do think we have some guests still from the Vesta Roy group. Welcome. We have more than a few members in the Senate who have gone through the program. Some of them are here working today and it's a great program and we thank Speaker Sytek for still being involved with it. I know she didn't come upstairs but we wanted her to, so thank you very much and thank you for coming in.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I just want to hopefully end this conversation with just the salient point that this is not about the percentage, it is about the commitment that we've made as a legislature and enshrining it in our constitution. Thank you, Mister President.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Sanborn for a parliamentary inquiry.)

SENATOR SANBORN: My inquiry would be is being this as a vote to recommend passage of a resolution for ITL versus passage, is it a 50 percent vote plus one or is it 2/3 at this point?

PRESIDENT MORSE: You'd need thirteen votes to adopt the Inexpedient to Legislate.

SENATOR SANBORN: You'd need thirteen to adopt Inexpedient. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Daniels, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

SB 542-FN, relative to the use of funds in the revenue stabilization reserve account for public health emergencies.
Inexpedient to Legislate, Vote 4-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 542-FN Inexpedient to Legislate. This bill permits the withdrawal of funds from the Revenue Stabilization Reserve Account or the Rainy Day Fund, to address a public health emergency declared by the Governor or by the General Court. SB 542 would allow the fund to be accessed without requiring proof that funding or other resources appropriated by the state for a public health emergency have been exhausted, or are being used most effectively. This bill fails to develop a compelling plan on how to utilize these critical funds. Members of the Senate Finance Committee believe the legislature has a responsibility to the citizens of New Hampshire to protect the Rainy Day Fund. Drawing from it should only be done in a cautious and well-thought out manner. The committee recommends Senate Bill 542 be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition to the recommendation of Inexpedient to Legislate. It's a rainy day right now, on the opioid epidemic. Using a portion of the Rainy Day Fund to combat the opioid epidemic makes good sense. It also makes good sense in terms of potentially in terms of mental health Mister President, something that the Governor and folks in this chamber have made a priority and the Governor made a priority in his speech earlier and certainly more resources need to be directed in the mental health crisis. We have an issue based on hearing from law enforcement that meth is a growing problem in our state in terms of public health. This bill allows the Governor to declare a public health emergency and then allocate up to 10 percent of the Rainy Day Fund in order to combat that public health emergency. And it allows the Governor the discretion to work with the stakeholders, work with the commissioner, work with the law enforcement community to develop a plan which with the oversight by the Fiscal Committee and Executive Council can get out the door to combat this epidemic. Now let me address some of the arguments against this that we've heard. We've heard one argument that this is one time spending and we don't do one time spends. That's not accurate, we've done that a lot over the last few years, we've done it on the PDMP, we've done it on recovery and transitional housing, we've done it on Granite Hammer, there are plenty of efforts that we can do in a constructive way that we have done in a constructive way, in a bipartisan way with one time spends to combat the opioid epidemic. There's an argument that it's not clearly laid out what the Governor must do in the legislation, but that's intentional. We wanted to give Governor Sununu the discretion to develop a plan, working with the Governor's Commission to combat the epidemic. Third, there's an argument about the rainy day fund, but the indication from the treasurer is that this will not affect our bond rating if up to 10 percent of the rainy day fund was used to combat the opioid epidemic.

And lastly, we've heard that we spent a lot of money already and that there isn't measurement of effectiveness; there are reports on effectiveness on the return on investment in everything that we spent, and the Governor went to Washington D.C. to ask President Trump for $350 million. This would authorize up to $10 million. The notion that the Governor does not have an ability to construct a plan to spend $10 million is inaccurate. He asked for $350 million. The last argument that we've heard is just a political argument that this is a political gotcha thing. I'm not going to respond to that. It's I think a completely inaccurate argument. Everybody here is serious about combatting these crises. So to just cast it as a political gotcha I think is troubling. Lastly, I'll just say this; I know this is a creative idea that some don't see as perfect, but as my friend from Wolfeboro said sometimes you have step out of your comfort zone and not let the perfect be the enemy of the good. This is an idea without raising taxes or fees that we can do right now to combat these public health emergencies. So, I'd respectfully request that we overturn the motion of ITL and we move forward with Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Woodburn, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

HB 561-FN, relative to part-time employment of a retirement system retiree by a participating employer.
Inexpedient to Legislate, Vote 4-2. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 561 Inexpedient to Legislate. This bill changes the already arbitrary limit on employment of a retirement system retiree to an annual 1,300 hour limit, or up to 1,600 hours if a surcharge is paid by the retired member and the employer. The bill also arbitrarily prohibits part-time employment in the first twenty-eight days after retirement. Finally, House Bill 561 establishes a punitive and arbitrary penalty for retired members who exceed the annual arbitrary part-time hour limits. A majority of the Senate Finance Committee believes this bill will force trained, competent retirees to seek part-time employment outside of our New Hampshire towns, counties, cities and state, and will cost taxpayers more to fill public safety needs statewide, and will do nothing, and all recognize this, to help the financial status of the retirement system. Moreover, HB 561 creates problems in municipalities that have always had part-time position, and have difficulty recruiting and retaining qualified part-time workers. The committee recommends House Bill 561 Inexpedient to Legislate and on behalf of the towns and cities and counties in the state, asks for your support on Inexpedient to Legislate.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I rise to speak against the ITL motion and ask the body to overturn the ITL motion so that I can offer a subsequent motion. Mister President, we have discussed this issue quite a bit in this chamber since January and

I'd like to remind people of a few things. First of all, my colleague from Senate District 4 and I spent a good portion of the summer, all fall and even during the Christmas holidays working on the Decennial Commission. And this was in part, a recommendation of the Decennial Commission. As you all are aware, the original amendment capped the hours at 1,040. This was voted on and adopted by the commission, but when we brought that forward it really seemed to cause a lot of problems because most municipalities in this state hired individuals to work the twenty-five hours a week, which comes out to 1,300 hours a year. We felt we did not want to harm the municipalities or the people that were working there so we kept that 1,300 hours in place. These folks who do this are not going to be harmed, nor are the municipalities in any way. These folks are going to be able to work, in fact the documents that we received from the retirement system showed that most people worked on the average of twenty hours a week. The folks that do work the 1,300 hours a week are the folks that are seasonal workers, folks that are in our good friend from Senate District 24, their district out at Hampton Beach and at the state parks, again because they're going to be working basically a full-time job during a very short intense period of time.

The retirement system asks for a penalty because there are people that do go over the allotted amount of time which is 1,660 hours per year, and they had no mechanism to punish these folks who broke the law. This is already existing law. There are no new dates in there, there's the 1,300 hours is in statute, as well as the 1,660. The only change is the Decennial Commission realized that people that work more than thirty hours a week are essentially working a full time job. These folks are not paying into the system, and I'd like to remind all of you that New Hampshire is one of fourteen states in this country that allows our retired workers to go back to work. The vast majority and including the federal government say no. Once you are retired you are retired, that's it, there's no going back to work for the Federal Government, there's no going back to work for any other agency. But we realize that this is a critical need in the state of New Hampshire, and so we allow our retirees to go back to work. But is it wrong to put rails around it? We talk about people crossing the border. We have a lot of our New Hampshire folks that go down to work in Massachusetts. Why? Because Massachusetts has an arbitrary 940 hours a year. That's all that their folks can work if they come back to work. So our New Hampshire folks can go down to work in Massachusetts and they can work as long as they want, and quite frankly people from Massachusetts come up here and do the same thing because they don't have to abide by that 940 hours a year. Why are we doing this Mister President? And my good friend from Senate District 17 is correct. When we had the discussions, there was a discussion of the fact that okay this is not a problem, but I'd like to say yet. This is not a problem yet.

The actuaries are watching this issue very closely and we have a choice today. We can either wait like we have done in the past, until we face an untenable position much like we faced in 2011 where we had to make some pretty darn hard decisions, and they were not easy decisions. Or do we do it today? Do we do it today and say okay, this is a potential problem, let's fix it today. I am for fixing the problem today and I'd also like to point out one thing that we did learn, which I think surprised many members of the committee was the real problem that we have in attracting police officers to come work in the state of New Hampshire,

and that is one reason why municipalities are going to retired individuals. I don't see this ending anytime soon, until we start doing something about attracting police officers, young men and women to come and work for us, so this problem is only going to get worse as time goes on. I have already started discussions with the Governor's office to see about what can we do, what can we do. We have great programs in our colleges as well as our community college systems. What are we doing connecting these students to police departments to get them employed when they graduate from these criminal justice programs. Those are things that we can do, but we have to be prepared, we have to be prepared. Let's take care of this today and I'd also like to remind you the legislation also grandfathers anyone who's currently working. So somebody who retired under a certain set of rules, this is not going to touch them. This is not going to touch them. Another point that was brought out during the public hearing, the suggestion was made to ask for the surcharge, and the people in the room thought that was a great idea, and in fact I received a letter from a selectwoman of Francestown who thought that was a great idea and they wouldn't mind paying that 5 percent, because they are not paying the full rate. They are not going to pay the full rate. So again Mister President, I don't want to deliberate the point anymore, we had good extensive discussions here concerning this issue. I would ask again all of you to overturn the Inexpedient to Legislate so I can offer a motion of Ought to Pass. Thank you very much, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. Just in the way of disclosure, I am a selectman in the town of Milford and I understand that that isn't violating our ethics laws, but I just wanted to disclose that so that you can understand some of the perspective that I'm coming from. And Mister President, make no mistake we are penalizing our cities and towns for having needs that exceed our expectations and I believe the Senator from District 14 just acknowledged that by saying that the town would be paying a penalty. Understand also that we are taxing retirees because they want or they need to work more than twenty-five hours. Simply put, House Bill 561 suppresses local control without regard to the financial or resource needs of the communities that we're supposed to be representing. Mentioned in 2001 we put the current plan in place, but understand that was a thirty year plan put in place, some of where the expectations that there was going to be no change over that thirty years in terms of employment or status. And that's unrealistic. We know that the pension system is a living entity and it's subject to changing on a day to day basis. Acknowledging that the pension system needs to be addressed, we won't fix this gaping wound in the system with this band-aid approach. I'll be the first to stand here and welcome anyone to work with me to come up with a way that we can fix the system, but we should not be doing it piecemeal. We should not be trying to fix the system with proposed solutions that just exacerbate or create additional problems at the local level. And with that I would ask you to please join me in voting ITL on House Bill 561. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise in support of the motion of ITL and I know we're all coming here from very different places, like my colleague from District 11 is so concerned about his role in select board and working for towns. I hear other words about the fact that you know many or some of us Mister President, were here the

last time we took a real hard look at the retirement system when it was $5 billion upside down and I think it's still $5 billion upside down. So there's no question that we have to do something if we're to try and get our hands around and cure the problem. But my challenge with this bill is using the force of government to tell people how much they can work. What is that all about? What does it mean for any of us to think that we should be sitting here debating and trying to pass a bill that limits how much people can work? It's not my value set, I don't think it's the value set of many people in this room. So if for no other reason tha you believe people deserve a right to work and government should not be telling them that they're going to limit the hours that they can work, I would ask people to support the ITL. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I rise to speak against the committee recommendation of Inexpedient to Legislate, and to support my colleague from Londonderry. Boy, Yogi Berra said it right, it's déjà vu all over again and here we are, here we are debating retirement. It was in 2011 that I was the sponsor of Senate Bill 3 and there's still people in the state that won't talk to me as a result of my efforts to try to bring some sanity to the retirement system. We made some really necessary reform. Employees paid higher rates; we limited the amount of sick time and vacation time and special duty details that could be put into your last three years which became five years that determined your average. And we made the age of retirement gradually increase. The reforms that we made were comprehensive. There was one piece that I thought this piece, the double dipping piece, that we came to a reasonable place on with the thirty-two hours and anybody that worked above thirty-two hours would have to go back in the retirement system. It seemed like a reasonable compromise at the time, but we've watched what's happened. That's the problem. There are too many, whether it's municipalities, counties, schools, even the state where people have retired, so the get their retirement salary and then they go back to work at thirty-two hours or less and don't pay into the system, and so that skewers the actuarial rates. Now I will agree with the folks that think we should kill this bill, it's not yet a problem. The actuaries are watching this carefully. There are 500 people doing this today, roughly, 491? 490. But if we don't fix this today it's going to be 1,000 in a couple of years or 2,000 in the future because it's a loophole. We didn't do a good enough job of making it at a level that people could fill the part-time, legitimately part-time positions and not have an impact on the system.

And I said it then and this is why Yogi Berra is so prescient that it's déjà vu all over again. You can take your medicine today when it's easier to take or you can wait and it becomes more bitter and harder to swallow. And if this becomes a problem, then it becomes a bigger problem and the cure is tougher. And so what as our friend from Londonderry proposed, which was not amended in the Finance Committee, it's pretty reasonable. It's not a penalty. The towns that are going to pay this 5 percent, it's not a penalty. They're going to pay one way or the other, they have to have actuarially sound rates, so it's either going to come on the full-time employees or this little bit on the 25 to 32 hour employees of 5 percent. They're going to pay one way or the other. And for the individual, yeah it's 3 percent but they're getting the right to get a retirement check and then go back to work and not contribute to the retirement system, so I don't think in any manner, shape or form it's punitive. That's why

the Union Leader supported it; time for a fix. It's not punitive, it's not piecemeal, it's the one thing that we should have fixed better in 2003. Every position, those 490 positions are exempted and if you overturn the committee recommendation and we move on an Ought to Pass motion, I will introduce a Floor Amendment that will extend the effective date up to January 1 of 2019 that will give all the employers in the state of New Hampshire ample notice and time to plan for the fact that anything done under the current law stays in effect going forward. In other words, open season on grandfathering somewhat further into the future. Because I agree with the folks who say that it's not a problem yet, but I don't want to be in the situation that we were in when the employers had unrealistically low rates. The benefits that were paid under the retirement system were over and above what was mandated by law and the rate of return set by the actuaries was too low, created a $5 billion problem. We can do something about it today or we can let the problem grow, we can hear no evil, see no evil, speak no evil but that problem will grow and the fixes will be worse in the future. This is a reasonable proposal of our friend from Londonderry, it protects all the employers and it protects all the individuals. So I'd ask the folks that voted for this bill in the past to overturn the committee report so that we can move with an Ought to Pass, make sure that this loophole is closed, be fair to all employers and all employees and move that effective date out on a Floor Amendment. Thank you, Mister President.

PRESIDENT MORSE: All I know is we got through twenty bills when you weren't here Senator Bradley.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. We keep hearing this argument that this is going to make the system worse, when by actual testimony received we heard that the actuary stated this does not make the situation any worse. But we keep bringing that up as an argument to make us want to support this. It is, we heard another argument that we can't find police officers to fill all the vacant police officer jobs, and we're going to fix that by barring trained police officers from working in our towns. It just defies logic. This isn't a logical argument. You don't make a thing better by making the situation worse. Double dipping, for this to be double dipping would mean that these people who are then working as retirees were going to get another pension; that they were going to get two pensions from the same system. That's double dipping. These are single dipper retirees who are now working. So these arguments defy imagination, and I was on the first Decennial Commission, a long time ago, and one of the calculations that I was able to make was every dollar that you add to the retirement system gives you a greater than a dollar liability and that's why we are where we are today. You don't make an annuity better by adding liability to it. And that's what this effort is. This is an effort to hire more full-time people to increase that future liability to the retirement system. You'll fix this system when you stop putting people into it. And the actuaries know that and they maybe even said it, we just haven't heard it here yet. Vote no, support your communities that we're here to represent, vote no on this and do not tie their hands from where they're going to get employees. It's a situation that's not improving.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Gray, French, Ward, Sanborn, Daniels, Avard, Reagan, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 11 - Nays: 13. Failed.

Senator Bradley moved Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
Sen. Carson, Dist 14
February 13, 2018
2018-0611s
10/05

Floor Amendment to HB 561-FN

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect January 1, 2019.

SENATOR BRADLEY: Thank you, Mister President. As I indicated previously this moves out the effective date from passage to January 1, 2019. This adds the protections I talked about for employers to be able to take advantage of any existing employee having the grandfathering provision. So it gives an extra six to eight months of grandfathering. I think it's fair to everyone involved. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

Senator Morse is in opposition to the motion of Ought to Pass with Amendment on HB 561-FN.

HEALTH AND HUMAN SERVICES
SB 381, deleting immunization/vaccination requirements for Hepatitis B. Inexpedient to Legislate, Vote 4-1. Senator Hennessey for the committee.

SENATOR HENNESSEY: Thank you, Mister President. I move Senate Bill 381 Inexpedient to Legislate. This bill declares that a parent or legal guardian shall not be required to have their child immunized against Hepatitis B in order to enter daycare or public school. Hepatitis B is a dangerous and infectious disease that is spread through bodily fluids. Currently we require children to have received 3 doses of the Hep B vaccine by the time they enter day care or the school system. There is no requirement for vaccination at birth. Although risk of transmission is low the disease can be spread from shared personal items or for example from biting. The disease is more dangerous for children because if a child becomes infected the disease can become chronic leading to a lifetime of issues that include liver disease and cancer. The vaccine is an important part of our states public health keeping the incidence of Hep B low here. Removal of the requirement for immunization could lead to a significant increase in the number of children and adults suffering from this devastating and incurable disease. Please support the committee's recommendation of Inexpedient to Legislate. Thank you Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise opposed to the motion of Inexpedient to Legislate. I want to state that Hepatitis B is an adult disease spread by adult activities. The vaccine is not routinely recommended for adults. It is recommended for high risk individuals, so why would we require it for babies who have even less risk? Hepatitis B has no record of incidence in New Hampshire day care or school children as reported by DHHS. There has been no proven incidence of Hepatitis B spread in a day care or school through saliva or tears or biting, by sharing toothbrushes or cups or by school sports. Any studies suggesting such spread is possible are only hypothetical and not proven. I want to address a comment that was just made that immunization as a baby or at birth is not required. I'm holding a document from Health and Human Services entitled Immunization; Minimum Dose Requirements for Child Care. And under, it says Hep B, Hepatitis B vaccine three doses given at birth, age one to two months, sixteen to eighteen months. There's a chart further into that document that says immunizations by age group, and it has two columns. One is the child's age and then the second column is the child should receive. So if we look under two to three months, it says the child should have received two doses of Hep B. So that goes back to the initial document here that says that it's given at birth. If you look further under four to five months it still is two doses of Hep B. And then from sixteen to fourteen months it's three doses of Hep B. So just by the documentation on our website it clearly states that a dose is given and required at birth. Now we followed Hep B vaccinations. They have been reported seventy-five babies have reportedly died since this vaccine was required in 1996. In addition, the vaccines have also shown to be a causative factor in SIDS death per published in the federal vaccine injury compensation claim. So I just want to bring that to your attention, because what we're doing is we're putting at risk babies who basically have no risk. They're allowed into daycares now and by again, by our own Department of Health and Human Services, it seems like there have been no reported incidences of it and yet we have experienced seventy-four deaths since '96. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Now I just wanted to respond based on the testimony we heard in committee, and we heard all those arguments and we also heard from experts who deal with this every day who and from medical world, physicians who said that there is no evidence whatsoever that any of those deaths had to do with Hep B, it's like saying it could have been, they died from the fact that they had a physical examination at that age because it's part of the routine at certain ages. So there's no evidence of that. I understand the concern but there's no evidence of that. They also said the only babies that are required to have it at birth and not even required, no babies are required to have it at birth, but the ones that for whom it's recommended are those who have a mother who has Hep B, and then the likelihood that the baby has Hep B is very high and the baby is surprisingly likely to get some pretty significant organ dysfunction as well as cancer. So I did, I think the language in what you read says something like they may get it at blah blah blah, but it doesn't say they are required to get it then and if it does it's misinformation because that's not what's happening and we heard from the horse's mouth that that's not what's happening. And that in fact it is a childhood disease, there are children who carry it. Unfortunately, there are also and I brought this up although I hate to bring it up again, we would like to think it doesn't happen, but there we hear all too often of

children being abused in school and day care centers so that's another way they could get it. They can get it, though these doctors said it can even be airborne. So if a child sneezes and has Hep B or has been exposed may just be a carrier of Hep B, another child can get it, the teacher can get it, it's a very infectious and dangerous disease. And very low risk immunization. Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: What else is new, right? That was quite a sigh he just had. So to my friend from Milford, I agreed with you on one, disagreed with you on the other, on this bill I find myself riding the rail and hope I don't get too many splinters. I share your concern about a requirement to vaccinate a baby at birth for Hepatitis B or in fact any other vaccines. In full disclosure, I have four kids that were vaccinated before they got to school, not right at birth and I feel that's appropriate and it is what's allowed under New Hampshire regulations. So I have a letter which I'll give you a copy of from the Health and Human Services Department signed by Elizabeth Daly, the Chief of the Bureau of Infectious Disease Control as well as Lisa Morris the Director of that division. And they say in it that the department has stated that Hepatitis B immunization is not required at birth according to the letter. Now what is recommended by the CDC is vaccination at birth, but under New Hampshire law and rule what is required as they go further down in this letter, parents may choose to initiate the Hepatitis B vaccine series at any time as long as it's completed before age three if enrolled in child care or prior to kindergarten if enrolled in school. The reason I belabor this point and standing up here to read this is because it will go into the permanent record. So that the folks I think that you're trying to represent should take this letter as what the status of the rule and the law is that whether you probably think we shouldn't have Hepatitis B required for parents and I appreciate that, what I want to convey to you is that through the efforts of the committee, we clarified what a lot of the folks that reached out to you and wanted you to sponsor the bill, that they don't have to vaccinate at birth, despite the fact that it's a CDC recommendation. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Bradley.)

SENATOR FULLER CLARK: Thank you for taking my question Senator Bradley. Would you be able to speak more fully about what it was heard with the children are not susceptible to exposure, and that it's an adult problem, and yet in actuality the reason that we apparently have such a low number of small children with Hepatitis B is because of the vaccination, but I wondered if you could speak to the issue of how it's transferred to young children because that seems to be where there is an argument?

SENATOR BRADLEY: To my friend from Portsmouth, I actually agree with our friend from Milford that the likelihood of Hepatitis B being transferred in virtually all circumstances in New Hampshire to youngsters is pretty small. That being said we did hear testimony from Doctor Chan, of the department as well as Doctor Knirk who is our colleague now in the House of Representatives. Doctor Knirk is in my District so I've known him, he's a retired surgeon, and he testified that Hepatitis is a communicable disease in children from birth on, that Hepatitis lives on an open surface for seven days and the disease can be spread from shared items such as a toothbrush or of a drinking glass. So while I agree with

our friend that the likelihood of transfer of Hepatitis B is very remote in New Hampshire, based on the medical testimony it's possible. So what I wanted to do and I think what those of us who voted ITL wanted to do is to make sure that our friend from Milford's constituents were very concerned that it's mandated at birth, that we clarify that and I hope that that letter clarifies it for you and if it doesn't, and you feel that we need further clarification, I'm willing to work to make sure that that is the case in the future.

SENATOR FULLER CLARK: Is there not a risk for mothers who have Hepatitis B or HIV transferring it to a baby at the time of birth?

SENATOR BRADLEY: You got me, Senator. I'm not a doctor. I know your husband's a doctor he probably can answer that question better than I. I need to look at the hearing report to be able to answer it and I just can't. You could be right but I can't be sure.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: I just want to make it clear that given the fact that we are looking at a drug epidemic in the state and we did hear that one of the ways that is transferred to newborns is through the birth process, and so that is a critical time, but again you're not required to have it a birth, it is recommended that you have it at birth because of that risk. Thank you.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President for allowing me to speak a second time. I do want to confirm that the letter that Senator Bradley gave me says that there is no requirements for Hepatitis B vaccine at birth, dose in New Hampshire, but the state's own website where the people go to get their information it says and I quote, "Immunization minimum dose requirements for child care. Hep B, Hepatitis B vaccine three doses given at birth, ages one to two months, six to eighteen months." So regardless of what way it is, we've got a real problem when our own department can't even decide. They put out a letter saying that there's no requirements and at the same time they've gone on the website, something for the public that says that there is a requirement. So I would still ask that you vote down the motion so we can bring forward an alternate motion. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators voted No: Giuda, French, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Morse.

Roll Call, Yeas: 15 - Nays: 9. Adopted.

SB 545-FN, increasing the age for sales and possession of tobacco products. Ought to Pass, Vote 3-2. Senator Hennessey for the committee.

Senator Gray moved to Lay on the Table SB 545-FN. Adopted.

CONSENT CALENDAR REPORTS REMOVED

PRESIDENT MORSE: We are at the conclusion of the regular calendar and will take up the bills that were removed from the consent calendar.

COMMERCE
SB 353-FN, relative to direct shippers of alcohol.
Inexpedient to Legislate, Vote 5-0. Senator Sanborn for the committee.

Senator Bradley moved to Lay on the Table SB 353-FN. Adopted.

EDUCATION
SB 357, relative to safe school zones.
Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

Senate Education
January 30, 2018
2018-0369s
06/01

Amendment to SB 357

Amend the title of the bill by replacing it with the following:

AN ACT relative to safe school zones and relative to syringe service programs.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Syringe Service Programs in Drug-Free School Zones Prohibited; Exceptions. Amend RSA 318-B:45 to read as follows:

318-B:45 Syringe Service Programs in Drug-Free School Zones Prohibited. No syringe service program shall be located within a drug-free school zone as defined in RSA 193-B:1, II. ***Exceptions to this prohibition may be granted by the applicable school district superintendent when a request is initiated by a syringe service program administrator.***

2018-0369s

AMENDED ANALYSIS

This bill:

I. Requires school employees to report crimes that would prevent a person from being hired as a teacher.

II. Permits school district superintendents to grant certain exceptions to the prohibition on locating syringe service programs in a drug-free zone.

SENATOR GIUDA: Thank you, Mister President. At the request of the Department of Education this bill requires school employees to report crimes that would prevent a person from being hired as a teacher at the request of the New Hampshire Hospital Association, committee included in legislation a provision to allow school districts superintendent to have a syringe service program operating in school zones. And I would ask that you support the committee recommendation. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I asked that this be taken off the Consent Calendar for one reason. This last summer I was on the needle exchange commission and we talked a lot about needle exchange, places where they would be. There was no talk, no focus whatsoever on diabetes or anything other than drug abuse and I just think

it's ludicrous that someone can set up a needle exchange program with drug users in a drug-free school zone. That just does not make sense to me, so I would ask that you overturn the Ought to Pass so I can bring an Inexpedient motion. Thank you, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator Daniels.)

SENATOR SANBORN: Senator Daniels, I'd ask that it be more appropriate to ask if we could divide the question?

SENATOR DANIELS: That'd be fine.

SENATOR SANBORN: Mister President, I apologize, I don't have it in front of me. I was asking the Senator if he would like to divide it of which we'd get the division numbers and pages down, or just a straight overturn.

SENATOR DANIELS: Mister President, is the question divisible?

Recess. Out of recess.

SPECIAL ORDER

Without objection, Senator Bradley moved to special order SB 357-FN to Thursday, February 22, 2018. Adopted.

SB 432-FN-L, relative to an elective course in SAT preparation. Inexpedient to Legislate, Vote 5-0. Senator Watters for the committee.

SENATOR WATTERS: Thank you, Mister President. I move Inexpedient to Legislate. This bill requires school boards to offer an elective course in SAT preparation in each high school throughout New Hampshire. Although this bill was well-intentioned to provide credits for students in taking a class that will further prepare them to take the SAT, the financial burden of this legislation will fall on the taxpayers. Further other options through which students can take the SAT preparation course. However I understand that there will be a subsequent, substitute motion offered here so I do ask that the body overturn the recommendation of ITL. Thank you.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I rise in opposition to this ITL motion. I would ask that the body vote down the Inexpedient to Legislate motion so that I may offer a subsequent motion and a Floor Amendment that I think produces a great compromise and a study commission to the benefit of all the students of New Hampshire. Thank you.

The question is on the adoption of the motion of Inexpedient to Legislate. Failed.

Senator Gannon moved Ought to Pass.

Senator Gannon offered a Floor Amendment.

Sen. Gannon, Dist 23
February 14, 2018
2018-0649s
06/05

Floor Amendment to SB 432-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Commission Established. Amend RSA 186 by inserting after section 11-e the following new section:

186:11-f Commission Established; SAT Preparation Course.

I. There is established a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective.

II. The members of the commission shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(c) One member of the New Hampshire School Boards Association, appointed by the association.

(d) One member of the New Hampshire School Administrators Association, appointed by the association.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study:

(a) SAT results for students taking various SAT preparation courses offered in the state compared to the results of students taking online SAT preparation courses, or no course.

(b) The costs of offering SAT preparation courses.

(c) Whether offering a course for credit benefits students.

V. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Two members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2018.

2 Repeal. RSA 186:11-f, relative to commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

II. The remainder of this act shall take effect upon its passage.

2018-0649s

AMENDED ANALYSIS

This bill establishes a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective.

SENATOR GANNON: Thank you, Mister President. I would like to offer the Floor Amendment that's being handed out. The amendment is an excellent compromise to an important piece of legislation. The amendment would establish a commission to study school boards offering an elective course in SAT preparation at each high school. The commission would involve important members of the education arena including the New Hampshire School Board Association, the New Hampshire School Administrators Association and only one Senator, I might add. And what it would study whether it is in the best interest to students to apply or

to offer and SAT prep as an elective during the day. Schools such as in Groveton, District 1, nothing. They don't offer any SAT course. You're not on a level playing field; you're not going to be able to compete. Sorry, Martha, Senator, you're also in such a district. Winnacunnet has no SAT prep. I want everyone to have the same footing as Senator Watters in Dover, Senator Ward in Hillsborough, and in 3 Senator Bradley in Milton. I met with the Milton principal, she told me it costs her nothing, she takes a teacher who's free doing a study period, all her teachers she said were able to offer SAT preps. So it's a no cost added thing I believe but we need to study it further and again I want the students in all of our communities to be on as level a playing field as possible. Thank you, Mister President.

(The Chair recognized Senator Carson for a question of Senator Gannon.)

SENATOR CARSON: Thank you for taking my question. Since you're creating the commission with one Senator are you offering to serve on the commission?

SENATOR GANNON: I certainly would, Ma'am, yes.

SENATOR CARSON: Okay I want to get you on the record on that one, Senator. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HEALTH AND HUMAN SERVICES
SB 474, establishing a committee to study group home rate parity. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Thank you very much. We know that there are group homes where it costs more and the wage scales a different from one group home to another and I would ask you to agree with the committee to move this study forward.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
February 13, 2018
2018-0600s
01/03

Floor Amendment to SB 474

Amend paragraph I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) One member of the senate, appointed by the president of the senate.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

SENATOR BRADLEY: Thank you very much, I apologize to the body for missing the fact that we had two Senators on this study committee and so if you will adopt my Floor Amendment which is 0600 I would be most grateful.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 215-FN, permitting the university system of New Hampshire and the community college system of New Hampshire to participate in the state health insurance plan.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I respectfully ask that we vote no on the recommendation of nonconcurrence to concur. This went through a long process in the House, passed ED&A, went to House Finance, they retained it, they worked on it they came to a unanimous vote in Hose Finance working with Commissioner Arlinghaus who supports this bill. It's not a mandate it sets up metrics and makes good sense and I thank the House Finance Committee for all its work and I think we ought to move it forward and simply concur. So I would move that we vote no to non-concur so that we can concur. Thank you, Mister President.

Senator Reagan moved Nonconcurrence. Failed.

Senator Feltes moved Concurrence. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Carson: SB 215-FN, SB 436
Senator French: SB 504-FN
Senator Kahn: SB 215-FN
Senator Sanborn: CACR 21, HB 561-FN, SB 310-FN, SB 311, SB 215-FN, SB 316, SB 320, SB 327, SB 329, SB 332, SB 352-FN, SB 353-FN, SB 357, SB 359, SB 362, SB 363, SB 364, SB 366, SB 374, SB 379, SB 381, SB 390-FN, SB 394, SB 414-FN, SB 415, SB 416, SB 417, SB 419, SB 429-FN, SB 431, SB 432-FN-L, SB 433, SB 434, SB 435, SB 436, SB 437, SB 439, SB 440-FN, SB 441, SB 442, SB 450-FN-A, SB 456, SB 470-FN, SB 473, SB 474, SB 476, SB 481, SB 483, SB 486, SB 489, SB 503, SB 504-FN, SB 505, SB 508, SB 509, SB 510, SB 513, SB 529-FN, SB 531-FN, SB 533-FN, SB 534-FN, SB 535-FN, SB 536-FN, SB 538-FN, SB 542-FN, SB 545-FN, SB 550-FN, SB 552-FN, SB 554-FN, SB 570-FN, SB 573-FN-A, SB 578-FN, SB 579-FN, SB 580

ANNOUNCEMENTS

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you; personal privilege. Last week in the debate about Senate Bill 492 I mistakenly indicated that a gun manufacturer, SIG Sauer, had a position on Senate Bill 492. I'd like to read a letter from Dave Cuzzie, who is their government affairs representative.

> Senator Bradley: SIG Sauer has no position on Senate Bill 492, relative to the banning of bump stocks. On behalf of the company I respectively request you correct the record from the Senate Session on February 1, 2018 during which it was stated that a company employee provided testimony in his professional capacity in opposition to the bill. SIG Sauer has never taken a position on Senate Bill 492 and has had, and will not have, any involvement of any kind in any aspect of any activity pertinent to the bill. The company was unaware an employee was testifying in his personal capacity on this bill. Neither the employee nor any other party mentioned the company in written or oral testimony, and the employee made clear, in all forms of his testimony, that he was testifying in his personal capacity. Thank you for ensuring the Senate record accurately reflects that SIG Sauer has no position of any kind on Senate Bill 492. I appreciate your attention to this request.

That's signed by Dave Cuzzie. I apologize. I think you can see where my confusion came from when I testified. Thank you.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you. I rise for personal privilege. I would like to add to the remarks about my predecessor, Senator Cataldo, and, also another Senator who has passed away since.

Senator Cataldo was my friend. Senator Cataldo and I really got to know each other at the Strafford County Republican meetings, and when Cheryl decided that it was time that Senator Cataldo do something else, he helped me tremendously to get to where I am today, to the election. One of the things that we did is at the Rochester Fair. We had a booth there and Sam and I spent many hours together. And every time that he would introduce himself, and that he was running for executive council, he would always say vote for Sam. Well, there was another booth just down from where we were that was doing embroidery, and the red hat that you saw on Sam's casket, if you went to the wake, was one of the ones he ordered that day. And when he got the hat, he looked at me and said don't tell Cheryl. So, I didn't know how he was going to do that when he got home. But one thing about Sam is we've all got wonderful stories, whether you were first or last in line there were still plenty of stories to tell about Sam.

In addition to that, we also lost another Senator from District 6, and that's Lou Bergeron. The Bergeron family, if you've lived in Rochester, you know, back a 'ways, certainly he was one of ten children, and that even one of his sisters, Ann, was married to another Senator, Senator Torr. So, it's a long-standing tradition between the Bergeron's and a few of the other families that if you lived in Rochester you knew the Bergeron's. Great Senator, great insurance commissioner, be sadly missed. He was living down in Florida at the time; was suffering from dementia, and there will be a service later in the spring, from what I'm told, but arrangements for that have not been made. So, it is a heavy heart, we've actually lost two Senators from District 6, and thank you for your attention.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President; a point of personal privilege. To date, in the United States of America, we have had 18 school shootings. Eighteen school shootings. Yesterday I was driving to the hockey rink to see my grandson play and I heard on NPR about the shooting in Florida. Seventeen people were shot down, 14 other people were injured. An assault weapon was used; an individual who had mental illness used that weapon, he acquired that weapon, and he killed 17 people. Seventeen mothers and fathers won't have a kid to come home to. They won't have a child. As I said to you, I embrace my children, I embrace my grandchildren, and I want to cry to think that 18 times this year someone has killed children in a school setting. When are we going to wake up? And when are we going to have background checks for everybody? This is so disheartening to me. I heard a child speak this morning who was there who hid in the closet. That child was in fear for her life and there is somebody with an automatic weapon just killing people at random and then he leaves the school gets in with the group and carries out this terrible carnage.

Eighteen times, 18 times this has happened! We are the only place in the world where this happens, the only place in the world and it happens too often. You know I talked to my wife this morning about this and I said, geez, I want to bring this up to my colleagues because I am heartbroken for the families; never mind the kids are dead. You can't bring a kid back. You spend your whole life thinking about your child and then you come home and that child is not there, killed by a random act of violence. We can't let that happen. We just can't let that happen. You know we thought the Connecticut incident was going to solve our problems. They killed little kids in Connecticut, little children. I am just heartbroken and I had to say this, it was on my mind all day. And I think guns are a problem. They are a problem. We've got to do something about it.

I'll end by saying in the Marine Corps I was taught to kill. I was taught to kill, and if the enemy came I was going to kill them. I was gung ho! I was gung ho when I was in the corps, with a clip with two rounds I was going to kill anybody that came my way. Different thought today. When I see what is going on around the country. So, my heart goes out to the families, to the mothers, and the fathers who came home last night without children. How about the families of the children that weren't identified? They weren't identified for a period of time. So you didn't know if your kid was dead or not. God, you would think can that happen in America? Can that happen in our society? I don't know. So, I am very depressed about that. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise to make comments of personal privilege. The 46th Annual Snowmobile Association's Easter Seals Ride-In occurred recently in Gorham. The snowmobile clubs competed with each other to raise funds for the Easter Seals Camp Sno-Mo, a camp for children with disabilities and special health care needs in Gilmanton Iron Works. This year 106 snowmobile clubs raised over $105,000 which is used to send more than 100 special needs kids to summer camp. They raised 3.2 million since its inception in the 1970s. Nelly Roache is the chairperson. Her dedicated committee includes

Cheryl Spillane, Terry Callum, Jennifer Parker, Melissa Binette, Andrea Rojas-Graham. Easter Seals' child representative was six-year-old Elliot Perry, the son of B.J. and Carrie Perry. Mister President, the event is always inspiring and emotional; made so as I have visited at Camp Sno-Mo and witnessed the difference these camps make.

The event was a vivid reminder of the remarkable work of 106 volunteer snowmobile clubs do to build and maintain 7,000 miles of trails from Salem to Pittsburg, Conway to Lebanon. In fact, there are more snowmobile trails in the state of New Hampshire than highways. They are a sophisticated organization that rely almost entirely on the generosity of property owners who allow the trails to cross their property.

Not only do the trails encourage wholesome outdoor recreation activity, but they are also a major economic driver generating over $580 million of economic activity annually. All of this is done with no general fund dollars since the entire system is self-funded through registration fees, membership dues, and some federal RTP grants funded through the federal gas tax on off-highway vehicles.

I want to recognize the state's Trails Bureau Chief, Chris Gamache, and his capable staff: Beth Palmer, President of the New Hampshire Snowmobile Association; and Dan Gould, the Executive Director.

The combination of the willing landowners, local clubs, dedicated volunteers, self-funding, along with some state coordination–it's a model we should always strive to emulate since it shows how great things get accomplished with little or no impact on taxpayers. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President, members of the Senate. I had the privilege of flying aircraft for fifty years, and in my final ten I flew with my favorite route which was from Tokyo to Guam. We left at 11 o'clock at night with a full airplane, 300 people, and the quiet over the Pacific was only enhanced by the Southern Cross that shone through the front window of my cockpit. On that journey we passed over small Pacific islands, and that is the reason I rise to speak.

On February 19, 1945, United States Marines assaulted the beaches of a tiny Pacific island, four miles in width, and two miles wide, I'm sorry, length, 650 miles south of Tokyo. They faced an entrenched enemy 22,000 strong, committed to fight to the death because they knew that losing this island was the death knell for the Japanese Empire. The name of this island in Japanese is Iwo To. We know it today, and around the world, as Iwo Jima. In this amphibious assault, on what is considered the most heavily fortified objective in the history of warfare. The Japanese defenders suffered 21,844 killed and 216 captured. Marine's suffered 6,812 Marines killed or missing, and 19,217 wounded. Iwo Jima accounted for one-third of the total Marine Corp casualties in World War II. It was the only major battle in the Pacific in which U.S. casualties exceeded the total number of enemy killed. Progress in the fighting on that island averaged 400 yards a day using flame throwers, grenades, demolition charges, naval artillery. They were opposed, literally, at every step by an enemy who was committed to die rather than surrender. The capture of Iwo Jima enabled the United States to provide fighter escorts for B-29 Superfortresses attacking the Japanese homeland from the Marianas Islands: Guam, Tinian, and Saipan. Over 2,400 emergency landings took place on Iwo before the end of the war six months later. B-29s launched from Tinian, an island

in the Marianas, were escorted by fighters from Iwo Jima, bombed Hiroshima and Nagasaki saving over a million lives by precipitating the surrender of Imperial Japan.

During the two-month long battle for Iwo Jima, 27 U.S. military personnel were awarded the Medal of Honor for their actions. Of those 27, 22 were presented to Marines, and the others to United States Navy sailors, four of whom were Navy Hospital corpsmen. Iwo Jima accounted for over one-quarter of the 82 Medals of Honor awarded to Marines in the entirety of World War II. Inscribed on the Iwo Jima monument at Arlington National Cemetery are the following words: "Uncommon valor was a common virtue." And in the words of General James Jones, 32nd Commandant of the Marine Corps, "The valor and sacrifice of Marines and sailors who fought on Iwo Jima is today and forever the standard by which we judge what we are and what we might become."

Mister President, on this day, the last day we as a body assembled before the February 19th Anniversary of the assault on Iwo Jima, I ask the honorable members of the Senate to rise with me and offer one minute of silence as a very small tribute to the incredible heroism and bloody sacrifices of the Marines who fought.

Thank you, Mister President, and members of the Senate.

PRESIDENT MORSE: I wanted to take a minute to recognize our recent 40 Under 40 recipient, our Chief of Staff, Kristy Merrill. She has served with me in the Senate for much of her tenure, and while I'd like to think I've taught her everything, she gave credit to her parents for everything. So I guess I'm learning even more. Kristy has remained committed and thoughtful in everything she does, and it is clear she truly loves the state of New Hampshire and wants the very best for our state. She's an insightful leader who works very hard each and every day to make sure that wheels keep spinning in the Senate, which is no small task. It's been an honor to work alongside her, and I think of no one more deserving than Kristy to receive this honor. I hope you all join me in, now, congratulating her.

And last, but least, several of you just–it is least–several of you just received a letter that you're now serving on Finance for one purpose, and that is health care. So, the Committee of Health that Senator Bradley chairs will now sit on Finance for the purpose of taking up a health care bill when the amendment's ready. It will be a bill being released as soon as Senator Bradley gets off the floor tonight, that he used as a place holder that is not the bill that we've been working on for about two or three months now. So, that will come out tonight, and you can comment on it if you want, but that's not the bill we're going to be debating. As soon as we get the amendments ready and ready to be put out in public, we'll put them out. We'd like to do that as soon as possible. So, for everyone that's going to make a major commitment to hear this health care bill, thank you.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 561-FN, relative to part-time employment of a retirement system retiree by a participating employer.

SB 310-FN, establishing a committee to study the feasibility of establishing community-based services pilot programs.
SB 311, clarifying rules of construction under the New Hampshire Trust Code.
SB 316, relative to the regulation of online auctions.
SB 320, relative to checklists used at elections.
SB 327, relative to the medical review subcommittee of the board of medicine and time limits for allegations of professional misconduct before the board.
SB 332, relative to medication synchronization.
SB 359, relative to notice to school districts of out-of-home placements.
SB 363, prohibiting political expenditures by foreign nationals.
SB 366, relative to members of the site evaluation committee.
SB 374, relative to adoption of emergency medical and trauma services protocols.
SB 379, relative to retroactive denials of previously paid claims.
SB 390-FN, establishing the office of solicitor general in the department of justice and establishing an unclassified attorney position in the department of justice.
SB 415, relative to condominium unit owners' special meetings.
SB 416, relative to transportation network company drivers.
SB 417, relative to days of rest for employees of recreation camps and youth skill camps.
SB 429-FN, establishing a consumer services program within the insurance department.
SB 433, relative to the annual filing of statistical reports to the department of education.
SB 434, relative to school nurse certification.
SB 435, relative to alternative programs for granting credit leading to graduation.
SB 436, relative to tuition in the community college system.
SB 437, relative to the robotics education development program.
SB 441, relative to final grades in schools.
SB 442, relative to surety indemnification requirements for private postsecondary career schools.
SB 456, relative to the appointment of the state medical director for emergency medical services.
SB 470-FN, relative to positions within the insurance department.
SB 473, relative to employment contract restrictions upon health care providers.
SB 474, establishing a committee to study group home rate parity.
SB 476, establishing a committee to study reinstituting the unemployed parent program.
SB 481, establishing a committee to study the impact of pharmacy benefit manager operations on cost, administration, and distribution of prescription drugs.
SB 483, relative to procedures for dispensing controlled drugs.
SB 486, establishing a commission to study enhancing the prescription drug donation program.
SB 489, establishing a committee to study parental alienation in New Hampshire.
SB 504-FN, relative to sales of tax-deeded property.
SB 505, requiring abutter notice of the construction of a crematory.

SB 508, establishing a committee to study the prevalence of post-traumatic stress disorder (PTSD) and other related disorders among first responders.
SB 510, relative to municipal notice of leases on tax-exempt property.
SB 513, establishing September as New Hampshire recovery month.
SB 531-FN, relative to the office of professional licensure and certification.
SB 534-FN, relative to the classification of certain state employee positions.
SB 536-FN, relative to eligibility for death benefits for court security officers.
SB 579-FN, relative to penalties for welfare fraud.
SB 580, relative to the creation of new class lines within the department of transportation and the department of health and human services, and amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 114, relative to minimum electric renewable portfolio standards.
HB 124-FN, relative to certain aircraft registration fees and airways tolls.
HB 141, relative to electric renewable energy classes.
HB 193, relative to traffic control measures.
HB 388-FN, relative to special number plates for veterans.
HB 1278, naming the rest area in Colebrook after Frederick W. King, Sr.
HB 1386, establishing a joint committee on employee relations.
HB 1581, relative to commencement of an administrative license suspension.
HCR 13, condemning hate crimes and any other form of racism in New Hampshire.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

SB 33, relative to the definition of political advocacy organization.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 128-FN, relative to the policy goal of electric utility restructuring.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 160, authorizing religious nonmedical personnel, consistent with Centers for Medicare and Medicaid Services guidelines, to certify eligibility for walking disability plates and placards.

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

First and Second Reading and Referral

HB 114, relative to minimum electric renewable portfolio standards. (Energy and Natural Resources)
HB 124-FN, relative to certain aircraft registration fees and airways tolls. (Ways and Means)
HB 141, relative to electric renewable energy classes. (Energy and Natural Resources)
HB 193, relative to traffic control measures. (Transportation)
HB 388-FN, relative to special number plates for veterans. (Transportation)
HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation. (Health and Human Services)
HB 1202-LOCAL, relative to town revolving funds for group net metering. (Energy and Natural Resources)
HB 1251, relative to indicia for payment of taxes on the transfer of real property. (Ways and Means)
HB 1256, relative to decal fees for multi-use veterans decal plates. (Transportation)
HB 1260, relative to the payout value of bingo games at private campgrounds and hotels. (Ways and Means)
HB 1276, adding an exemption for certain raffles conducted by charitable organizations. (Ways and Means)
HB 1278, naming the rest area in Colebrook after Frederick W. King, Sr. (Transportation)
HB 1292, relative to the effective dates of changes to the rates for the business profits tax and the business enterprise tax. (Ways and Means)
HB 1322, relative to risk-based capital for health maintenance organizations. (Commerce)
HB 1332, allowing warrant articles to be split by the deliberative session. (Public and Municipal Affairs)
HB 1334, establishing a commission to review the structure of motor vehicle laws. (Transportation)
HB 1346, establishing a commission to study the New Hampshire veterans cemetery. (Public and Municipal Affairs)
HB 1349, relative to biological products and diagnostic reagents for animal use. (Energy and Natural Resources)
HB 1357, relative to the delivery of articles to a prisoner in a state or county correctional facility. (Judiciary)
HB 1364, relative to use of amber lights on vehicles. (Transportation)
HB 1370, relative to a school's emergency management plan. (Education)

HB 1386, establishing a joint committee on employee relations. (Executive Departments and Administration)
HB 1392, relative to tallies of votes on budget items or warrant articles. (Public and Municipal Affairs)
HB 1402, relative to ordinances regarding forestry activities. (Energy and Natural Resources)
HB 1407, repealing the prohibition on the use of milk containers. (Commerce)
HB 1455, relative to vehicle operation at uncontrolled intersections. (Transportation)
HB 1509-FN, authorizing Granite Pathways to issue decals for multi-use decal number plates. (Transportation)
HB 1513-FN, authorizing the New Hampshire Law Enforcement Officers Memorial Association to issue decals for multi-use decal plates. (Transportation)
HB 1518, repealing the requirement that motor vehicle lighting and safety equipment be approved by the director of the division of motor vehicles. (Transportation)
HB 1537, relative to a second opinion on health care matters for state or county prisoners. (Judiciary)
HB 1538-FN, authorizing Friends of the Hampton Falls Bandstand, Inc. to issue decals for multi-use decal plates. (Transportation)
HB 1546-FN, authorizing Seacoast Youth Services to issue decals for multi-use decal plates. (Transportation)
HB 1551, relative to the retention of records of individualized education programs. (Education)
HB 1564-FN, relative to sexual assault of a victim who is incarcerated in a correctional institution by a person with supervisory or disciplinary authority over the victim. (Judiciary)
HB 1581, relative to commencement of an administrative license suspension. (Transportation)
HB 1614, relative to the international registration plan. (Transportation)
HB 1651, establishing a committee to study the use of liquid de-icers on roads. (Transportation)
HB 1675, relative to state house Internet service and relative to calendars and journals of the house and senate. (Rules and Enrolled Bills)
HB 1731-FN, relative to regulating bicycles. (Transportation)
HB 1739-FN, prohibiting female genital mutilation. (Judiciary)
HB 1785, changing "hearing impaired" to "deaf" or "hard of hearing" in the New Hampshire laws. (Health and Human Services)

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

First and Second Reading and Referral

18-2956
SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program. (Bradley, Dist 3; Morse, Dist 22; S. Schmidt, Carr. 6; Umberger, Carr. 2; Danielson, Hills. 7; Kotowski, Merr. 24; Finance)

18-2707
SB 593-FN, relative to the penalty for capital murder. (Avard, Dist 12; Daniels, Dist 11; Ward, Dist 8; Giuda, Dist 2; French, Dist 7; Woodburn, Dist 1; Watters, Dist 4; Fuller Clark, Dist 21; Feltes, Dist 15; Soucy, Dist 18; Hennessey, Dist 5; Kahn, Dist 10; Lasky, Dist 13; McGuire, Merr. 29; O'Leary, Hills. 13; Cushing, Rock. 21; Kotowski, Merr. 24; Souza, Hills. 43; Judiciary)

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

February 22, 2018

The Senate reconvened at 10:00 a.m., a quorum being present.

The Reverend Jon Hopkins, chaplain to the Senate, offered the following prayer:

Dear God, today we bring the needs of our government before you and ask you to bless our state through these leaders. We pray for the members of the Senate to find peace and direction; for these men and women to act and lead according to wisdom and justice; a house divided against itself cannot stand. Therefore, we pray for them to be unified in righteousness for the sake of our state. We stand here today and remember that we stand on the shoulders of all the other men and women who served in government before us. Remember today the prayer of President George Washington, "that thou wilt find the hearts of its citizens to cultivate a spirit of subordination and obedience to government, and entertain a brotherly affection and love for one another and for fellow citizens of the United States of America at large; and finally that thou will most graciously be pleased to dispose all of us to do justice, to love mercy, and demean ourselves with charity, humility and pacific temper of mind." Remember today the words of Abraham Lincoln, "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us finish the work we are in." Be with us today as we work to continue the work of our great state of New Hampshire that serves to bring about good for all of our citizens. Amen.

Senator Hennessey led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. Today we are honored to have the Manchester Central School's State Champions for the 2017 season. Congratulations! This team is led by Coach Peter Lally, who finished his 34th year as the head coach of the team. Congratulations! I have some interesting stats about this team: the regular season record of the team was 18 and 1; this team also came in and finished first in New England, and number six in the United States. Now all year there was only five goals scored on this team; that is impressive, as well. Through the playoffs they had to go through powerhouses in the state of New Hampshire. They beat Pinkerton Academy 2-0; they beat Con-

cord 1-0; and in the final against Bedford it was a 0-0 tie in regulation, they went to an overtime period of 0-0, then to a shoot-out just like the women's hockey team last night. So they won 1-0 in overtime, and I'm glad you're here, and congratulations!

I'd just like to read the resolutions that you'll all get:

NEW HAMPSHIRE STATE SENATE

A RESOLUTION, be it known that the New Hampshire Senate extends its congratulations to Manchester Central High School in recognition of winning the 2017 Division I State Girls Soccer Championship; and

Be it further known that the New Hampshire Senate extends its best wishes and continued success.

Senator Kevin Cavanaugh and, who couldn't be here today because he is sick, is Senator Lou D'Allesandro and he extends his congratulations. Thank you.

PETER LALLY: Thank you, Senator Cavanaugh and Senator Morse. The girls that are up here are perfect examples of a student athlete; they are the best of the best. They are fabulous kids, they are excellent students, and they are pretty good soccer players. As the years go by the age gap gets broader and broader, but there isn't anyone I'd rather spend time with then these girls that are up here. So, thank you for having us. I appreciate it.

PRESIDENT MORSE: Thank you girls. Congratulations! Thank you, Senator Cavanaugh.

INTRODUCTION OF PAGES

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I'm really pleased to, I think for the second time in my ten years here, have two Pages from Moultonborough Academy.

So, welcome Zoe Norton. Zoe is sixteen. She's in the tenth grade at Moultonborough Academy. Her favorite subject is biology. She is President of the student council, and plays soccer–so you have a great team to emulate–basketball, and lacrosse. In her future she plans to go to college somewhere in Boston, major in biology, with a goal to work in the medical field as an adult. Just like Senator Morse's daughter, so that's a great opportunity for you. Thank you very much for being here Zoe.

And our second Page is Jessica Bakas. So, she is also from Moultonborough Academy. She's fifteen and one-half years old, and she's in the tenth grade. Her extracurricular activities include competition dance, the Nordic ski team–and I just have to say, wasn't that the most exciting gold medal yesterday? So, there's your future–guitar lessons, key club, student council, and youth leadership club. Jessica plans to attend a prestigious college, and intern at the White House–we like that–and she also plans to become either an FBI or CIA agent involved in counter-terrorism, and then getting involved with the U.S. government. Her key goal in life is she wants to change the world. There're a lot of things that you can do. Welcome to the Senate.

SPECIAL ORDER

Without objection, the following bills are special ordered to the next session. Adopted.

EDUCATION
SB 431, relative to non-academic surveys required to be filed by school districts to maintain federal funding.

ELECTION LAW AND INTERNAL AFFAIRS
SB 438, relative to the postponement of local elections.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 570-FN, relative to the work requirement for the child care scholarship program.

FN REPORT FOR FEBRUARY 22, 2018

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with a fiscal note or an appropriation of funds:

CONSENT CALENDAR:

EDUCATION
SB 524-FN, relative to head injury policies for the community college system of New Hampshire and the university system of New Hampshire.

HEALTH AND HUMAN SERVICES
SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers.

PUBLIC AND MUNICIPAL AFFAIRS
SB 514-FN, establishing a commission to create a New Hampshire recovery monument.

REGULAR CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 570-FN, relative to the work requirement for the child care scholarship program.

JUDICIARY
SB 502-FN, relative to transparency and standards for acquisition transactions in health care.

TRANSPORTATION
SB 520-FN, authorizing New Hampshire Food Bank to issue decals for multi-use decal plates.
SB 561-FN, relative to the installation of a traffic light or beacon.
SB 575-FN, relative to electric vehicle charging stations.

WAYS AND MEANS
SB 406-FN, requiring background checks for access to Internal Revenue Service federal tax information.

Senator Daniels recommends the following bills be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

REGULAR CALENDAR:

EDUCATION
SB 523-FN, requiring public school students to receive training in cardiopulmonary resuscitation and the use of an automated external defibrillator device—if Inexpedient to Legislate recommendation is overturned.

TRANSPORTATION
SB 560-FN-L, relative to updating the state trails plan and making an appropriation therefor.

WAYS AND MEANS
SB 301-FN, temporarily reducing the real estate transfer tax for first-time home buyers—if Inexpedient to Legislate recommendation is overturned.
SB 404-FN-A, phasing out the tax on interest and dividends.
SB 408-FN, licensing historic racing.
SB 409-FN, relative to the taxation of moist snuff tobacco products—if Interim Study recommendation is overturned.
SB 565-FN, relative to aircraft registration fees and airways tolls.
SB 586-FN-A-L, relative to casino gambling—if Interim Study recommendation is overturned.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

HEALTH AND HUMAN SERVICES
SB 484, by Senator Bradley

PUBLIC AND MUNICIPAL AFFAIRS
SB 512, by Senator Gray

CONSENT CALENDAR

Senator Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered to Third Reading.

COMMERCE
SB 424, relative to property and casualty insurance.
Ought to Pass, Vote 5-0. Senator Innis for the committee.

> This bill makes certain changes in the laws relative to property and casualty insurance and was a request of the Insurance Department. The bill amends the Adjuster Licensing statute to clarify that fact-gatherers working for a licensed adjuster are exempted from the licensing requirement. It clarifies the Changes in Coverage statute to require that notice of any changes in coverage not requested by a policyholder be given at the time of renewal. The bill removes a requirement to report certain data to the department unless specifically requested. Lastly, the bill amends the statute regulating cancellation notices issued by commercial carriers to clarify that they are required to provide a 10-day notice only if that notice is being issued within 60 days of the policy's effective date.

EDUCATION
SB 524-FN, relative to head injury policies for the community college system of New Hampshire and the university system of New Hampshire.
Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

> This bill requires the university system of New Hampshire and the community college system of New Hampshire to develop head injury policies for student-athletes. The Committee Amendment to the legislation eliminates the need for a fiscal note attached to this bill. This bill makes sure that students and coaches are aware of concussion risks and offers appropriate definitions, similar to what is already in statute for school sports. The bill also requires that guideline procedures and forms are developed by looking to the appropriate governing bodies for each group. Finally, this legislation ensures limitations from liability if proper procedures are followed.

Senate Education
February 13, 2018
2018-0592s
04/05

Amendment to SB 524-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; University System of New Hampshire; Head Injury Policies for Student-Athletes. Amend RSA 187-A by inserting after section 42 the following new subdivision:

Head Injury Policies for Student-Athletes

187-A:43 Definitions. As used in this subdivision:

I. "Head injury" means injuries to the scalp, skull, or brain caused by trauma, and shall include a concussion which is the most common type of sports-related brain injury.

II. "Health care provider" means a person who is licensed, certified, or otherwise statutorily authorized by the state to provide medical treatment and is trained in the evaluation and management of concussions.

III. "Institution property" means all real property, physical plant, and equipment used for institution purposes.

IV. "Student-athlete" means a student of the university system of New Hampshire who is involved in the institution's varsity athletic teams.

187-A:44 Head Injury Policies for Student-Athletes.

I. The athletic department of each institution in the university system of New Hampshire shall have guidelines, procedures, and other pertinent information and forms, developed in accordance with the National Collegiate Athletic Association or other national authority governing the institution's sports programs, to govern procedures for evaluation and treatment of concussion and head injury, including return to play and continuing evaluation, and to inform coaches and student-athletes of the nature and risk of concussion and head injury including continuing to play after concussion or head injury, and of chronic traumatic encephalopathy and other brain pathologies. On an annual basis, the athletic department of each institution shall distribute a concussion and head injury information sheet to all student-athletes.

II. At the beginning of a student-athlete's participation in a collision or contact sport, or a sport that requires the use of a helmet or the use of the head in contact with a ball, the institution shall provide the opportunity for neurocognitive testing.

187-A:45 Removal of a Student-Athlete.

I. An employee coach, official, licensed athletic trainer, or health care provider who suspects that a student-athlete has sustained a concussion or head injury in a practice or game shall follow the institutional policy and procedures for removal from play and practice.

II. Upon the removal of a student athlete from play or practice, a licensed athletic trainer or health care provider shall follow the institutional policy and procedures for evaluation, treatment, and return to play.

III. No person who authorizes a student-athlete to return to play shall be liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

187-A:46 Further Dissemination of Concussion and Head Injury Information. The appropriate department of each institution in the university system of New Hampshire shall develop a centralized resource related

to the nature, risk, and treatment of concussion and head injury for reference by students participating in non-varsity athletics sponsored and supervised by campus recreation or similar departments.

187-A:47 Limitation of Liability. An employee of a university system of New Hampshire institution, or volunteer or employee of a company under contract to such institution, shall be immune from civil liability for good faith conduct arising from or pertaining to the injury or death of a student-athlete or a participant in any non-varsity athletics sponsored and supervised by campus recreation or similar departments, provided the action or inaction was in compliance with this subdivision and the institution's policies relative to the management of concussions and head injuries. The institutions may provide concussion guidelines to other organizations sponsoring athletic activities on institution property, however the institution shall not be required to enforce compliance with such guidelines.

2 New Subdivision; Community College System of New Hampshire; Head Injury Policies for Student-Athletes. Amend RSA 188-F by inserting after section 67 the following new subdivision:

Head Injury Policies for Student-Athletes

188-F:68 Definitions. As used in this subdivision:

I. "Head injury" means injuries to the scalp, skull, or brain caused by trauma, and shall include a concussion which is the most common type of sports-related brain injury.

II. "Health care provider" means a person who is licensed, certified, or otherwise statutorily authorized by the state to provide medical treatment and is trained in the evaluation and management of concussions.

III. "Institution property" means all real property, physical plant, and equipment used for institution purposes.

IV. "Student-athlete" means a student of the community college system of New Hampshire who is involved in the institution's varsity athletic teams.

188-F:69 Head Injury Policies for Student-Athletes.

I. The athletic department of each institution in the community college system of New Hampshire shall have guidelines, procedures, and other pertinent information and forms, developed in accordance with the National Collegiate Athletic Association or other national authority governing the institution's sports programs, to govern procedures for evaluation and treatment of concussion and head injury, including return to play and continuing evaluation, and to inform coaches and student-athletes of the nature and risk of concussion and head injury including continuing to play after concussion or head injury, and of chronic traumatic encephalopathy and other brain pathologies. On an annual basis, the athletic department of each institution shall distribute a concussion and head injury information sheet to all student-athletes.

II. At the beginning of a student-athlete's participation in a collision or contact sport, or a sport that requires the use of a helmet or the use of the head in contact with a ball, the institution shall provide the opportunity for neurocognitive testing.

188-F:70 Removal of a Student-Athlete.

I. An employee coach, official, licensed athletic trainer, or health care provider who suspects that a student-athlete has sustained a concussion or head injury in a practice or game shall follow the institutional policy and procedures for removal from play and practice.

II. Upon the removal of a student athlete from play or practice, a licensed athletic trainer or health care provider shall follow the institutional policy and procedures for evaluation, treatment, and return to play.

III. No person who authorizes a student-athlete to return to play shall be liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

188-F:71 Further Dissemination of Concussion and Head Injury Information. The appropriate department of each institution in the community college system of New Hampshire shall develop a centralized resource related to the nature, risk, and treatment of concussion and head injury for reference by students participating in non-varsity athletics sponsored and supervised by campus recreation or similar departments.

188-F:72 Limitation of Liability. An employee of a community college system of New Hampshire institution, or volunteer or employee of a company under contract to such institution, shall be immune from civil liability for good faith conduct arising from or pertaining to the injury or death of a student-athlete or a participant in any non-varsity athletics sponsored and supervised by campus recreation or similar departments, provided the action or inaction was in compliance with this subdivision and the institution's policies relative to the management of concussions and head injuries. The institutions may provide concussion guidelines to other organizations sponsoring athletic activities on institution property, however the institution shall not be required to enforce compliance with such guidelines.

3 Effective Date. This act shall take effect 60 days after its passage.

ENERGY AND NATURAL RESOURCES

SB 368, establishing an exemption from shoreland protection permitting requirements for maintenance and repairs of existing roads and for borings and test wells.

Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

> This bill establishes an exemption for the Department of Transportation from shoreland protection permitting requirements for maintenance and repairs of existing roads and for borings and test wells. This bill is a request of the Department of Transportation. The amendment clarifies that the commissioner of Department of Environmental Services may enter into a memorandum of agreement with the commissioner of Department of Transportation, providing that the Department of Transportation has incorporated appropriate protective practices in its projects that are equivalent to the requirements set by the Department of Environmental Services.

Energy and Natural Resources
February 14, 2018
2018-0656s
08/06

Amendment to SB 368

Amend RSA 483-B:5-b, IX as inserted by section 1 of the bill by replacing it with the following:

IX. The commissioner of the department of environmental services may enter into a memorandum of agreement with the commissioner of the department of transportation for the construction of new roads, and the maintenance of existing roads, not covered by paragraph VII, provided that the department of transportation has incorporated appropriate protective practices in its projects which are substantially equivalent to the requirements established by the department of environmental services under this chapter.

HEALTH AND HUMAN SERVICES
SB 479, relative to the oversight commission on children's services. Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

This bill would change the reporting requirements for the newly created Office of the Child Advocate. The changes would require the office to file its annual report with the children's services oversight committee that is tasked with monitoring children's services in the state. The amendment makes the Committee to review Child Abuse Fatalities a permanent committee. This committee has been instrumental in pushing many of the reforms at DCYF and it is important that they are able to continue to do their work.

Health and Human Services
February 14, 2018
2018-0661s
05/04

Amendment to SB 479

Amend the title of the bill by replacing it with the following:

AN ACT relative to the oversight commission on children's services and relative to the commission to review child abuse fatalities.

Amend the bill by replacing all after section 2 with the following:

3 Commission to Review Child Abuse Fatalities; Reporting Requirement. RSA 169-C:39-k, V is repealed and reenacted to read as follows:

V. On or before November 1, 2018, and each November 1 thereafter, the commission shall submit an annual report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

4 Repeal. The following are repealed:

I. RSA 170-G:19, V, relative to the reporting requirement of the commission on children's services.

II. 2015; 127:5, relative to the prospective repeal of the commission to review child abuse fatalities.

5 Effective Date. This act shall take effect upon its passage.

2018-0661s

AMENDED ANALYSIS

This bill:

I. Requires the office of the child advocate to submit its annual report to the oversight commission on children's services, clarifies the duties of the commission, and repeals the commission's reporting requirement.

II. Makes the commission to review child abuse fatalities permanent and establishes an annual reporting requirement.

SB 480, limiting the use of electroconvulsive therapy.
Inexpedient to Legislate, Vote 5-0. Senator Bradley for the committee.

This bill would have created a prohibition on Electroconvulsive therapy (ECT) for minors under 16 years of age and it would have limited its use in other circumstances as well. After more review and study of testimony the committee determined that ECT is a therapy that often has a lot of success in treating patients with severe mental

health diseases. The committee was satisfied that there are enough safeguards in place to protect patients making this bill no longer necessary.

SB 485, establishing a committee to study the relationship between concierge medicine and the Affordable Care Act.
Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

This bill established a commission to study the relationship between concierge medicine and the Affordable Care Act. In times of turbulent and rising healthcare costs it is important to make sure that consumers are informed of what services are available to them. Concierge services are become more popular and it is important to know how they fit in New Hampshire and Federal Insurance law.

Health and Human Services
February 15, 2018
2018-0664s
01/04

Amendment to SB 485

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the relationship between concierge medicine and New Hampshire and federal health insurance law.

Amend subparagraph I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) One member of the senate, appointed by the president of the senate.

Amend paragraph I as inserted by section 3 of the bill by replacing it with the following:

I. The committee's study shall include, but not be limited to, studying the issue of concierge medicine and whether it is permitted under New Hampshire and federal health insurance law. The committee shall also examine whether the costs of concierge medicine may be applied to the deductible required under New Hampshire and federal health insurance law.

2018-0664s

AMENDED ANALYSIS

This bill establishes a committee to study concierge medicine in relation to New Hampshire and federal health insurance law.

SB 547, relative to unused prescription drugs.
Interim Study, Vote 5-0. Senator Gray for the committee.

This bill would have required that all towns create a place for residents to dispose of unused prescription drugs. The committee received information that the number of towns voluntarily providing this service is rapidly increasing and that requiring this of municipalities could be considered an unfunded mandate. The committee also received information about other very cost effective methods of safe disposal of unused medications that would not place a large financial burden on the towns.

SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers.
Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

This bill would prohibit pharmacy benefit managers from requiring accreditation of providers. This is currently in the law with a sunset of this summer. This bill extends the sunset for another two years to hopefully allow time for all of the parties to reach a compromise. This bill is a compromise of the PBM industry and the NH Independent Pharmacies.

Health and Human Services
February 14, 2018
2018-0653s
01/03

Amendment to SB 591-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Managed Care Law; Provider Contracts; Pharmacy Benefit Managers. Amend RSA 420-J:8, XV by inserting after subparagraph (c) the following new subparagraph:

(d) A pharmacy benefit manager shall not require accreditation of providers other than requirements set forth by the New Hampshire pharmacy board or other state or federal entity.

2 Repeal. RSA 420-J:8, XV(d), relative to prohibiting pharmacy benefit managers to require providers to obtain certain accreditation, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect June 30, 2020.

II. The remainder of this act shall take effect upon its passage.

2018-0653s

AMENDED ANALYSIS

This bill prohibits certain practices of pharmacy benefit managers except under certain circumstances until June 30, 2020.

JUDICIARY
SB 389, relative to administrative fees on restitution.
Ought to Pass, Vote 5-0. Senator Hennessey for the committee.

This bill provides that defendants shall only pay an administrative fee on a restitution payment when that payment is collected by the Department of Corrections, Division of Field Services. When restitution is paid almost immediately at the court without any processing efforts by the Department of Corrections there is no need for a processing fee to be assessed. Currently, the Supreme Court has been waiving this fee in these scenarios, and the bill will simply codify this appropriate practice.

SB 493, establishing a committee to study the codification of the exculpatory evidence schedule and related law enforcement protocols.
Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill establishes a committee to study whether or not to codify in statute the Exculpatory Evidence Schedule (EES), formerly known as the "Laurie list," and the related law enforcement protocols established by the Attorney General in a law enforcement memoran-

dum dated March 21, 2017. The establishment of this committee will allow House and Senate members the opportunity to come together and find common ground on this important issue.

SB 494, relative to access to child abuse or neglect information by certain legislative committees.
Inexpedient to Legislate, Vote 5-0. Senator French for the committee.

This bill would permit the Senate and House Judiciary Committees to review the confidential records of child protection cases and would permit any party or attorney to an abuse or neglect case to testify before the Legislature regarding the case. Although this is a very well written piece of legislation, the Committee believes that due to the recent creation of the Office of Child Advocate and the fact that individuals already have the ability to share their confidential records with legislators that it is not appropriate for this legislation to move forward at this time.

SB 495, relative to certain court orders in a divorce/custody matter.
Inexpedient to Legislate, Vote 5-0. Senator Hennessey for the committee.

This bill would limit the court's authority to order that a child be vaccinated over the objection of one of the parents. The Committee found that this issue should continue to be handled by the courts and therefore, believes this legislation should not move forward.

PUBLIC AND MUNICIPAL AFFAIRS
SB 341, allowing municipalities to adopt a property tax exemption for certain disabled veterans.
Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

This bill as amended raises the optional property tax credit for certain totally and permanently disabled veterans from a maximum of $2,000 to a maximum of $4,000.

Public and Municipal Affairs
February 9, 2018
2018-0646s
05/10

Amendment to SB 341

Amend the title of the bill by replacing it with the following:

AN ACT relative to the veterans' property tax credit for service-connected disability.

Amend the bill by replacing all after the enacting clause with the following:

1 Tax Credit for Service-Connected Total Disability. Amend RSA 72:35, I-a to read as follows:

I-a. The optional tax credit for service-connected total disability, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from $701 up to [~~$2,000~~] ***$4,000***. The optional tax credit for service-connected total disability shall replace the standard tax credit in its entirety and shall not be in addition thereto.

2 Effective Date. This act shall take effect January 1, 2019.

2018-0646s

AMENDED ANALYSIS

This bill increases the maximum property tax credit for service-connected total disability from $2000 to $4000.

SB 514-FN, establishing a commission to create a New Hampshire recovery monument.
Ought to Pass with Amendment, Vote 5-0. Senator Kahn for the committee.

This bill as amended establishes a commission to create a New Hampshire recovery memorial. This commission will oversee the location, design, construction, maintenance, and task of raising funds for the memorial.

Public and Municipal Affairs
February 14, 2018
2018-0660s
08/10

Amendment to SB 514-FN

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to create a New Hampshire recovery memorial.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; New Hampshire Recovery Memorial Commission. Amend RSA 4 by inserting after section 9-m the following new subdivision:

New Hampshire Recovery Memorial Commission

4:9-n Commission Established; Special Account.

I. A commission is established to oversee the location, design, construction, and maintenance of a New Hampshire recovery memorial and to privately raise and expend all the funds necessary for its construction and maintenance. The governor is authorized to accept for the commission, in the name of the state, the gifts of money, which are donated to construct and maintain the memorial. Notwithstanding any other provision of law, the commission may accept donated in-kind services, goods, and materials for the construction and maintenance of the memorial without governor and council approval.

II. The gifts of money, which are donated to contract, construct, and maintain the memorial, shall be placed in a special nonlapsing account in the state treasury, to be expended for the purposes of the New Hampshire recovery memorial. Any money remaining in the special account after construction of the memorial is completed shall be used for the care, maintenance, repair, additions to the memorial. Any funds left in the special account after annual care, maintenance, and repair of the memorial shall be deposited in the alcohol abuse prevention treatment fund under RSA 176-A:1. Notwithstanding any other provision of law, the commission may expend the money raised or accepted as a gift without the approval of governor and council, to contract for the construction and perpetual maintenance of the memorial.

III. The commission shall remain in existence upon the completion of the memorial for the purpose of overseeing maintenance and approving any change to the memorial, as well as approving memorial activities, celebrations, and commemorations associated with recovery and deemed appropriate for occurrence at the memorial site, as permitted by the municipal rules where the memorial is located.

4:9-o Commission Membership and Duties. The members of the commission established in RSA 4:9-n shall be as follows:

(a) One senator, appointed by the president of the senate.

(b) Two representatives, appointed by the speaker of the house of representatives.

(c) Two directors of recovery organizations, appointed by the governor.

(d) Two persons in recovery, appointed by the governor.

(e) Two family members of persons lost to substance use disorder, appointed by the governor.

(f) The chairperson of the recovery task force of the governor's commission on alcohol and drug abuse, prevention, treatment, and recovery, or designee.

(g) The president of New Futures, or designee.

(h) The director of National Alliance for Mental Illness, New Hampshire (NAMI-NH), or designee.

(i) The commissioner of the department of health and human services, or designee.

II. Legislative members of the commission shall receive mileage at the legislative rate while attending to the duties of the commission. The members of the commission shall elect a chairperson from among the members. The first named house member shall call the first meeting of the commission. Seven members of the commission shall constitute a quorum.

III. The commission shall select the location and design for the New Hampshire recovery memorial and oversee the construction and maintenance of the memorial.

IV. The commission shall privately raise all the money necessary for the planning, design, construction, and maintenance of the New Hampshire recovery memorial.

2 New Subparagraph; New Hampshire Recovery Memorial Fund. Amend RSA 6:12, I(b) by inserting after subparagraph 339 the following new subparagraph:

(340) Moneys deposited into the New Hampshire recovery memorial special account established in RSA 4:9-n.

3 Effective Date. This act shall take effect 60 days after its passage.

2018-0660s

AMENDED ANALYSIS

This bill establishes a commission to create a New Hampshire recovery memorial.

TRANSPORTATION

SB 398, relative to information contained in certain motor vehicle records.
Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill allows access to records of motor vehicle accidents by authorized legal representatives. Last session, this statute was amended extensively to guarantee that certain individuals were able to get information from police departments concerning accidents. After learning that some local police departments did not interpret the statute the way that it was intended, this legislation seeks to further clarify this language.

SB 515, relative to commemorative license plates.
Ought to Pass, Vote 5-0. Senator Ward for the committee.

This bill adds the sestercentennial, the celebration of 250 years, to the town and city anniversaries eligible for commemorate license plates.

SB 518, relative to agency reports of real property owned or leased by the department.
Ought to Pass, Vote 5-0. Senator Watters for the committee.

> At the request of the Department of Transportation, this bill exempts the DOT from the requirement to make a report identifying all real property owned or leased by the agency. The Department has their own database where it monitors these properties already. Because of this, they believe that these reports are a duplication of efforts.

SB 519, relative to the purchase of property for the construction of roads.
Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

> This bill permits the commissioner of transportation to purchase land if a commission determines that there is occasion for laying out of a highway. The committee amended the bill to add the governor to those who may determine that there is occasion for the laying out of a highway. This legislation serves as an important clarification to a bill that contained vague language last session.

Senate Transportation
February 14, 2018
2018-0625s
06/10

Amendment to SB 519

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Layout of State Highways. Amend the introductory paragraph of RSA 230:13, II to read as follows:

II. The [~~commission~~] ***commissioner*** may acquire [~~such~~] ***private or public*** property ***and property rights*** as [~~it~~] ***he or she*** determines reasonably necessary to:

3 Limited Access Highways; Occasion for Layout. Amend RSA 230:45 to read as follows:

230:45 Occasion for Layout; Layout. The governor, with the advice of the council, on the governor's own motion or a special committee of 3 persons appointed by the governor and council for the purpose, may determine, upon hearing, whether there is occasion for the laying out or alteration of a limited access facility including service roads as proposed by the commissioner of transportation; and, if so, the commissioner may purchase land or other property as proposed and shall lay out the remainder of such facility, service roads, or alteration thereof. The [~~commission appointed by the governor and council to lay out any limited access facility~~] ***commissioner*** may acquire private or public property and property rights for such facility and service roads, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation in the same manner as provided for acquiring property for class I highways. Property rights acquired under the provisions of this section may be in fee simple or in the form of easements, including property acquired by condemnation proceedings. The commissioner, in his or her discretion, may acquire an entire lot, block, or tract of land if, by so doing, the interests of the public will be best served even though the entire lot, block, or tract is not immediately needed for the right-of-way proper. The commissioner of transportation, with the approval of the governor and council, may sell, convey, transfer, or lease any surplus property, real or personal, at public or private sale.

2018-0625s

AMENDED ANALYSIS

This bill permits the commissioner of transportation to purchase land if the governor or a commission determines that there is occasion for the laying out of a highway.

This bill is a request of the department of transportation.

The question is on the adoption of the Consent Calendar. Adopted.

Senators Carson and D'Allesandro are excused for the day.

REGULAR CALENDAR

COMMERCE
SB 425, relative to limited liability companies.
Ought to Pass, Vote 4-0. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on Senate Bill 425. The legislature undertook a rewrite of the limited liability company statutes a few years ago, and we have made incremental improvements to that act over time. This bill represents the latest change. With an LLC you have current members, and you may have former members as well as transferees. When you have a membership you have complete and total rights. If you leave the LLC, you may still have an LLC interest or the right to allocation of profits and losses. Section IV of the original legislation states that former members and transferees are entitled to fiduciary rights against the LLC. That was intended to provide protection to people who had that right by reason of the death of an LLC member, such as a spouse. This gives them the right to income, but not the right to share in management. However, the original wording took it too far. It gives actual fiduciary rights to people who never had a contract in the first place. Under the current law, a former member who got kicked out could really tie up the company and keep it from functioning, which is the reason for the elimination of this section. A second change clarifies that when you have a merger of LLCs it can be with what we call a foreign LLC. In this case a foreign LLC is an LLC that is not incorporated within the state of New Hampshire. So, a foreign LLC could be a Vermont LLC, for example. Please join the Senate Commerce Committee in voting Senate Bill 425 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

EDUCATION
SB 357, relative to safe school zones and relative to syringe service programs.
Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

Recess. Out of recess.

Senator Giuda moved Rerefer.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I believe there is nothing that we do in this body, nothing that's more important than protecting our children from violence.

PRESIDENT MORSE: Senator, we're speaking to the recommit motion.

SENATOR HENNESSEY: Yes.

PRESIDENT MORSE: To the recommit motion.

SENATOR HENNESSEY: Correct.

PRESIDENT MORSE: Okay.

SENATOR HENNESSEY: I believe that not one child in New Hampshire should be afraid to go to school, and that not one parent should fear for their child's safety when they're dropped off.

PRESIDENT MORSE: The member's out of order. We're speaking to the Rerefer motion, Senator. Do you support the Rerefer motion or do you not support the Rerefer motion?

SENATOR HENNESSEY: I was going to get to that. Would you like me to say it first?

PRESIDENT MORSE: Do you support the Rerefer motion or do you not support the Rerefer motion?

SENATOR HENNESSEY: I am reluctantly supporting the recommit, but I would like to explain why.

PRESIDENT MORSE: Senator, we're not having a debate on the amendment. The amendment's an important piece of legislation, but I thought your question of the Chair was going to be are we going to take this amendment up that you're introducing in Education. The Education Chair has indicated yes, if that was your question.

SENATOR HENNESSEY: No, my understanding was that I was allowed to speak on this issue right now.

PRESIDENT MORSE: No, you're allowed to speak on Rerefer.

SENATOR HENNESSEY: That's what I thought I was speaking on. I was speaking about why it's important, an important issue, and why I am reluctantly Rereferring.

Recess. Out of recess.

The question is on the motion of Rerefer to Committee.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: I would like to apologize for not realizing that I should have said at the very beginning that I am supporting this motion for recommitting, and I would just like to say that I'm disappointed that we are not addressing this issue faster and sooner because in the meantime children are dying, and we have a lot of people outside who are very concerned about that. Thank you.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Soucy for a parliamentary inquiry.)

SEANTOR SOUCY: Thank you, Mister President. Mister President, if I support this motion to recommit because I believe it will give an opportunity for the public to weigh in on this important issue, and give this body an opportunity to have a full debate, would I vote yes on the motion to recommit?

PRESIDENT MORSE: If you're in favor you're going to vote to vote aye, if you're opposed you're going vote no.

The question is on the adoption of the motion of Rerefer to Committee. Adopted.

PRESIDENT MORSE: I apologize, I misspoke; it's not recommit, it's re-refer.

SB 523-FN, requiring public school students to receive training in cardiopulmonary resuscitation and the use of an automated external defibrillator device.
Inexpedient to Legislate, Vote 3-2. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move Senate Bill 523-FN Inexpedient to Legislate. This bill would create a state wide law requiring students to receive training in CPR and the use of an automated external defibrillator device. There is no doubt that training in CPR and how to use a defibrillator device is important. However, the majority of the Education Committee feels as though this training should be an option for districts and schools and not a requirement. Further, the amount of chest compressions needed during CPR have recently changed and the amount of effort needed to execute that may be too difficult for some. In addition, many of the students already have basic CPR through their Boy and Girls Scout troops or lifeguard training. I ask for your support in the motion of Inexpedient to Legislate on Senate Bill 523. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you. I am rising simply to say that I would like to thank the committee for their work on this bill which I was the prime sponsor and was asked to file on behalf of cardiologists at Dartmouth Hitchcock. I also, due to unfortunate circumstances, was not able to do as much preparation as I should have, and I apologize for that because I think it will be fixed and come back later. Thank you.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

FINANCE
SB 334-FN, relative to temporary licensure of allied health professionals from nearby states.
Ought to Pass with Amendment, Vote 5-1. Senator Daniels for the committee.

Senate Finance
February 13, 2018
2018-0610s
10/04

Amendment to SB 334-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to temporary licenses for occupations and professions for persons from other states.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Occupations and Professions; General Provisions; Temporary Licenses or Permits. Amend RSA 332-G by inserting after section 12 the following new section:

332-G:13 Temporary Licenses or Permits. The board or commission for any occupation or profession regulated under this title for which existing statutes or rules do not allow for the issuance of a temporary license or permit to an applicant for full licensure while awaiting a determination for such licensure, shall adopt rules as necessary to allow a temporary

license or permit to be issued to a person who is currently licensed in any state of the United States or the District of Columbia for 120 days while the person has a pending application for licensure with the respective board or commission regulated under this title. An applicant for a temporary license or permit to practice, who is currently licensed in any state of the United States or the District of Columbia shall:

I. Hold an active unencumbered license; and

II. Have committed no acts or omissions which are grounds for disciplinary action in another jurisdiction, or, if such acts have been committed, would be grounds for disciplinary action.

2 Effective Date. This act shall take effect upon its passage.

2018-0610s

AMENDED ANALYSIS

This bill requires boards and commissions of regulated occupations and professions to allow for a temporary license or permit for an applicant for full licensure for 120 days while awaiting a determination for such licensure.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 334-FN Ought To Pass With Amendment. This bill originally allowed certain allied health professionals licensed in the five other New England States and New York to be granted a temporary license to practice in New Hampshire while applying for a regular license. The amendment expanded access to temporary permits to currently licensed professionals of any occupation regulated under RSA 332-G. It also expanded eligibility for temporary permits for 120 days to currently licensed applicants from any state and the District of Columbia. The Committee recommends passage of Senate Bill 334-FN as amended, and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and would like to thank the Finance Chair and the members of the Finance Committee for allowing me to introduce this amendment to that committee, and for them having a hearing, discussing it and passing it. We know today in New Hampshire we have some of the lowest unemployment rates in America. There is barely a company in this state that is not desperate for new potential employees. Understanding that we have one of the most rigorous licensing processes in America, some 360 different jobs in this state that require licensing, passage of this amendment, which will allow people from any state in America to come here and operate for 120 days while they go through our licensing process clearly sends a real message that we want to encourage people to come here, encourage people to work, and start working today. So, again, Mister President, and to my good friend, the Chair of Finance, thank you very much for giving us the opportunity because when we talk about our need to bring people here to start working tomorrow, this bill will actually do that, and I appreciate your consideration as does all the employers in New Hampshire. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in opposition to the amendment, and I ask my colleagues to vote this amendment down, and then Ought to Pass on the underlying bill. I do that recognizing that we went through a hearing in Health and Human Services; that

hearing was focused on the importance and urgency, workforce urgency, in the allied health fields. We accepted testimony from hospitals, nursing homes, the Board of Allied Health, and the Office of Professional Licensing and Certification. They all were in favor of the bill. We did the research on current reciprocity and national compact agreements in those seven allied health fields. And we gave evidence of, in fact, delays in the licensing, and it was documented by the employers. This amendment, while heard in the Finance Committee, I would say the process has not been thorough. The Office of Professional Licensure and Certification was not in attendance in the meeting. They did not testify at the meeting. There was no fiscal analysis which, in fact, had it been done, that office is very concerned about the work load. There are 47 boards for professional licensure and certification in the state. This bill would require each of them to go through rulemaking to adopt provisional licensing procedures. We already have taken up the consideration of the work load in that office. That it needs more staff, that it's behind on what it's doing, but we don't know which–I mean I know the allied health fields that they're behind on. I've heard testimony on that. I don't think anybody in the body has heard testimony that we're behind on every board and every certification in the state. We also don't know what goes into each certification and licensure in the state. For instance, I don't know what goes in to reflexology, structural integrators, and Asian body work therapists, but that's something that we license in the state of New Hampshire. I do know somewhat what goes into guardian ad litem. And I'd be very concerned that we accepted reciprocity on guardian ad litem from other states without knowing what was going into the training for those guardian ad litems in other states and that we were allowing them to come into the state and be licensed in that manner because we have a shortage of guardian ad litems. I don't know what goes into a septic system evaluator. I could go on with the other 46 licensures and certifications, but I do know what goes into Allied Health Professionals, and the committee knew clearly what goes into it. This body passed this motion by a vote of 24-0; it was then referred to the Finance Committee. I asked that we–and in the words of our colleague from Senate District 3–I think this is a sideshow. I don't think this is the main act. The main act in this bill was to address a workforce shortage in allied health. To open this up without understanding of the implications, creating an understanding the cost that there is to this I think is not well conceived. This should go through the proper legislative hearing introduction process. My constituents are very interested in this underlying bill. There are jobs in nursing homes, and in hospitals where the applicants are so rare they need to get people into the workforce that are qualified. It's documented what the qualifications are. They're common across the states. I ask that you vote down this amendment, and that we move Ought to Pass on the underlying bill for Senate Bill 334. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, and colleagues. I, too, rise in opposition to the Finance Committee Amendment. I will say though to the Senator from District 9 that I sympathize a great deal in that we ought to look at this. I mean I've been on ED&A and I understand that this temporary licensure may be an issue that we really could do for many others than addressing an immediate crisis here. I think the Senator from District 10 has indicated to us many of the unintended results of moving this way right now, but I just wanted to focus on one particular problem that would arise for electrical workers, electricians.

Most electrical work takes less than 180 days. I mean if you're getting a house wired you're going to hope it's less than 180 days, right? But most jobs are less than 180 days. And we do have, I believe it's with fifteen states, compacts so the licenses are represented. But if somebody comes in on one of these 6 month licenses from a non-compact state and they do the work by our state statute that work cannot get inspected. The electrical inspector can only have an inspection pass for that work and let that resident be lived in if it's from one of these compact states. So we might be in a situation where somebody comes in and does the job, the homeowner there and thinking they had a licensed electrician doing it and suddenly come to find out that they can't get an inspection and occupancy. So I think, actually, I think these kinds of things really could be worked out if we looked at the broader issue, but right now let's pass the underlying bill, you know, get this immediate thing done, and then certainly let's look at the other issues that the Senator from District 9 has raised. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the amendment and the bill. I fully recognize the concerns of my colleague from District 10 and District number 4, but I note that in the language of the bill it states that each of the licensure boards will present to Rules conditions for issuance of the temporary license, and I have every faith that those bodies will do the due diligence necessary to protect our citizens under their current stratagem for doing so before permitting someone from out of state to just come in at will. They will review those licenses and take a look at those qualifications as part of the rule making process. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. Senate Bill 334 did go through the Health Committee. We heard compelling testimony on a licensed, or several license professions that are probably among the most critical to have licensed are health care professions. There is an absolute necessity for this 120 day temporary licensure. There was universal support for the bill. I salute my colleague from District 10 for sponsoring it, and I think I recall being a co-sponsor with you because it was a good idea. I agree with our friend from District 2 that there are safeguards built into the bill. You, obviously, have to have an unencumbered license in any of the other jurisdictions, committed no acts or omissions that are grounds for any disciplinary action in another jurisdiction that would be subject to discipline. So I think that for a temporary 120 day license this is a realistic, given our work force shortages and trying to attract people to the most livable state in the nation, is a realistic way to proceed, and I urge the body to adopt the amendment. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise again and again with complete respect to my colleague from District number 10, but would like to remind the body that yesterday we celebrated some twenty-one state police, who due to an emergency, went down to Puerto Rico in one of their times of need. We also know that whenever we either have an ice storm in New Hampshire or time and time again we have sent licensed electricians from our utilities as far away as Florida and the Midwest to help other states that are in need. We hear all the time that the bravest of the brave firemen and EMTs–EMTs have to

be licensed in our state–go to all places in the Midwest whenever there are challenges, and whenever there's the need, and our people stand up and call. Mister President, the reason I bring this up to the body to consider is these are all licensed industries that we recognize that in times of need our state goes forward and the other states accept those employees and their capabilities and their licenses and their ability to do work. Now some of us would suggest, just like in the health care field, there is a crisis. There is a crisis of not enough employees in our state and what can we do to try to help all of the employers in this state make our economy grow, and make our economy thrive? Senators, this isn't the bill to eliminate licensing, this is a bill just to recognize that if someone makes the decision to move to New Hampshire and apply for a license in New Hampshire that they'll be able to work on day number one. We are just recognizing the fact that they hold an electricians license in another state. That they've been through the process, they've been in the training of that other state. Now sure I can understand, Mister President, whether or not we want to have a debate today as to whether or not we trust other states or do we trust their licensing boards, but at some level we have to have trust. At some level we have to recognize that there are people across this country who are mobile, who might be looking for a better opportunity, who might be looking for a better job. And, if you're like most of us that work for a living, you can't give up two, three, four, six, ten, twelve weeks, or three or four months without a paycheck. So, we created a barrier for people that says we need you, but you have to go through our licensing process before you can work here. This to me is a great compromise that, again, is very specific; we'll let you come here for a short period of time, but to work here you've got to apply for a license, you've got to apply for what we do, and you can't have had your license revoked or some malfeasance done in your home state. The last thing I'd remind this body is what this bill recognizes is things like what about those military families that are transferred over here? We celebrate on a regular basis my friends from Portsmouth about we now have tankers coming in, and we now have people at the military base in Portsmouth, and people are transferred in and out with their spouses. Shouldn't we give them that ability to come here and work and apply for a license while their spouse is working? I think this is truly, truly common sense. I think that in America today we have to be able to recognize that people have the capacity; and for us, bringing people here, keeping the door open while they get their license done, is just common sense. And, Mister President, I would ask for a roll call on this vote. Thank you.

(The Chair recognized Senator Kahn.)

SENAOTR KAHN: Thank you, Mister President. Thank you, Mister President. I rise, again, colleagues, I can appeal to you, and I want to appeal to you–if you need a fear factor, think about guardian ad litems. People who are appointed by the court to represent people who are aged and have no capacity to represent themselves; think about kids who are caught up in custody and other kinds of child welfare issues, who get appointed a guardian ad litem and have no opportunity for a defense and representation for themselves. Do we want to have that kind of license automatically authorized in this state without licensure certification going through the state of New Hampshire? It is not equal to a physical therapist who goes through an accredited baccalaureate degree program in one state, gets their certification and comes to New Hampshire to work. If that appeal doesn't work for you, try the process appeal. The

Office of Professional Licensure and Certification was not aware that Senate Bill 334 was amended. And if that doesn't work try the fiscal analysis because their argument to me was forty-seven boards going through rule making, and I'll trust my colleague from District 9 that it's 361 separate kinds of certifications is a lot of rulemaking; that they're going to have to shepherd through a process and we never did the fiscal analysis. On those three bases, I just ask, stick to the underlying bill, let's vote down the amendment, put it through a legislative process so it can be considered not through the amendment that has been proposed, and let's move to address the critical shortage needs that there are in these seven allied health fields. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I was one of the persons who voted for this in committee. I can say that when I reviewed it in committee, the amendment from our colleague from District 9, I understood it to apply to the same professions, but opening it up to all states. Subsequent to that, and upon further review it not only opens up to all states, it opens up to all professions. And so, I'm just not in a place to be comfortable voting for all professions. I think the HHS Committee heard a public hearing on specific professions. So, at this time I'm going to change my vote, Mister President because the amendment is much broader than I understood when I voted for it. Thank you, Mister President.

(The Chair recognized Senator Soucy for a question of Senator Daniels.)

SENATOR SOUCY: Thank you, Mister President. Thank you, Senator. Senator, in consideration of this amendment did you take any testimony from anyone outside of the allied health groups that were part of the original bill?

SENATOR DANIELS: I had one person approach me representing athletic trainers, which are part of the allied health but were not included in the bill to begin with and he wondered why. Upon further research I discovered that there was an additional occupation that was part of allied health that was not included either. So, I talked to him subsequent to this amendment. He said he was fine with that. Beyond that there was no more testimony.

SENATOR SOUCY: Senator, would you believe I spoke to several people last night who expressed grave concern at not being able to weigh in on this discussion that were members of professions outside of the originally passed legislation?

SENATOR DANIELS: I would believe that.

SENATOR SOUCY: One of the issues that was raised by some of these folks was an issue of liability and the consumer concerns that were raised by the Senator from District 4 that we may actually be putting more people in New Hampshire in a very bad spot thinking someone has a New Hampshire license, has acquired a New Hampshire license with all of the terms and conditions that apply to their profession.

SENATOR DANIELS: I would submit to you that we ran into the same situation where the respiratory care person who comes into New Hampshire may not have the New Hampshire qualifications. I mean if I have a respiratory problem, I'm now being treated by someone who isn't necessarily meeting the New Hampshire standards but they have 120 days. If that's acceptable, I don't see why the other professions are not also acceptable.

SENATOR SOUCY: Thank you.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator Giuda.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, Fuller Clark.

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 13 - Nays: 9. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Lasky, Feltes, Cavanaugh, Soucy, Fuller Clark.

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 14 - Nays: 8. Adopted, bill ordered to Third Reading.

SB 361, relative to dual and concurrent enrollment agreements between high schools and colleges and universities.
Inexpedient to Legislate, Vote 4-2. Senator Giuda for the committee.

Senator Giuda moved to Lay on the Table SB 361. Adopted.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Kahn for a parliamentary inquiry.)

SENATOR KAHN: Thank you, Mister President. The inquiry is if I know that the university system of New Hampshire offers dual enrollment courses and there are school board agreements that need to be adopted that do not include the university system of New Hampshire in those policy agreements, would I have voted against the motion to table?

PRESIDENT MORSE: Again, Senator Kahn, if you were in favor you would've said aye, if you were opposed you would've said no. The ayes voted to table.

SB 468-FN-A, relative to fines and penalties collected by the department of environmental services.
Ought to Pass with Amendment, Vote 5-1. Senator Daniels for the committee.

Senate Finance
February 13, 2018
2018-0609s
05/10

Amendment to SB 468-FN-A

Amend the bill by deleting sections 11-13 and renumbering the original sections 14-15 to read as 11-12, respectively.

Amend the bill by replacing section 12 with the following:

12 Effective Date. This act shall take effect July 1, 2019.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 468 Ought to Pass with Amendment. This bill requires certain fines and penalties collected by the Department of Environmental Services to be deposited into the general fund rather than in dedicated funds. The amendment does two things: it changes the effective date of the bill to July 1, 2019, to enable the determination of funding during the next budget process; and (2) to avoid the loss of approximately $280,000 to the administrative assessment account within the aquatic resource compensatory mitigation fund–they need to shorten that. Committee members agreed to delete sections of Senate Bill 468 and exempt the fund from the requirements of the bill. The committee recommends passage of Senate Bill 468 as amended, and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 544-FN, providing that 2 percent of insurance tax collections be deposited in the fire standards and training and emergency medical services fund. Ought to Pass with Amendment, Vote 5-0. Senator Daniels for the committee.

Senate Finance
February 14, 2018
2018-0615s
08/03

Amendment to SB 544-FN

Amend the bill by replacing all after the enacting clause with the following:

1 General Provisions; Fire Standards and Training and Emergency Medical Services Fund. Amend RSA 21-P:12-d to read as follows:

21-P:12-d Fire Standards and Training and Emergency Medical Services Fund.

I. There is established in the office of the state treasurer a separate, nonlapsing fund to be known as the fire standards and training and emergency medical services fund from which the state treasurer shall pay expenses incurred in the administration of the division of fire standards and training and emergency medical services, under RSA 21-P:12-a, the division of fire safety, under RSA 21-P:12, the division of homeland security and emergency management, and the position of fireworks inspector, under RSA 160-C:17. If the expenditure of additional funds over budget estimates was unanticipated and is necessary for the proper functioning of the division of fire standards and training and emergency medical services, the division of fire safety, or the division of homeland security and emergency management, the commissioner of the department of safety may transfer funds, with the prior approval of the fiscal committee of the general court, from this fund to the department of safety for such purposes.

II. On May 1 of each year, the state treasurer shall transfer an amount equal to 2 percent of the total amount collected pursuant to RSA 400-A:32, RSA 405:29, RSA 406-B:11, RSA 406-B:16, and RSA 406-B:17 in the preceding state fiscal year, from the general fund into the fire standards and training and emergency medical services fund established in paragraph I, provided however, the year-end balance of the fire standards and training and emergency medical services fund shall not exceed $2,000,000.

2 Effective Date. This act shall take effect 60 days after its passage.

2018-0615s

AMENDED ANALYSIS

This bill allows for annual transfers of certain money from the general fund to the fire standards and training and emergency medical resources fund.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 544-FN Ought to Pass with Amendment. This bill annually transfers two percent of the insurance premium tax revenue collected under RSA 400-A:32 I-II from the general fund to the fire standards and training and emergency medical resources fund. This will ensure the continuation of the best training possible for New Hampshire's first responders. The amendment addresses concerns expressed by the Department of Insurance regarding a potential retaliatory tax impact. The committee recommends passage of Senate Bill 544 as amended, and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Kahn for a question of Senator Daniels.)

SENATOR KAHN: Thank you, Mister President. I'm curious–what is the fiscal impact of this legislation?

SENATOR DANIELS: It was determined to be indeterminable, but if the fund exceeds $2 million it will go to the general fund. So I mean, coming off the insurance premium tax it could vary from year to year. Whatever the two percent is will go in there, but if that fire standards and training fund reaches $2 million then no more will go to that fund, it will be diverted to the general fund.

SENATOR KAHN: Thank you, Senator. That means that this is a recurring fund. Whatever is unspent in one year will flow over into the subsequent year and continue to be at a $2 million minimum?

SENATOR DANIELS: That means if the fund is expended but there is something left in it, then it will be refilled through the tax until it reaches the 2 million. So it is continuous.

SENATOR KAHN: Thank you, Senator. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 576-FN, deleting the suspension of home health services rate setting. Inexpedient to Legislate, Vote 3-2. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 576-FN Inexpedient to Legislate. This bill sought to repeal Chapter 156:77, Laws of 2017, which suspends for the fiscal year 2018-2019 biennium the statutory process for rate setting for home health services. This bill would require the Department of Health and Human Services to adopt rules establishing a rate-setting methodology, "which establishes unit Medicaid reimbursement rates for home health services which reflect the average cost to deliver services.". DHHS would then be required to establish annually on or before October 1st unit rates for "home health services paid under Medicaid which better reflect the average cost to deliver services.". The Department would have to provide a biennial report on rates for home health services beginning November 1st. Discussion on the establishment of rates by the Department and any potential subsequent increase in rates, raised concerns of increasing costs outside of the current budget. Citing a

desire to continue this discussion during next year's budget process, while avoiding the possibility of a budget shortfall, the committee recommends Senate Bill 576 be found Inexpedient to Legislate, and asks for your support. Thank you, Mister President.

Senator Bradley moved to Lay on the Table SB 576-FN. Adopted.

HEALTH AND HUMAN SERVICES
SB 490, establishing a commission to study end-of-life choices.
Ought to Pass with Amendment, Vote 3-2. Senator Bradley for the committee.

Health and Human Services
February 14, 2018
2018-0652s
01/04

Amendment to SB 490

Amend RSA 137-J:38, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) There is established a commission to study end-of-life choices. The members of the commission shall be as follows:

(1) One member of the senate, appointed by the president of the senate.

(2) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(3) The commissioner of the department of health and human services, or designee.

(4) A representative of the New Hampshire Medical Society, appointed by the society.

(5) A representative of the New Hampshire Hospital Association, appointed by the association.

(6) The executive director of the American Civil Liberties Union of New Hampshire, or designee.

(7) The executive director of the Disabilities Rights Center of New Hampshire, or designee.

(8) The executive director of the New Hampshire Hospice and Palliative Care Organization, or designee.

(9) A New Hampshire attorney who specializes in senior and elder law, appointed by the New Hampshire chapter of the National Academy of Elder Law Attorneys.

(10) A religious leader from a New Hampshire-based interfaith council, appointed by the speaker of the house of representatives.

(11) A religious leader from a New Hampshire-based interfaith council, appointed by the president of the senate.

(12) A member of an organization representing disabled persons, appointed by the governor.

Amend RSA 137-J:38, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) The commission's study shall include, but not be limited to, reviewing RSA 137-J, investigating the positive and negative effects of potential legislation relating to palliative care and end-of-life choices, innovation practices of other states, how to encourage careful and responsible deliberation about this issue, and any other matter the commission deems relevant to its objective.

SENATOR BRADLEY: Thank you, Mister President. This bill would create a commission to study end of life choices in New Hampshire. The

commission's study would include, but not be limited to, reviewing RSA 137-J, which deals with advanced directives, investigating the positive and negative effects of potential legislation relating to palliative care and end-of-life choices. And I would just like to say, as there was some discussion about what end of life choices mean, to me it's not about assisted suicide, but rather about the choices that my mom made to not have chemotherapy or radiation for cancer at an advanced age. The Committee Amendment added language regarding palliative care and expanded the commission to include another member from the disabled community. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Bradley.)

SENATOR GIUDA: Thank you, Senator, for taking my question. Based on your comments, is that to be interpreted as this committee will not study assisted suicide? Is that a directive comment, or is that just your opinion?

SENATOR BRADLEY: I think it's my opinion as to what end of life choices mean. I don't think the language was so restrictive that if members chose to talk about that that they'd be prohibited from that. But I think there was an assumption that end of life choices meant assisted suicide, and I was trying to clarify, at least in my opinion, that end of life choices mean many things other than assisted suicide.

SENATOR GIUDA: Thank you, Mister President. But it does not specifically exclude the consideration by the commission of assisted suicide?

SENATOR BRADLEY: The language does not state in any way, manner, or form assisted suicide. So, you and I may disagree about what that actually means, but I will tell you it does not say assisted suicide.

SENATOR GIUDA: But it does not preclude it. Thank you.

(The Chair recognized Senator Daniels for a question of Senator Bradley.)

SENATOR DANIELS: I noticed in the makeup of the committee that we have already an executive director of the Disability Rights Center on there, and that you have added on a member of an organization representing disabled persons. I mean, isn't that really a duplication?

SENATOR BRADLEY: Well, it is a duplication but here's why: there was compelling testimony from representatives of disabled organizations, and I felt that it was important to have ample voices from that community and so we added a second member from the disabled community.

SENATOR DANIELS: I know that the Catholic Diocese has come out against this bill. I do not see them represented anywhere in the makeup of this committee. Can you explain that, please?

SENATOR BRADLEY: I don't have the language in front of me, I apologize. I left my notebook upstairs and I'm not as technologically proficient as the Chair of the Finance Committee, but I do believe that there were two members from religious organizations to be appointed.

SENATOR DANIELS: It specifically says interfaith councils. I understand councils as to be multiple denominations together like the New Hampshire Council of Churches. So, in reading that, that's why I brought up that because they are not a council, they are a diocese, and…

SENATOR BRADLEY: And in my reading of the language and the amendment they are also not excluded. So depending on the appointment process a representative of the diocese could be appointed to this commission.

SENATOR DANIELS: Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I would like to, first of all, I'm standing to speak, or to request that you vote down this Committee Amendment so that I may introduce a Floor Amendment, and I wanted to say that I don't even like saying that because I like this amendment and I think there were a couple of things that were left out of it, so for me it's more of a housekeeping. We had hoped to have the word "palliative care" in the title, which it is not. So the other amendment would do that. And the other is just to add a couple balancing members of the committee that I personally thought were going to be on it, and I think we acted quickly. So, I would like to thank the Senator from District 3 for his very good work on this and for speaking to it, but I would like to ask that we do not vote in favor of this particular amendment so that I may introduce another one.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Mister President, I believe in the sanctity of human life. I went through, just like Senator Hennessey, last year it was my father. I'm in the middle of losing my mother, and I think that this commission will demean the value of human life, and that's all. Thank you.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in opposition to the motion of ITL, and would like to speak in favor of overturning that and talk a little bit about what the committee heard during the testimony. We heard from the prime sponsor that the purpose of this study is to address end of life choices for those individuals who have received a diagnosis of having a terminal illness with less than six months to live. And we should, I believe, enable those individuals who are dying to have certain choices or options. This is a study that would not put those options in place, but would look at how to provide palliative care and support to a dying individual. Anyone of us who may be facing a pending death in the near future should be allowed to determine when and how we wish to end our lives. And I would like to recommend to all of you Diane Rehm's book entitled *On My Own*, which she wrote about the agony of watching her husband John, who was terminally ill, starve himself to death over the course of ten days because there was no other option available. So I would urge my committee members, all of us who are aging and concerned with how we will pass out of this world, to allow this study to go forward. And, in closing I'd just like to read to you one of the quotes from Diane Rehm's book which says, quote, "Each and every one of us should have the right to choose when diagnosed with a terminal illness. The idea of suffering as being noble does not persuade me that extending life for the sake of someone else's religious beliefs or social philosophy is fair or even reasonable. Let each one of us make our own decisions when facing a terminal illness." Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: I rise in opposition to the amendment and to the bill in its entirety, Mister President. As many of us here are involved in life or death situations in the protracted life under conditions that some might consider inconvenient or horrific, nonetheless, we are opening the door to assisted suicide. Palliative care procedures in place in the state at present are entirely adequate, and entirely accessible with living directives, end of life directives currently available through lawyers and through legal aid societies. So, for that reason I speak as a humble, but

intense supporter of human life from conception to the point of death, natural death. And I will fight vehemently against the introduction of any bill that opens the door to demeaning human life, and demeaning the value of suffering, which if you believe in an afterlife, the value of suffering enriches the life of those who suffer and the life of those who care for them. I can't say it any more eloquently than that, and I thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, and colleagues. I rise in support of the Ought to Pass motion. I'm a co-sponsor of the bill, but I co-sponsored it with my own understanding that this was not a commission that would be directed towards approving or developing a position on physician assisted suicide. I have grave reservations about that, and I wouldn't be supporting the bill if I really thought that's what the purpose of the commission was. I speak in part as the son of a veteran's administration doctor who helped countless, countless veterans to their final moments at the Newington VA Hospital. And, also, without any details referenced, family situations in which this has been end-of-life care and these decisions have been very difficult personal and family decisions. I'm encouraged to hear the words about including palliative care here, and understanding that the concerns of faith groups and the disabled are going to be understood and listened to as they will be members of the commission. I do share of some of the concerns voiced in the committee reporting from the disabled community. Of course there're also some people in the disabled community who see this commission as offering them an opportunity to have more choices involved when they, whatever it may be about the end of life. So, I just wanted to note that this is a serious subject. I think in good effort here this commission, as we have attempted previously, will wrestle with questions and many questions that aren't going to be solved by this commission, haven't been solved by other states around the country, but we ought to have this discussion in New Hampshire. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you. I would like to change what I said last time, which is that I believe that the amendment that I have, Floor Amendment that I have brought is actually more supplemental than changing the Senator from District 3's amendment. So I would recommend at this point that we vote in favor of the amendment and then I will be offering something that adds to that amendment. I don't think they're mutually exclusive. I'd also like to say that this, to echo what was said by the Senator from District 3, and I will speak to that, perhaps, more later. But those of us who have had people at the end of life are aware that those people who have been told they have six months or less to live actually would rather live not die. Their greatest wish is that they actually were not going to die in six months. This is not suicide, and I can tell you that my father, among them, felt very strongly that this is not suicide. He wanted to watch his great-grandchildren grow up. That was his greatest wish. But he was not going to keep living, and he was in a great deal of pain. And while I would also agree that there are times when suffering builds character, and while I also agree that the sanctity of life is very important, I also believe that we should be recognizing the wishes of those who are in this very unusual position of being told that they have six months or less to live. So I'll speak to that, but I wanted to change my mind about the amendment. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and I appreciate all of the heartfelt conversations that all of the Senators have brought forth today because all of us have struggled with this issue. Some of us struggle with it every day with their family, their loved ones, themselves, and the part that I find so remarkable about this conversation, and I do believe this is one of the most important issues we discuss here, and the issue is the free will of man versus the power of our government; the free will of man versus technology; and the free will of man versus our belief in what the afterlife brings us. This isn't a debate that I believe there is a right side or a wrong side because at the end of the day, Mister President, I believe in free will. All of us that have watched loved ones, family members, participated ourselves in very dubious medical times, shouldn't those people have a right to exercise free will? Now I recognize the fact there's always this concern of whether or not people are exercising their free will to make the ultimate decision, and whether or not they're in the right state of mind, or they have the right capacity. And we need to make sure, clearly, that we're providing some level of check and balance to ensure that people are in a position where they have and can make a freedom choice. I think it's ultimately important for us to recognize the fact that our debate here isn't about a policy, isn't about a standard. It's about ensuring people have free will. We might find it uncomfortable, but don't we have to respect their position? So, I ask the committee to consider that when they think of their vote. Thank you very much, Mister President.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Avard, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Fuller Clark.

The following Senators voted No: Giuda, Gray, French, Ward, Daniels, Avard, Reagan, Soucy, Birdsell, Gannon, Innis, Morse.

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 10 - Nays: 12. Failed.

Senator Hennessey offered a Floor Amendment.

Sen. Hennessey, Dist 5
February 22, 2018
2018-0827s
01/05

Floor Amendment to SB 490

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study palliative care and end-of-life choices.

Amend the bill by replacing the section heading and subdivision heading as inserted by section 1 of the bill with the following:

1 New Subdivision; Commission to Study Palliative Care and End-of-Life Choices. Amend RSA 137-J by inserting after section 37 the following new subdivision:

Commission to Study Palliative Care and End-of-Life Choices

Amend the introductory paragraph of RSA 137-J:38, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) There is established a commission to study palliative care and end-of-life choices. The members of the commission shall be as follows:

Amend RSA 137-J:38, I(a) as inserted by section 1 of the bill by inserting after subparagraph (12) the following new subparagraph:

(13) Two individuals with terminal illness, appointed by the governor.

Amend the bill by replacing section 2 with the following:

2 Repeal. RSA 137-J:38, relative to a commission to study palliative care and end-of-life choices, is repealed.

2018-0827s

AMENDED ANALYSIS

This bill establishes a commission to study palliative care and end of life choices.

SENATOR HENNESSEY: One of the most frustrating things for me as a rookie in the Senate has been how to get a message across. I know that this bill and the amendment that I am offering to the bill are, I know, and I want you to understand that they are not about what you are calling assisted suicide. What this amendment does, as I briefly described before, is to add palliative care to what the commission is studying; and also to add, because we have people in the disabled community, in fact two representatives; and from the religious organizations, including two representatives. I think in order to truly understand what this issue is I have added two people who are terminally ill. I agree with the Senator from District 21. It was recommended to me to read the book by Diane Rehm, and I certainly do recommend it to all of you, especially if you have not been through the process of working with, or helping somebody who is terminally ill. I just want to make clear that this amendment, as well as the bill itself, is comprised, the body of the commission is comprised of compassionate, thoughtful men and women, and I just ask that you put aside your preconceived notions about such laws. This is not, not a commission to study suicide. It is not anything that is considered suicide. Many states use the title "Death with Dignity." There is a very important difference between "Death with Dignity" and suicide. The term suicide does not apply to terminally ill people who would prefer to live, but who are facing certain death within months and they'd like a gentler, kinder way to die. In Vermont it's called patient choice and control at the end of life, and specifically states that terminating one's life under the law is not suicide. You have to be at least 18 years old. You have to be a Vermont resident, and you have to be mentally and physically capable of communicating your health care decisions. You have to be able to speak it. You have to be able to be the individual who is asking for it. It cannot be the individual's husband, the individual's mother, the individual's son. It must be the person who is deemed by two doctors to be very likely to die within six months, probably sooner, and they need to see a counselor who can then say that this person is of sound mind and can make this decision themselves. And the process generally takes about two weeks. So it's not as if you go in and get a pill and you take it. One of the things I found so interesting in studying this issue, and by the way, I did not know that my father was dying when I put this issue together. But boy, did it have an impact on me watching it happen. And I think anyone in this room who has watched a parent, a child, or anyone in their lives die in horrible pain, even though we know it may only last four to five or

six months, it is excruciating, absolutely excruciating. So let's say there are one-hundred people who get this prescription, which is actually a pill that they have to administer to themselves, no one else can give it to them, they have to take it themselves; and once they get it, twenty to twenty-five percent do not actually ever use it because they realize now they have a choice; their husband can't give it to them, their parents can't give it to them, nobody can give it to them. In fact, some people are feeling that that's, in fact, discriminatory because there are people who can't give it to themselves. So I recognize that end-of-life, I mean, end-of-life is a really, really hard thing to talk about; it's very difficult to talk about. I would give everything I own to have my father back for another two months, another month, another day, but that wasn't going to happen. That was not in the cards. He was 92 about to be 93. He was in terrible pain, and he was dying. I couldn't change that. So please understand that using the term suicide is a terrible insult to people like my father who wanted nothing more than to live. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I just wanted to add–I rise in favor of the amendment and the underlying committee. This is a study commission. And I just want to share a story that I wrote about as a columnist for *New Hampshire Magazine* about a retired cleric in 2001 who was dying and went to talk to his medical provider, who then the police found out and came to his house and told him they were going to arrest him unless he went voluntarily. They handcuffed him to his wheelchair and brought him to the state hospital, held him for a hearing, and he died on the gurney. No dignity. No respect and the heavy hand of government around his arms. And it's the role of government, the legitimacy of our laws. I think this is an important discussion to have; a difficult discussion, but an important discussion to have of the role of government. That's what this is all about. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise in opposition to the amendment. Like the past amendment, this amendment also has a deficiency in the makeup of the study committee that I mentioned before. Also, in my twenty-two years in the legislature, the term "end-of-life" has always equated to assisted suicide, and even when the member talks about someone being given a pill, the person giving that pill is assisting in that suicide. The final decision may be that person, but if that person decides to take that pill, which would end their life, that becomes assisted. So, for those reasons I oppose this amendment and the bill. Thank you, Mister President.

(The Chair recognized Senator Hennessey for a question of Senator Daniels.)

SENATOR HENNESSEY: I'm just curious where you–because this is not something I considered in writing this bill. Where do you draw the line? Should we also make sure that people from all other faiths are represented, or is there a reason why the Catholic Diocese should get preference in terms of being on this commission?

SENATOR DANIELS: Thank you for the question. I bring out the Catholic Diocese specifically because I receive communication from them that they were opposed to this. I have experienced that interfaith councils and dioceses may differ on different positions on different bills, and so I saw a void in not including an organization on there that I knew was

opposed to euthanasia or assisted suicide, and that was my reason to try and fill in the gap to make sure that you would have a conversation that had both sides represented at the table. Thank you.

(The Chair recognized Senator Lasky for a question of Senator Daniels.)

SENATOR LASKY: Senator, you stated that all end-of-life commissions, decisions, or whatever amounts to suicide in the end. Did I hear you correctly?

SENATOR DANIELS: No, you did not. I stated that in my twenty-two years in the legislature, whenever the term "end-of-life" has shown up it has always equated to assisted suicide.

SENATOR LASKY: Okay. I served on an end-of-life commission many years back in the House. I did not find that to be the case. But I wonder how you differentiate between what might be legitimate end-of-life decisions and suicide? I guess in my mind I'm hearing you equate the two terms.

SENATOR DANIELS: No, I'm simply saying that we can use the term "end-of-life" and say that it doesn't mean assisted suicide, and that may be the intent of the members in here. But even in our debate here today we have had testimony come out that we are actually talking about assisted suicide even though it says "end-of-life." So I'm saying that when this bill leaves this chamber, end-of life, whatever somebody perceives it to be, whether it's non-assisted suicide or whether it's assisted suicide, there are no guidelines on this to say that there are boundaries that we are not going outside when it gets to the study committee.

SENATOR LASKY: Thank you.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Daniels, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Fuller Clark.

The following Senators voted No: Giuda, Gray, French, Ward, Daniels, Avard, Reagan, Soucy, Birdsell, Gannon, Innis, Morse.

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 10 - Nays: 12. Failed.

Recess. Out of recess.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: I would ask the members to vote down the Ought to Pass so that I may introduce a subsequent motion, Inexpedient to Legislate. Thank you.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Hennessey, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Fuller Clark.

The following Senators voted No: Giuda, Gray, French, Ward, Daniels, Avard, Reagan, Soucy, Birdsell, Gannon, Innis, Morse.

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 10 - Nays: 12. Failed.

Senator Giuda moved Inexpedient to Legislate.

A roll call was requested by Senator Avard, seconded by Senator Giuda.

The following Senators voted Yes: Giuda, Gray, French, Ward, Daniels, Avard, Reagan, Soucy, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Fuller Clark.

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 12 - Nays: 10. Adopted.

JUDICIARY
SB 337, relative to the human rights commission.
Interim Study, Vote 5-0. Senator Lasky for the committee.

Senator Lasky moved to Lay on the Table SB 337. Adopted.

SB 502-FN, relative to transparency and standards for acquisition transactions in health care.
Ought to Pass, Vote 4-1. Senator Lasky for the committee.

SENATOR LASKY: Thank you, Mister President. I move Senate Bill 502-FN Ought to Pass. This bill clarifies the standards for acquisition transactions involving health care charitable trusts and the review required by the Director of Charitable Trusts. By providing more tools for the Charitable Trusts Unit to review these transactions, New Hampshire will be better able to ensure that access to quality and affordable physical and mental health services will be available after any merger. During these challenging times in our state, it is essential that we are diligent in ensuring the needs of our communities are being met. This bill will lead hospitals looking to merge to specifically consider the access to quality and affordable physical and mental health that they will provide. This will promote more integrated care and be an important step in dealing with the mental health and opioid crises we are facing. Hospitals need to recognize that mental health care is a vital part of their mission and end the separation of physical and mental health care within their overall charge. Therefore, the majority of the Judiciary Committee asks for your support in the motion of Ought to Pass on Senate Bill 502-FN. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS
SB 430, relative to priority of liens for liability for support of assisted persons.
Inexpedient to Legislate, Vote 4-1. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 430 Inexpedient to Legislate. This bill would change the priority of liens on real estate relative to liability for support of assisted persons given by the municipality. Moving forward with this legislation would disrupt the balance between lenders and municipalities. Presently, a condition of granting a loan is that the lender will be in the priority position when a lien is placed. Putting municipalities in that priority position would limit lenders ability to participate in the secondary mortgage market resulting in less financing opportunities for property buyers. The committee felt that this legislation would have a negative impact on the lending market in NH that would far outweigh the benefits to the municipalities if it should pass. Therefore, I ask that you please support the committee's recommendation of Inexpedient to Legislate.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I brought this bill forward because we have a statute under Public Safety and Welfare that states, "Whenever a person in any town is poor and unable to support himself,"–it says himself–"he shall be relieved and maintained by the overseers of public welfare of such [a] town." (RSA 165:1, I) Alright, so this issue has been before the State Senate in 1998, 2008, and again this year. This is an issue that's likely to come back. In '88 supported by Senator Janeway; 2008 Senator Odell. It's not quite right, and I appreciate the time that the Public and Municipal Affairs Committee, and in particular my colleague from District 8 has spent considering this bill. But here's the crux of this: we have statutes that give a priority lien to a town for unpaid taxes. We have another statute that provides the same priority for hazardous and dilapidated buildings. We have another statute that provides a priority lien for court enforcement of unpaid municipal electric, gas, and water and sewer. We have a statute that requires welfare payments, and some of those welfare payments go to support the mortgage lenders. But, because those are usually at the end of a foreclosure possibility, when that foreclosure occurs the last entity in line is the municipality. We don't want to discourage these welfare payments. We don't want to funnel them through a filter that says anything but a mortgage payment because we think that we could collect it. But we're not there yet, and I appreciate the work of the Bankers Association, and the Municipal Association, but more evidence needs to be brought on this. Somebody needs to test whether the secondary mortgage market really would dry up in the event that one other kind of condition for collection, a very narrow kind of collection on welfare liens, relative to mortgage payments to banks on behalf of welfare recipients really would negate the sale of primary mortgages to the secondary market. But that evidence doesn't exist today. So that's why I don't disagree with what's coming before you as far as the committee recommendation, but I do believe we all need to do more homework on this. One: what is the impact of these welfare liens in our towns and municipalities, and our counties; and then the Municipal Association and the Bankers need to do some more work. What other states have addressed this and have they been successful with the secondary mortgage market. Thank you colleagues for letting me discuss the issue a little bit further on the floor, and thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

SB 503, relative to increasing the maximum amount of the optional veterans' tax credit.
Inexpedient to Legislate, Vote 4-0. Senator Gray for the committee.

SENATOR GRAY: Mister President, first I need to declare that I am a veteran in the United States Army, a Vietnam veteran, so that this bill could affect me financially, and I still choose to participate.

I move that Senate Bill 503 be Inexpedient to Legislate. The bill will allow towns and cities to adopt an increased amount in the optional veterans' tax credit against property taxes. The committee felt that the recent changes in the veteran's tax credit should be evaluated before additional legislation is enacted. I'd like to take a moment to review some of that additional legislation. If we go back approximately about five years the veterans tax incentives were three-fold: for the regular veterans credit it was $200 credit; for 100 percent disabled service connected

disability it was $2,000 credit; and for 100 percent disabled veteran war related with loss of limbs or loss of eyesight, and who had obtained their house through assistance from the government, that they would get an exemption, they would pay no taxes. Since then, we've raised that 200 to 500. We didn't do anything for those 100 percent disabled veterans who are currently getting a credit for 2,000. We added all veterans. So, instead of having to be just a veteran who served during one of the times of war that were designated in the legislation we added all the veterans. We still didn't do anything for that 100 percent disabled veteran. We got two bills this time in the committee. We got a bill from the good Senator from District 23, and the good Senator from District 11. The committee spent a long time studying those bills, and studying all the options that are out there right now. And, thankfully, you passed Senate Bill 341 on the Consent Calendar which raises that tax credit for that 100 percent disabled veteran from 2,000 to 4,000. So, it used to be 200, 2,000 exemption, now it's 500, or will be if the House passes it; 4,000 in exemption. Nice normal progression. People are going to tell you that there are veterans. We ought to do everything we can for them. Shortening that gap between the regular veteran and the 100 percent disabled veteran is not the right way to go. If we're going to spend money on veterans, veterans that are suffering from the effects of agent orange, veterans that are suffering from PTSD, we've got bills that work on PTSD this term and I voted for all of those. We need to recognize the veterans who are homeless right now. We need to do a lot of things, but to further increase from 500 to 750, or as we voted last year to raise it to 1,000, in my opinion is not appropriate. I want to help the veterans, I want to help the 100 percent disabled veterans, I want to help those that are homeless, I want to help those that are suffering from injuries they received before I go and raise this one again. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Mister President, I'm declaring that I'm a veteran of the United States Coast Guard and could financially benefit from this legislation, but I will be participating.

(The Chair recognized Senator Gannon for a question of Senator Gray.)

SENATOR GANNON: Just one question, Senator Gray. It's an easy question. How many are 100 percent? Do you have the figure, or are we talking of ten, twenty, thirty, hundred–100 percent disable veterans?

SENATOR GRAY: I had the numbers for Rochester, but I don't have them with me, and I don't have them for the state.

SENATOR GANNON: That's fine, that's fine.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I rise to ask you to vote against the ITL motion so I may introduce a more appropriate Floor Amendment so we can pass the bill as we did last session. I don't believe this is the appropriate time to speak further on the issue, is it? No, it would just be to introduce. Okay. Thank you, Mister President.

PRESIDENT MORSE: We have to vote down the Inexpedient to get to your point.

SENATOR GANNON: Okay. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I just rise to claim that I am a United States Marine Corp veteran and could be affected by the legislation, and I will be participating.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. And I rise to declare that I am a veteran, and may benefit from the passage of this, but I will be participating.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: I'm sorry, my parliamentary procedures–I am not there, Sir. So at this time is this the proper time, Sir, to ask to introduce an ITL motion? No.

PRESIDENT MORSE: Senator Gannon, you want to get to an Ought to Pass motion, the current motion is Inexpedient to Legislate.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise with my good friend from Senate District number 23, and ask the body to reject the current motion of ITL so we can have a robust debate on the merits of the bill. So if you'd like to have a debate on the merits of the bill, I'd ask that you would reject the motion of ITL. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Sanborn, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Gray, French, Ward, Kahn, Avard, Reagan, Birdsell, Fuller Clark, Innis, Morse.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Sanborn, Daniels, Lasky, Feltes, Cavanaugh, Soucy, Gannon.

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 11 - Nays: 11. Failed.

Senator Gannon moved Ought to Pass.

Senator Gannon offered a Floor Amendment.

Sen. Gannon, Dist 23
February 21, 2018
2018-0793s
05/04

Floor Amendment to SB 503

Amend the bill by replacing section 1 with the following:

1 Property Taxation; Optional Veterans' Tax Credit. Amend RSA 72:28, II to read as follows:

II. The optional veterans' tax credit, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from $51 up to [~~$500~~] ***$750***. The optional veterans' tax credit shall replace the standard veterans' tax credit in its entirety and shall not be in addition thereto.

2018-0793s

AMENDED ANALYSIS

This bill allows towns and cities to adopt an increase of the optional veterans' tax credit against property taxes up to $750.

SENATOR GANNON: Thank you, Mister President. As we voted last year, I discussed how we are capped at $500. My small town of Sandown wants to have local control. They want to decide how much that they can or can't afford. Three-quarters of all towns now in New Hampshire are capped at the $500 limit. The Veterans Advisory Council has backed my bill, as has the House Veterans Caucus. They believe we should let local control decide. I made a promise to a Gold Star mother last year that I would give my best effort to pass this bill. I got a little lazy and almost let it slip through committee, and I apologize to her and you guys. Again, the issue is local control. I don't need to tell you any more stories. I believe the veterans, the veterans that I see are the privates, the corporals; $250 is going to make a lot of difference to many of these men, and I would ask that you make a vote with my Ought to Pass motion. Thank you.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 22 - Nays: 0. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Gannon, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 22 - Nays: 0. Adopted, bill ordered to Third Reading.

TRANSPORTATION

SB 516, prohibiting the use of motorcycle-only roadside checkpoints. Ought to Pass, Vote 4-1. Senator Cavanaugh for the committee.

SENATOR CAVANAUGH: Thank you, Mister President. I move Senate Bill 516 Ought to Pass. This bill would prohibit the enforcement of motorcycle noise level restrictions at motorcycle only roadside checkpoints. Having motorcycle only checkpoints effectively singles out those who choose to ride as a form of transportation or recreationally. The number of individuals who choose to ride and misuse their motorcycles is vastly outnumbered by those who respectfully operate their motorcycles within the appropriate noise levels. Further, the sound level of motorcycles is nearly impossible to test in the field. The current test requires that there be an eight foot, uninterrupted circle around the bike with no background noise in order to read the level of sound decibels properly. Because motorcycle only checkpoints single out riders and use an arbitrary testing method, the majority of the Transportation Committee believes these checkpoints

should be eliminated. Therefore, I ask you to support the motion of Ought to Pass on Senate Bill 516. My colleague, Senator Birdsell, will offer an amendment, which I also support. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I was the dissenting vote on this bill. So, I decided to call District 21's good police chief and we discussed it, and I said–because that was the whole thing in the hearing was that Portsmouth had already started doing these tests. It was on the news, and it said that they were going to do these in the summer. The police chief told me he had no intention of doing it in the summer, and that he had never done a roadside checkpoint exclusively for motorcycles. They also have a new test device. The new test device is coming out this week. He has two officers, and it takes care of the background noise, it takes care of rain, and he has two officers who are going to be trained and tested. They're not going to use roadside checkpoints. They're only going to pull when they hear that the pipes are too loud; they're going to pull you over. If you're having dinner downtown Portsmouth and you can't hear when you're sitting out in that nice café with your wife, Mister President, I think you shouldn't be interrupted, and if the police decide that it's above their acceptable noise limit, if they're only pulling you over because of the noise you are not a protected class, they have the right to have their own, local ordinances. There is no actual case or controversy, as this whole bill seemed to be predicated on the Portsmouth police in what they were supposed to be doing. The news media said, again, that they were going to have summer checkpoints. I've been assured that isn't the case. It's just a wild rumor. We're looking here to fix a problem that really doesn't exist. There are no roadside checkpoints, and I feel as there's no actual case or controversy we shouldn't be passing this legislation. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise as a proud member of the Harley Owner's Association of America; ride a motorcycle; have been involved in discussions with the best men and women in law enforcement about the sound of my pipes, and so therefore, I may or may not have a conflict in this matter, but I'm still participating. And all I have to say is loud pipes saves lives. Thank you, Mister President.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
February 15, 2018
2018-0666s
03/05

Floor Amendment to SB 516

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting motorcycle-only checkpoints.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Motorcycle-Only Checkpoints Prohibited. Amend RSA 265 by inserting after section 1-a the following new section:

265:1-b Motorcycle-Only Checkpoints Prohibited. No law enforcement officer or agency shall establish or conduct motorcycle-only checkpoints.

2 Effective Date. This act shall take effect upon its passage.

2018-0666s

AMENDED ANALYSIS

This bill prohibits motorcycle-only checkpoints.

SENATOR BIRDSELL: Mister President, it came to our attention in testimony from one of the co-sponsors who came to speak that there was a technical problem with the bill, and we neglected to get it before we exec'd it, but what we're doing is the amendment changes the RSA. The bill itself amends RSA 266:59-a. However, it should be amending RSA 265 and the amendment corrects that. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Senator Giuda for a question of Senator Birdsell.)

SENATOR GIUDA: Thank you for taking my question, Senator. My question is are there circumstances in which motorcycles would rightfully be targeted, for lack of a better word; safety or some other reason? Is there any reason that we would have to target a motorcycle?

SENATOR BIRDSELL: In the hearing we did hear from two to three pages worth of witnesses that did say that it did happen in and around the Portsmouth area. Typically what was happening was the motorcycles–I don't know whether it was monthly–but they would go to the Veterans Memorial and it would start happening then. We had no testimony that stated that they weren't doing it. So, it was the motorcyclists came in and testified that they had been stopped.

SENATOR GIUDA: Thank you.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 517, establishing an electric vehicle charging stations infrastructure commission.
Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

Senate Transportation
February 14, 2018
2018-0618s
03/04

Amendment to SB 517

Amend RSA 4-G:1, II as inserted by section 1 of the bill by inserting after subparagraph (g) the following new subparagraph:

(h) A representative of Unitil, appointed by its president.

SENATOR WATTERS: Thank you, Mister President. I move Senate Bill 517 Ought to Pass with Amendment. This legislation establishes an electric vehicle charging stations infrastructure commission. This commission will allow New Hampshire to do some careful planning for electric vehicles and the infrastructure that they need. Further, it will guarantee New Hampshire's participation among other states in the growth of electric vehicle infrastructure. The committee amended the bill to add a representative from Unitil to the commission, and I have a Floor Amendment that adds a couple of other folks who want to be on this as well. All members of the Transportation Committee ask for your support in the motion of Ought to Pass with Amendment on Senate Bill 517. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4
February 20, 2018
2018-0746s
03/04

Floor Amendment to SB 517

Amend RSA 4-G:1, II(a) as inserted by section 1 of the bill by inserting after subparagraph (3) the following new subparagraph:

(4) Department of environmental services.

Amend RSA 4-G:1, II as inserted by section 1 of the bill by inserting after subparagraph (h) the following new subparagraph:

(i) A representative of the electric vehicle charging infrastructure manufacturers industry, appointed by the governor.

SENATOR WATTERS: Thank you, Mister President. In committee we had thought that the Department of Environmental Services was represented by another entity, but it turns out that it was not particularly represented by that so we added it to the list of state departments that are added. After the committee acted on the bill we also heard from the electric vehicle charging manufacturers and they said they had been involved in similar commissions elsewhere in the United States, and would like to have the opportunity to have a representative help us understand perspectives from the manufacturers. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. Sorry to repeatedly rise, but I just wanted to take a moment, colleagues, just to let you know what we're trying to do with the commission and, also, to understand what the commission is doing as opposed to what a bill we're going to consider in a few minutes will be doing.

It was the concern in this bill that New Hampshire be well positioned to take advantage of the new technologies that are emerging in the automotive industry, and transportation industry, and particularly the economic advantages that are going to come from this in the future. The commission has members, as you will see; everybody who has an interest in this was included on the commission, and we've just added some more folks, as well. In particular under the duties I just want to note that it's not just electric vehicles, but there're also other zero emission infrastructures. So, if the commission choses it can look at the hydrogen powered vehicles as well. And then, also, you know, we'll look at what we need to do to have a suitable infrastructure for electric vehicles charging. While there may be relatively few of these vehicles yet in New Hampshire, the sales are growing quickly. And then particularly in eastern Massachusetts and in bordering states, who have large incentives for electric vehicles, there are many, many, many more being registered. And we'd like them to be able to, you know, get up to Conway and have a meal and know they can get their vehicle charged and get home. And, also, I've spoken to a head of one of our largest bus companies and said he's told his sons that in ten years they're going to have a fleet of all electric buses that they'll be running. So, we need to be ready for this in the trucking industry, as well.

We need to look at their availability on public property, as well. Where should they be on our highway system, and also if it's on public property should we make sure that there's not proprietary technology of one manufacturer or one type of automobile, but if it's on public property that everybody gets to use it. And where should they be in these corridors, and what partnerships might we have we other states? There's a western compact now of eight states that says that we will plan together as to where these will be so that people will know every certain number of miles on the highway system they can get it. We also, as other states look into, maybe we could look into whether we want to have any kind of tax credits offered for private rental or business installation of these.

And then, in general, look at changes needed to state laws, rules, practices, including building codes and public utilities commission rules to further develop a zero emission vehicle technology and infrastructure. I'm particularly here responding to a new study by Deloitte on the kind of revolutionary technology of electric vehicles, but more particularly in the battery storage issue. Deloitte says that as we get these networks out there, whether it's the wall in your house, or whether it's the batteries within these vehicles, that this may replace the need for peak demand generation facilities. And so that if we look at how not only the power goes into these vehicles, but how it might be drawn out of these vehicles and out of these batteries, and replace the need for our utilities to build peak demand stations.

And then, finally, the commission is going to look at funding sources. You know, we're unlikely to be putting state money into this, or very much, or any at all–other states do that–but I don't think that's what we'd do. We're going to look at some partnerships, look at available grants here, and the Volkswagen settlement–I want to applaud the Governor for his leadership and also the Senator from District 15, the Senator from District 3, and others who have been working on the Volkswagen settlement funding, which part of that settlement directs that some of it is directed towards electric vehicle charging stations.

So, I just want to take a few minutes to let folks who aren't on Transportation know that this is really an important economic part of the state's future, and we ought to get ourselves ready for it. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Watters.)

SENATOR GIUDA: Thank you, Mister President. Thank you for taking my question, Senator. Sitting on Ways and Means and watching our highway funds plateau, or perhaps start down as these electric vehicles come up. Would it be appropriate to include in that commission's study possibilities of taxing mechanisms for the electric vehicles that will not pay a gasoline tax that is the backstay of our entire transportation funding?

SENATOR WATTERS: Thank you for your question and it's a question that's been wrestled with in both bodies over the last few years. I think that really is more appropriately taken up as a separate issue, and here we need to figure out the electric vehicle charging infrastructure. And, as you say, as they come we're going to have to do something about the road toll, perhaps, but I think that's another discussion.

PRESIDENT MORSE: Not if it's going to be about taxes.

SENATOR WATTERS: No, that's why it's not here.

SENATOR GIUDA: Thank you, Mister President. And the question is not about any new tax, it's a question of replacing the tax that's not being funded, and not so much about the tax itself but about potential mechanisms on these charging stations that might enable the state to charge for a volt of electricity just as we charge for a gallon of gas. Just to include that discussion in the development of the technology.

SENATOR WATTERS: Thank you for the question. I thought it really… this commission needs to look at the infrastructure and not tax policy. But on your particular question of charging for the electricity and the capacity to do that, that is addressed in the bill we will be discussing in a few moments, Senate Bill 575.

SENATOR GIUDA: Thank you.

SENATOR WATTERS: Thank you.

SENATOR GIUDA: Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and poorly paraphrase President Reagan when he said if it's doing well, government wants to tax it; when it's not doing well, government wants to subsidize it; and if it's new, government wants to regulate it. I ask my members of the body to actually reject this bill. It is not our place because there's a new technology that people might decide that they want it for competitive reasons, or whatever, to put in charging stations. Shouldn't we be leaving that to the free market? There is no problem here. There's no problem here we're trying to solve. We're seeing electric cars come, we're seeing most manufacturers make them, we're seeing charging stations raised up everywhere. And, quite frankly, Mister President, I don't even know who approved the charging stations at the state of New Hampshire in the building because I don't remember seeing that in the budget, but they popped up anyway. So, why on God's green earth are we sitting here trying to create yet another commission to regulate how people live their lives; that now government's going to tell us where they can put their charging station, how big their charging station can be, what type of batteries they can use and what they can't use. Why don't we just let people charge? So, I ask the body to reject this commission as voting for it will clearly indicate your belief in government. Thank you, Mister President.

(The Chair recognized Senator Innis for a question of Senator Sanborn.)

SENATOR INNIS: Would you believe that guests show up at our Inn with electric cars and expect to charge for free?

SENATOR SANBORN: Thank you so much for the question. Senator thanks so much for the question because I couldn't conceive with the amount of money you charge for a room that they would have any money left to pay for their own charging station.

SENATOR INNIS: Well, we will install one and there will be a surcharge for using it. And I think it's a perfect example of the free market at work. Thank you, Mister President.

SENATOR SANBORN: Thank you very much.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

Senator Morse is in opposition to the motion of Ought to Pass with Amendment on SB 517.

SB 520-FN, authorizing New Hampshire Food Bank to issue decals for multi-use decal plates.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Senate Transportation
February 14, 2018
2018-0617s
03/04

Amendment to SB 520-FN

Amend the title of the bill by replacing it with the following:

AN ACT authorizing New Hampshire Catholic Charities to issue decals for multi-use decal plates to benefit the New Hampshire Food Bank.

Amend the bill by replacing section 1 with the following:

1 Multi-Use Decal Plates; Authorized Organizations. Amend RSA 261-B:9 to read as follows:

261-B:9 Authorized [~~Organization~~] ***Organizations***. The ***following organizations are authorized to issue decals under this chapter:***

I. Rotary District 7870 Foundation [~~is authorized to issue decals under this chapter~~].

II. New Hampshire Catholic Charities, provided that all proceeds from decals issued by New Hampshire Catholic Charities shall be for the benefit of the New Hampshire Food Bank.

2018-0617s

AMENDED ANALYSIS

This bill authorizes New Hampshire Catholic Charities to issue decals for multi-use decal plates to benefit the New Hampshire Food Bank.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 520-FN Ought to Pass with Amendment. This bill authorizes the New Hampshire Food Bank to issue decals for multi-use decal number plates. All of you are likely familiar with the great work that the New Hampshire Food Bank does in providing many New Hampshire citizens with the basic necessities. Allowing the New Hampshire Food Bank to issue decals will help them in continuing to raise awareness for this important cause. The committee amended the legislation to ensure that the proper tax identification name was listed for the legislation since the New Hampshire Food Bank is a subsidiary of New Hampshire Catholic Charities. Since there are several pieces of legislation this session that deal with decals for multi-use decal plates, some of which need amendments in order to be passed into law properly, a subsequent motion will be offered that I hope each of you can support. This will ensure that all pieces of similar legislation are passed properly. All the members of the Transportation Committee ask for your support in the motion of Ought to Pass with Amendment on Senate Bill 520-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Bradley moved to Lay on the Table SB 520-FN. Adopted.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 520-FN from the Table. Adopted.

The pending motion is Ought to Pass with Amendment.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted.

Senator Bradley moved to Lay on the Table SB 520-FN. Adopted.

SB 560-FN-L, relative to updating the state trails plan and making an appropriation therefor.
Ought to Pass with Amendment, Vote 5-0. Senator Gannon for the committee.

Senate Transportation
February 14, 2018
2018-0623s
06/03

Amendment to SB 560-FN-LOCAL

Amend the bill by replacing section 1 with the following:

1 New Section; New Hampshire State Rail Trails Plan. Amend RSA 21-L by inserting after section 12-b the following new section:

21-L:12-c New Hampshire State Rail Trails Plan. The department of transportation, in cooperation with the department of natural and cultural resources, and in consultation with the regional planning commissions, shall update the New Hampshire state trails plan dated 2005 by June 30, 2020 and every 10 years thereafter, to include an up-to-date analysis of trail use. The updated plan shall be entitled the New Hampshire state rail trails plan. In updating the plan, the departments shall:

I. Hire a qualified consulting firm to complete and disseminate the plan.

II. Include a statewide economic-impact analysis on the value of rail trails.

III. Consider maintenance and cost of maintenance for rail trails, including responsibility of the state for the underlying structural integrity of abandoned rail corridors, while permitting trail organizations and towns to perform routine maintenance of trail surfaces and other amenities.

IV. Establish a tier system for prioritizing state investments in rail trail projects, based on criteria such as geography, connectivity to other rail trails, proximity to population centers and natural attractions, statewide and national significance, and other criteria as deemed appropriate. Develop recommendations for a state funding mechanism to support rail trail projects and the management structure of said fund.

V. Develop a template trail management agreement outlining responsibilities of state, local, and private organizations involved with management of state-owned rail trails.

VI. Compile and maintain a list of rail trail organizations and the areas of the state each serves.

VII. Identify best practices for acquiring insurance for volunteer rail trail management groups.

VIII. Document commitment by the state that it supports the development of rail trails for
their transportation, recreation, tourism, and other economic value.

IX. Consider encroachment by abutting property owners and how to ensure the integrity of publicly owned rail trail corridors. This may include reestablishing property lines with abutting private property owners.

X. Establish a state rail trail plan advisory committee including but not limited to:

(a) The commissioner of the department of transportation, or designee.

(b) The commissioner of the department of natural and cultural resources, or designee.

(c) The commissioner of the department of business and economic affairs, or designee.

(d) Two representatives from the regional planning commissions, appointed by the governor.

(e) Two members of the state legislature, appointed by the president of the senate.

(f) Two representatives of regional chambers of commerce or trail related businesses, appointed by the governor.

(g) One representative from the division of state parks statewide trails advisory committee, appointed by the committee.

(h) One representative from the department of transportation complete streets advisory committee, appointed by the committee.

(i) One representative from statewide or regional bicycling or walking organizations, appointed by the governor.

(j) One representative from equestrian organizations, appointed by the governor.

(k) One representative of OHRV clubs, appointed by the governor.

(l) One representative of the New Hampshire Snowmobile Association, appointed by the association.

XI. Hold a minimum of 3 public hearings, each in a different area of the state, to solicit public comment to shape the plan and make the final plan available on the department of transportation website.

XII. Provide a pamphlet at state information centers regarding the state trails plan.

SENATOR GANNON: Thank you, Mister President. I move Senate Bill 560-FN-L Ought to Pass with Amendment. This bill requires the Department of Transportation to update the state trails plan and makes an appropriation for this. The legislation also creates a project advisory committee for the updating of the plan. The committee amended the bill to correct all references of "trails plan" to the proper title, which is "rail trails plan." Say that three times fast. Updating the state rail trails plan is important for New Hampshire trail development in the future to ensure that there is proper space for all vehicles or bikes on trails and whoever else wishes to use these trails and utilize them, including animals. Both the Department of Natural and Cultural Resources and the Department of Transportation are in favor of this legislation and worked effectively together throughout a study committee to address these issues. All members of the Transportation Committee ask for your support in the motion of Ought to Pass with Amendment on Senate Bill 560-FN. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Gannon.)

SENATOR GIUDA: Thank you for taking my question. I'm in support of this bill, but my question is this: we're having significant difficulties with the DOT in the trail system throughout the state, throughout my district repeatedly, and, in fact, we have a meeting tonight in Tilton with DOT again. Is there any provision in this process for incorporating the voices of ATVs and snowmobile people that are also users of those trails, as DOT individuals, for the record, have specifically spoken against the use of ATVs on the trail system?

SENATOR GANNON: Might I defer to my Chair?

(The Chair recognized Senator Birdsell.)

SENATOR GANNON: Thank you.

SENATOR BIRDSELL: Thank you. Actually, yes, and in the bill, line… in the committee we put members of the OHRV clubs, snowmobile clubs, and appointed by the Governor. So they will be on the committee.

SENATOR GIUDA: Thank you, Madam Chair. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 561-FN, relative to the installation of a traffic light or beacon. Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Senate Transportation
February 14, 2018
2018-0624s
06/05

Amendment to SB 561-FN

Amend the title of the bill by replacing it with the following:

AN ACT naming a bridge over the Little River between the towns of Plaistow and Atkinson the Lance Corporal Dimitri Gavriel bridge.

Amend the bill by replacing all after the enacting clause with the following:

1 Town of Plaistow; Town of Atkinson; Lance Corporal Dimitri Gavriel Bridge. Pursuant to RSA 4:43, the bridge on Route 121 which spans the Little River and the Pan Am railway line on the border of the town of Plaistow and the town of Atkinson is hereby named the Lance Corporal Dimitri Gavriel Bridge. A suitable marker may be placed at the site of the bridge.

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under section 1 of this act shall be approved by the department of transportation.

3 Effective Date. This act shall take effect 60 days after its passage.

2018-0624s

AMENDED ANALYSIS

This bill names a certain bridge spanning the Little River between Plaistow and Atkinson the Lance Corporal Dimitri Gavriel Bridge.

Senator Bradley presiding.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 561-FN Ought to Pass with Amendment. As introduced, this bill would require the Department of Transportation to install a beacon at the intersection in Melvin Village. At the bill's hearing, the prime sponsor informed the committee that the issue had been resolved amicably and that there was no longer need for the legislation. However, the Senate President asked for a hearing on a replace-all amendment, which would allow for a bridge between Plaistow and Atkinson to be named after Lance Corporal

Dimitri Gavriel. After consultation with his family, they would prefer his name to read Dimitrios on the sign, and so I would like to offer a Floor Amendment after we take up the Committee Amendment to make that adjustment. It is my understanding that the Senate President will be speaking further to the incredible character and courageousness of Lance Corporal Gavriel following these actions. All members of the Transportation Committee ask for your support in passing the Committee Amendment on Senate Bill 561-FN. Thank you, Mister President.

(The Chair recognized Senator Morse.)

SENATOR MORSE: Thank you, Mister President. I ask for your support of the Committee Amendment on Senate Bill 561. This legislation was actually the idea of an old friend, Chris Pignatelli, who has helped us to rightfully honor the great defender of our country. Lance Corporal Dimitrios Gavriel was the first in his family to be born in America. He attended Timberlane High School in Plaistow where he was a standout student, state champion heavy weight wrestler, and well known in his community. After high school Dimitrios attended and graduated from Brown University. He moved to New York in the early 2000s where he began a career as an investment analyst on Wall Street working for companies like Payne Webber, J.P. Morgan, and Bank of America. He had found early success in the banking industry, but was deeply affected by September 11th terrorist attacks. During the attacks two of his Brown fraternity brothers died in the World Trade Center. We know that Dimitrios was speaking to one of his friends on the phone while he desperately tried to escape from the building. As you can imagine, these events moved Dimitrios to leave his successful career behind on Wall Street to join the Marines saying that he owed it to his friends and others who had died in the tragic events on September 11th, 2001. Dimitrios shed nearly forty pounds from his six foot one frame to cope with the lingering knee and ankle injuries from wrestling in order to complete the grueling thirteen week Parris Island boot camp. He believed that he could be an active force in eradicating the wrong by joining the military. As Dimitrios' mom said, he joined during war time and he was so proud of that. Lance Corporal Gavriel's journey eventually led him to be deployed to Iraq where he actively fought in Operation Iraq Freedom. His parents learned that he was on the front lines of duty only weeks before his death, since Dimitrios did not want to tell them and have them worry about his role as a rifleman. On November 19th, 2004 Dimitrios sustained an injury to his leg and was in line to receive a Purple Heart. However, he chose to courageously return to his unit and continue to fight. Only eight days later he was killed by an explosion in a man-on-man fighting in Fallujah. As his parents have said, our only consolation is he went for a noble cause and his death was worthy of what he believed. It was a heavy price to pay but knowing him like we did he would've given his life to dismantle all of these ideas and ideals he held. Lance Corporal Gavriel was buried in Arlington National Cemetery and awarded two Purple Hearts by President George W. Bush. Memorials have been erected in his honor in New York and at Brown University. A scholarship fund has also been set up in his name at Timberlane High School. But today we are here to bring this hero and his legacy back to the place where he grew up. Naming a bridge over Little River between Plaistow and Atkinson after Lance Corporal Gavriel. It's just a small way that New Hampshire can honor and remember such an incredibly courageous man and a leader. His service to our nation and willingness to defend our freedoms has had a lifelong impact on his

friends and family, everyone in his community, and all of those he met. I'd like to share one last thing. After he passed away, Dimitrios' parents found that he had been keeping a journal of poems, and thought ever since he graduated from Brown University. His family released some of those writings that chronicled his life experiences. A twenty-three-year old Dimitrios wrote, "I have heard that great men often kept journals. I'd like to be one of the great men." I think that I speak for each of us in this chamber in saying that Dimitrios indeed became a great man and so much more. I hope you'll join me in supporting this legislation. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Giuda, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, Fuller Clark, Morse, Gannon, Innis, Bradley.

The following Senators voted No: (None)

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 22 - Nays: 0. Adopted.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
February 21, 2018
2018-0811s
06/05

Floor Amendment to SB 561-FN

Amend the title of the bill by replacing it with the following:

AN ACT naming a bridge over the Little River between the towns of Plaistow and Atkinson the Lance Corporal Dimitrios Gavriel bridge.

Amend the bill by replacing section 1 with the following:

1 Town of Plaistow; Town of Atkinson; Lance Corporal Dimitrios Gavriel Bridge. Pursuant to RSA 4:43, the bridge on Route 121 which spans the Little River and the Pan Am railway line on the border of the town of Plaistow and the town of Atkinson is hereby named the Lance Corporal Dimitrios Gavriel Bridge. A suitable marker may be placed at the site of the bridge.

2018-0811s

AMENDED ANALYSIS

This bill names a certain bridge spanning the Little River between Plaistow and Atkinson the Lance Corporal Dimitrios Gavriel Bridge.

SENATOR BIRDSELL: Thank you, Mister President. I'd like to introduce Floor Amendment 2018-0811s to update the spelling of Lance Corporal Dimitri Gavriel to Dimitrios recognizing the wishes of the family. I hope you will all join me in support of this amendment. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President and members of the Senate. I rise to humbly honor the family that reared this fine person,

the community that raised this fine person, and the nation that gave him the opportunity to serve. I mourn with his family as a Marine and as a member of this body, and I thank God that our nation continues to produce such men and women. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Soucy, seconded by Senator Birdsell.

The following Senators voted Yes: Woodburn, Giuda, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, Fuller Clark, Morse, Gannon, Innis, Bradley.

The following Senators voted No: (None)

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 22 - Nays: 0. Adopted, bill ordered to Third Reading.

President Morse presiding.

SB 575-FN, relative to electric vehicle charging stations.
Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

Senate Transportation
February 14, 2018
2018-0620s
03/01

Amendment to SB 575-FN

Amend RSA 236:132, II-III as inserted by section 1 of the bill by replacing them with the following:

II. "Electric vehicle" means any battery electric vehicle, fuel cell electric vehicle, or plug-in hybrid electric vehicle.

III. "Fuel cell electric vehicle" means any vehicle that operates solely by use of a hydrogen fuel cell.

Amend RSA 236:132 as inserted by section 1 of the bill by deleting paragraph VI and renumbering the original paragraphs VII-IX to read as VI-VIII, respectively.

Amend RSA 236:133, III as inserted by section 1 of the bill by replacing it with the following:

III. All publicly funded chargers installed after the effective date of this paragraph that are accessible to the public shall be networked to apply the Open Charge Point Protocol communication standard that allows charging stations and central systems from different vendors to communicate.

Amend RSA 236:133, V(a)(5)-(6) as inserted by section 1 of the bill by replacing them with the following:

(5) Interruptible rates;
(6) Load management techniques; and
(7) Demand charges.

SENATOR WATTERS: Thank you, Mister President. I move Senate Bill 575 Ought to Pass with Amendment. This bill establishes needed protocols concerning electric vehicle charging stations. As amended, the legislation creates needed definitions, similar to those adopted in

other states. Further, the bill sets forth standard signage as is provided by the Federal Highway Administration for electric vehicle charging stations. This legislation also ensures that any type of electric vehicle, as is current practice, will be able to be charged at any given station, not just a particular brand of car. The bill also includes guidelines on parking, and then needed policies by the PUC for charging electricity at charging stations. In other words that you're not a utility if you're selling electricity at your library charging station. And then also some language needed by the Public Utilities Commission that tariff documents for utilities would include language governing electricity resale; and also request that the PUC give some consideration in the next couple of years for how we're going to be setting electric vehicle charging station rates. As I mentioned earlier, electric vehicle infrastructure is extremely important for New Hampshire's economic future, transportation needs, and economic growth. All members of the Transportation Committee ask for your support in the motion of Ought to Pass with Amendment on Senate Bill 575. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise, and although I typically agree with much of my friend from District 4 says on a regular basis I have to question to myself how on God's green earth, since we're talking about green energy, do we have charging stations at the toll booth we have going northbound and southbound? How do we have charging stations all over this state if government hasn't come here today to tell us how to do it? It befuddles me that we have charging stations all over America today and government hasn't weighed in to tell us how to do it. So why are we making that decision today? So I'm not sure. Should we be taking the charging stations we have down? Are they illegal? Are they not working? Are we charging the wrong amount of money or, consequently, maybe we should reject this bill and let the free market continue to do what the free market does? Now for the record I'm not sure I would've launched a convertible into the atmosphere like the owner of Tesla did last month, but it's not our place to try to regulate absolutely every part of our life if it doesn't need regulating. If there's not a problem that needs to be solved I'm not sure we should be doing it. So with that, Mister President, clearly I'm not going to vote for this bill, and I hope the rest of the body does not as well because it's something we do not need to be regulating today. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator Birdsell.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Daniels, Avard, Lasky, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, Fuller Clark, Gannon, Innis.

The following Senators voted No: French, Sanborn, Morse.

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 19 - Nays: 3. Adopted, bill ordered to Third Reading.

WAYS AND MEANS
SB 301-FN, temporarily reducing the real estate transfer tax for first-time home buyers.
Inexpedient to Legislate, Vote 3-2. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. Mister President, I move Senate Bill 301 Inexpedient to Legislate. This bill sought to reduce the real estate transfer tax for first time home buyers. Without any offset for the revenue loss this bill would cause, a majority of the Ways and Means Committee did not feel comfortable moving forward with the bill. Given the amount of business tax cuts the legislature had already enacted, a cautious approach with regard to any further cuts to our state's revenue stream would be prudent. The Ways and Means Committee asks for your support of the motion of Inexpedient to Legislate.

Mister President, having read the prepared remarks on behalf of the committee, I would now encourage the body to vote no on ITL because a reasonable compromise amendment is forthcoming. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I appreciate the final words from my good friend from Concord. In the sense of bipartisaness, I will be introducing an amendment if we overturn the committee ITL and move forward with this bill that I think will provide a small incentive for first time home buyers to come to New Hampshire, or if they're already here to stay in New Hampshire and purchase a home. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Failed.

Senator Bradley moved Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
Sen. Feltes, Dist 15
February 22, 2018
2018-0820s
10/03

Floor Amendment to SB 301-FN

Amend RSA 78-B:1-b, II(a)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) The purchase of residential real estate, the price of which does not exceed $300,000;

2018-0820s

AMENDED ANALYSIS

This bill reduces, for a 2-year period, the rate of the tax on the transfer of real property for first time home buyers, provided the purchase price does not exceed $300,000. The bill also requires the department of revenue administration to report on the usage of the reduced rate.

SENATOR BRADLEY: This amendment that I worked on with our friend from Concord sets an upper limit of a first time home of $300,000 which means a maximum tax reduction of $750 for a $300,000 home. It's $250 for every $100,000 of value for the home. I think at that level we're actually targeting first time home buyers with a reasonable ceiling, but we're actually starting to talk about real money and a real inducement to purchase in New Hampshire. I would also note that the Department of Revenue is asked to do a study, if you will, of the impact of this incentive which lasts for two years. So, it's not long term, it's meant to be short

term. I know that there're some people in this room that wished they could've taken advantage of it, but let's get it passed and then see how it helps the market in New Hampshire and helps us attract millennials to our state. Thank you, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator Bradley.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and thought what might be a rhetorical question to the Senator of District 3, but being I think I have an understanding of how he'd answer the question I'm not sure I need to ask it. The committee, and I apologize to the body, I don't have my notes here and you guys know I like to actually look at my numbers before I talk about them. But if my memory serves, the average selling price of a house in New Hampshire is $222,000 I think. And, if I remember right, and I encourage my committee members to correct me if I miss this, but I thought the fiscal note we had added up was going to be about $7.5 million a year without a funding source to it; and although you know I typically like cutting taxes, my question to the Senator is, have you guys done an analysis of what the difference is capping at 300, knowing the average is 222, and that the fiscal note I think is about $7.5 million a year, have you all done that analysis?

SENATOR BRADLEY: No, I haven't. Obviously, with a 3-2 Inexpedient to Legislate motion, I approached one of the three who voted Inexpedient, our friend from Concord, who we worked on this amendment together to try to get the support for the policy, and I thank you for having voted for it in committee so that we can move forward with this and provide some threshold over which the revenue loss will not exceed. So, it can only lower the revenue loss, but I don't know how much it is.

SENATOR SANBORN: Thank you, Senator. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Bradley.)

SENATOR GIUDA: Thank you, Mister President. I'm wondering if as an incentive to home buyers, first time, we might consider, instead of a number for the sale value, an exemption for the dollar value up to $300,000. So someone might buy a house more expensive than that as a first time buyer, as an executive of a new startup, or something like that, that they would also benefit as a potential first time home buyer.

SENATOR BRADLEY: I think the thought in coming up with the amendment was that we're trying to protect the revenue of the state of New Hampshire but at the same time encourage the first time homebuyers that need the most help. And that's why the amendment was put forward.

SENATOR GIUDA: Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Fuller Clark, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 22 - Nays: 0. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 404-FN-A, phasing out the tax on interest and dividends.
Ought to Pass, Vote 3-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 404 Ought to Pass. This bill will phase out the interest and dividends tax in New Hampshire over several years, incrementally lowering the current 5 percent tax rate by 1 percent each year starting in 2020 until it is fully phased out in 2024. This will provide widespread tax relief for a large segment of New Hampshire residents. Additionally, it will not disrupt the current revenue picture as it does not become effective until the next biennium. The hope is that this will help protect the financially vulnerable older population and encourage them to maintain residency in New Hampshire. The Ways and Means Committee asks for your support for the motion of Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition to the committee recommendation of Ought to Pass. We've had this conversation last year on a similar bill. However, the bill last year eliminated the interest and dividends tax right away, this one phases in the elimination of the interest and dividends tax. The evaluation, although I don't have a new evaluation this year from the Institute of Taxation and Economic Policy, based on the evaluation of last year's bill 80 percent of the benefits of getting rid of this tax go to the wealthiest 20 percent of Granite Staters–80 percent of the benefits to the wealthiest 20 percent. There's this notion that this is going to help financially vulnerable senior citizens in the Granite State. If that were the focus of this, then we would raise the exemption a little bit. But, that's not this bill. This bill is meant to get rid of this tax; it's going to cost in the next biennium a significant amount of money depending on your revenue estimates upwards of $80 to $100 million, and that's a hit that I don't think our budget can take especially in the midst of an opioid epidemic, a mental health crisis, education infrastructure and other needs that the state has. So, I would encourage us to vote down this. Last year we voted I think yes, and then moved to table at some point, but I would just encourage that we vote this down. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise to make a declaration that as noted in my financial filing I am subject to this tax, although I would not be, under this bill, affected any differently than anyone else who would be affected by the bill, so I will participate.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise for two things. One, to also declare, based upon our current ethics laws, which I continue to find are punitive to the business community, I am compelled to say that I may or may not have an impact to this bill but yet I'm still participating, and I'd like the opportunity to speak as well.

Thank you, Mister President. So, what do we talk about? We hear the good Senator from District number 3 almost every week talk about what–

"The New Hampshire Advantage." And what do we talk about on "The New Hampshire Advantage?" We have no sales tax, and we have no income tax; that's what makes one of the things that makes New Hampshire such a special, special place. But the truth is we do have an income tax. So every time we hear someone say, or talk about "The Advantage of New Hampshire" of not having a sales or income tax, it actually is not a correct statement because we do tax some people's income. The interest and dividends tax–when you receive income from your retirement account we have a tax on that; that is a tax on your income. In this state it's 5 percent. We know, I personally, Mister President and members of this committee have had more conversations than I care to have in the past four or five years, I cannot remember the number of conversations I have had of people saying that they're moving their residence to Florida because Florida does not have a tax on income; they're exempt from that. We know that people with any level of means, especially those in retirement because they're not working every single week, have that ability to move wherever they want. And we see time and time again they're moving out of our state, and they're moving to places that do not have an income tax. So I believe, and yes to my good friend from Senate District number 15, that I have had several bills on this issue. I believe it's a very important issue for us.

Point number two is, we talk year after year–I prime sponsor these bills so I'm proud to say that I do; that I am here to cut people's taxes. I'm not here to hold the line; I'm here to give people their money back in their pocket. And we have done a tremendous amount to encourage economic development and watch the business community grow. I'm proud of it–good decisions; our economy's growing because of it. But we have done very little to actually cut taxes for every day hard working people or those in retirement. So this would be a vote to support those in retirement.

And the third thing, Mister President, I'm assuming if this bill does go to Finance, and hopefully it passes there, we'll be having this discussion, as well, showing a glaring problem, glaring problem with our fiscal note process today because I find it curious that my good friend from District number 15 would suggest this bill has $100 million impact on a revenue stream that only brings in $65 million. We see from the fiscal note that they actually suggested that the fiscal impact would be double the entire amount of the income that the state receives. At $65 million if we've got 1 percent per year or five years it would have a fiscal impact of about $13 million. But at one point in the fiscal note it says that it would have a fiscal impact of $58 million. So, Mister President, I did not stay at a Holiday Inn last night but I cannot conceive how a fiscal note that cuts $13 million that adds up to $58 million, but I'm sure we'll be having that discussion at a later date.

But in the end good policy; good policy for us, good policy for the state we'll send a very clear message, and I'm fortunate Senator D'Allesandro is not here today because of all the work he's done in the trust industry–thirteen bills at this point, I think, this body has passed on a unanimous vote every single time. Every single year I have been here we have passed bills to encourage trust money to come to New Hampshire. We have brought in more business that almost any other industry we have seen while those same people now are saying the same thing. Why New Hampshire since you have an income tax? This is our opportunity to eliminate, finally, New Hampshire's income tax, and I would encourage the body to support it. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I'm just rising to declare that I am subject to this tax and may or may not be affected by the results, but I intend to participate.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I, too, am subject to the tax. I don't feel that it differs for me than any others, so I will participate, and I also rise to speak in opposition to this. You know, I can't imagine that President Reagan would disagree with this thought either. That if you were going to be cutting revenues we ought to be showing the taxpayers how we're cutting expenses so that we understand what the tradeoffs are. But I got to say there's something about our deliberations that really flabbergasts me, and it is that we're so willing to show a reduction in revenues without showing the taxpayers what the cost is. What are we giving up? So it's unknown. A hundred million there, $100 million there, couple million…earlier today a few million more on a break for incoming people, new home buyers. I'm trying to keep track of this so that maybe I could be responsible to my taxpayers, but it's getting…how can I? It's just, it's hundreds of millions, and I don't see the impact. Moving to Florida from New Hampshire has to be for more than just the interest and dividends tax, I just venture. And we are already the state that ranks seventh in the per capita millionaires residing in our state. I think we've done pretty well by millionaires in this state. I don't think we need to do this, and I certainly am going to be voting against this motion. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you, Mister President. I rise, also, to declare a conflict of interest as I and my spouse are subject to the interest and dividends tax, but I don't believe any more than it would impact on others, and I intend to participate.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Kahn, seconded by Senator Giuda.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Sanborn for a parliamentary inquiry.)

SENATOR SANBORN: The quorum is how many today in the Senate?

PRESIDENT MORSE: It's the same 13 as always.

SENATOR SANBORN: Thank you. I think we were at 12 a minute ago.

PRESIDENT MORSE: You've got to count me.

Recess. Out of recess.

PRESIDENT MORSE: Just so you know, Senator Bradley, the Clerk says you have to sit in your seat even if you're not participating.

Recess. Out of recess.

The following Senators voted Yes: Giuda, Gray, French, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, Fuller Clark.

The following Senators filed a Declaration of Intent: Bradley.

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 12 - Nays: 9. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 406-FN, requiring background checks for access to Internal Revenue Service federal tax information.
Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. I move Senate Bill 406 Ought to Pass. This bill requires state employees who have access to federal tax information from the IRS to complete a federal background investigation and criminal record check. The use of federal tax information is essential to the work of the DRA, and many other agencies, particularly related to audits and compliance, as well as DHHS Division of Child Support Services, Department Of Justice, Employment Security, Safety, Information Technology Service and more. Ultimately, every New Hampshire state agency will need to be in compliance with the IRS rule regulating requiring IT security as mandated by IRS publication 1075 to implement such background checks. This bill would amend the existing authority to complete federal background checks on new employees, while requiring ongoing background checks on current employees every ten years. One provision in this bill amends RSA 21-G which is the general executive branch statute that gives agencies that receive federal tax information the authority to complete federal background checks. The important thing to know is that this is a federal requirement and if New Hampshire does not take the necessary steps to be compliant, the state could lose access to federal tax information and that would severely inhibit agencies abilities to complete their work, which would have a negative impact on the state revenues, particularly with regard to the DRA. The Ways and Means Committee asks for your support for the motion of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 408-FN, licensing historic racing.
Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

Senate Ways and Means
February 14, 2018
2018-0655s
08/04

Amendment to SB 408-FN

Amend RSA 284:15-e, I as inserted by section 5 of the bill by replacing it with the following:

I. Any person, association, corporation, or any other type of entity who holds a license under RSA 284 to accept pari-mutuel wagers may accept wagers on historic horse races.

Amend RSA 284:22-b, I(b)(1) as inserted by section 6 of the bill by replacing it with the following:

(1) Any person who, as of December 31, 2017, holds a license under RSA 284; or

Amend the bill by replacing all after section 6 with the following:

7 Effective Date. This act shall take effect upon its passage.

SENATOR GIUDA: Thank you, Mister President, members of the Senate. I move Senate Bill 408 Ought to Pass with Amendment. This bill establishes definitions and regulations for pari-mutuel wagering on historic horse races. In addition to boosting a struggling industry, this legislation will provide our citizens with a new form of entertainment; has the potential to benefit charities as well, specifically looking to 100 to 130 new jobs for 27 entities, $6 million in additional state revenue, and $2.5 million to the charities that will be affected. For those not familiar with the activity, historical horse racing offers the ability to wager on a race that has already taken place. A player is given certain handicapping information from which to base their wager, but no information is provided that would reveal the name of the horse, the jockey, or the date of the race or its location, until the race is complete. The Committee Amendment makes some minor technical corrections that were inadvertently left out of the original bill. It also changes the effective date to upon passage. The Ways and Means Committee respectfully asks for your support for the motion of Ought to Pass with Amendment. Thank you, and giddy up, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 409-FN, relative to the taxation of moist snuff tobacco products. Interim Study, Vote 5-0. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 409 be referred to Interim Study. This bill would have established a tax for moist snuff as a tobacco product. The stakeholders have asked that the bill be referred to Interim Study as they continue to work together toward a more agreeable outcome for all parties. The Ways and Means Committee asks for your support for the motion of refer to Interim Study. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study. Adopted.

SB 565-FN, relative to aircraft registration fees and airways tolls. Ought to Pass, Vote 4-1. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President, members of the Senate. I rise in support to move Senate Bill 565 Ought to Pass. This bill modifies registration and operating fees for aircraft and adjusts the distribution of operating fee revenue. Current practice relies solely on aircraft registration fees as the funding source for the Bureau of Aeronautics. This is both unsustainable and detrimental to the industry. Our aircraft registration fees are exorbitant compared to our neighboring states. As an example, Massachusetts charges $300 a year. We have numerous instances where a similar aircraft would be charged, in a two year period, $138,000. This is a disincentive to corporations to locate their headquarters here because they like their jets where they have their CEOs. Based on the current formula, folks with the largest, newest airplanes can pay up to $300,000 a year for one year of registration; this is a significant disincentive. In Massachusetts, as I said, they have set the fee at $300 per aircraft per year no matter what. This legislation is imperative in order to bring business back to New Hampshire. It establishes a reasonable, acceptable level of registration fees, and changes the funding scheme to one that is simple and forward looking. When more aircraft come to New Hampshire as a result of the bill, the increase in fuel sales will eventually make up for the lost revenue and surpass it. The Ways and Means Committee asks your support for the motion of Ought to Pass, and I thank you, Mister President.

(The Chair recognized Senator Feltes for a question of Senator Giuda.)

SENATOR FELTES: Thank you, Mister President, and thank you, Senator Giuda, for taking my question. The fiscal impact to the Aeronautics Division of DOT is listed at least $674,000 per year. How are they going to cope with that? Is there going to be layoffs? What's your solution to that division?

SENATOR GIUDA: The actual fiscal impact will be about a quarter of a million less than that because there's another source that we just required to be put into that–a Bureau of Aeronautics that the FBA required that was going to the general fund prior. So it's down closer to $375,000 a year. Department of Transportation is going to have to "eat it" on this. Essentially, we either fix it or we're going to lose more aircraft. We have about 40 percent of our revenue generated by about four operators in the state. They have made noises, and I would as well. Look at this as an economic decision; we have had numbers of corporate aircraft leave or decide not to come. As recently as a month ago we had one aircraft worth $22 million; because the fees were so exorbitant they chose to go where? To Hanscom Field. So, the revenue impact will be on DOT, and it will be up to DOT to resolve that issue. But, as I said, the fuel revenues will ultimately catch up to and then surpass that. I see that happening within three to four years at the most.

SENATOR FELTES: Thank you.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. I rise in opposition of this bill. I've spoken with the Director from the Manchester Airport, and they oppose this because of the lack of funding for the Aeronautics Bureau. And, per the airport, they haven't had any complaints about registration fees; all of their hangers are full, and there is currently a waiting list for corporate jets. Lowering fees they feel would just divert funding away from the state, and I just ask you to oppose this bill. Thank you, Mister President.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise in favor of the Ought to Pass motion. This is extremely significant, and I have been hearing it for years from owners in Nashua, airport people in Nashua, and I believe we've tried to do something about this for many years. And it brings in, or it can bring in significant income to the city of Nashua and our airport; and, without it the loss would be great. So I urge you to go with the committee's report of Ought to Pass. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise as I, obviously, chair Ways and Means. We've had a lot of conversations about this, and while I hear the concern that my friend from Concord has relative to where are we to make up $300,000, I would submit to you that this is a train heading down the tracks already; that we're losing private aircraft, after private aircraft, after private aircraft because when the option is to pay $300,000 in New Hampshire or pay $300 in Massachusetts, that's beyond a simple question. Now the only thing that's giving us any, any hope, and save at this point, is we do know that corporations, and their corporate offices, and their CEOs do like to be near their aircraft, so they have access to it. But we are beyond punitive in our rates at this point; we're not even competitive, we're not in the right town. And we heard

testimony from some operations over at Pease Air Force Base, which the Senator from District 21 knows well, that right now is looking to purchase several, and when I say several we're talking double digit levels of private aircraft, and they're questioning whether or not we'll actually take delivery of them in New Hampshire or somewhere else. I look at this as actually an opportunity to generate money because we have to remember, Senator from Concord, there's two aspects from this. There's the annual registration, and that's all we're talking about here; but the second half of that is where an airplane is typically parked it needs fuel in order to run. So if we have that ability to go back and re-entice all of these aircraft to come back to New Hampshire, we have to consider what we will gain from the fuel tax on aviation fuel, what we'll gain from the servicing contracts, what we'll gain from the storage contracts, what we'll gain from all the other ancillary aspects of revenue of parking your shiny little jet in our state. So net, net, net, the committee does feel that the advantages of passing this bill will actually see an increase in revenue, although this specific section of that of just the registration fee might go down. I encourage the body to pass the bill. Thank you, Mister President.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I have to agree with my colleagues from District 2 and 13 having toured the airports, having, over the last five years, heard about the dilemma that they're under I strongly support this bill. We've basically lost, I guess what you would call "market share" because we're out pricing ourselves, and we need to fix this dilemma. And I do believe that if we make this big fix there will be a huge effect on our economy, both Nashua and statewide. I believe there are about 200 airports in our state, from what I understand. But Nashua and Manchester being the largest of them, and Pease, I believe. But I just strongly ask the body to support this, and I would ask also for a roll call.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. The issue is one of competition, okay? Corporations compete, or states compete for corporations to locate headquarters. And Massachusetts has absolutely crushed us deliberately with acts like $300 no matter if it's a Gulfstream V that will go from here to Tokyo in 11 hours, or if it's an Accession 150. They have eliminated the sales tax on aircraft and aircraft parts. They want that aviation business in Massachusetts. We have to compete or we will continue to lose, and ultimately the funding structure will completely collapse. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Mister President, what we're doing here is giving owners of corporate jets a break, and in response the Department of Transportation is going to eat it; and so people are going to lose their jobs. I just think that if there's a plan, if there's a plan for the Department of Transportation to make them whole, I think it's reasonable. But, at least given the current construction of the bill, and in light of the fact that there isn't any forecasting, I think, that is credible to say that the revenue losses will be recouped through additional fuel tax, I just think it's not ready for prime time. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I, too, rise in opposition to this motion for many of the same reasons that were expressed

by my colleague from Senate District 16. We are talking about airports statewide, but I would point out that the Manchester Airport is the largest airport. Certainly part of my district, and I would say one of the major economic drivers in our state. They have grave concerns about this legislation because of what it would do to the Department of Transportation. I would also point out that unlike other state agencies, the Department of Transportation's funds primarily come from the highway fund. The use of highway funds is restricted. They are not able to transfer those funds for other uses, and for those reasons I would also oppose this legislation and encourage my colleagues to do the same. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I think what we have here is the classic definition of a death spiral; and I think our friend from Nashua, and our friend from Nashua really identified it. And what are we talking–several hundred thousand dollars. I mean, let's not be penny wise and pound foolish. If we want to attract corporate headquarters here let's not, you know, shoot the messenger. Let's make sure we bring the airplanes back. That's what this bill does. Thank you.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Avard, seconded by Senator Lasky.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Reagan, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Hennessey, Feltes, Cavanaugh, Soucy.

The following Senators were excused: Carson, D'Allesandro.

Roll Call, Yeas: 18 - Nays: 4. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 586-FN-A-L, relative to casino gambling.
Interim Study, Vote 3-2. Senator Sanborn for the committee.

Senator Sanborn moved to Lay on the Table SB 586-FN-A-L. Adopted.

CONSENT CALENDAR REPORTS REMOVED

PRESIDENT MORSE: We are at the conclusion of the regular calendar and will take up the bills that were removed from the consent calendar.

HEALTH AND HUMAN SERVICES
SB 484, reestablishing the commission to address child hunger in New Hampshire.
Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Health and Human Services
February 15, 2018
2018-0659s
05/04

Amendment to SB 484

Amend RSA 161:13, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) One member of the senate, appointed by the senate president.

Amend RSA 161:13, III as inserted by section 1 of the bill by replacing it with the following:

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum. The senate health and human services committee staff shall provide clerical, administrative, and research services to the commission as may be needed.

SENATOR FULLER CLARK: I'm so sorry. Thank you very much; I should've been paying closer attention. We were talking about 484– establishes a commission to address child hunger in New Hampshire, and without this legislation, which will reestablish the Commission to Address Child Hunger in New Hampshire, the commission will not be able to continue to approve ways to reduce child hunger in our state. Currently more than 20 percent of our children go to bed hungry every night, and the number has been increasing. Thank you very much.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
February 21, 2018
2018-0776s
05/03

Floor Amendment to SB 484

Amend RSA 161:13, III as inserted by section 1 of the bill by replacing it with the following:

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

SENATOR BRADLEY: Thank you very much, Mister President. When this bill was heard by the Health and Human Services Committee, I missed the fact that the staff person, that would be Kyle, would have been assigned to this committee; that's not normally what we do for these commissions. This amendment corrects that. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS
SB 512, relative to compact sections of towns.
Ought to Pass with Amendment, Vote 5-0. Senator Ward for the committee.

Public and Municipal Affairs
February 14, 2018
2018-0651s
06/01

Amendment to SB 512

Amend the bill by replacing section 1 with the following:

V.***(a)*** The commissioner of transportation may establish compact sections in the following cities and towns:

Amherst Keene
Bedford Laconia
Berlin Lebanon
Claremont Londonderry
Concord Manchester
Derry Merrimack
Dover Milford
Durham Nashua
Exeter Pelham
Franklin Portsmouth
Goffstown Rochester
Hampton Salem
Hanover Somersworth
Hudson

(b) The commissioner of transportation may establish compact sections in such other cities and towns as agreed between the department and the municipality. In addition to the authority in RSA 229:5, IV, the commissioner may review and adjust the compact limits for established compacts by agreement with the municipality.

SENATOR WARD: Senate Bill 512, relative to compact sections of towns. This bill, as amended, permits the commissioner of transportation to establish compact sections in cities and towns upon request of the municipality without having to make improvements to the road first.

(The Chair recognized Senator Gray.)

SENATOR GRAY: I would ask the body to vote down the Committee Amendment. The Committee Amendment is missing the sentence that would tell you which RSA that it amends. So I would ask you to vote that down so that we can have a Floor Amendment that will correct that situation.

The question is on the adoption of the Committee Amendment. Failed.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6
February 21, 2018
2018-0809s
06/01

Floor Amendment to SB 512

Amend the bill by replacing section 1 with the following:

1 Highway System; Establishing Compact Sections by Agreement with Municipalities. Amend RSA 229:5, V to read as follows:

V.***(a)*** The commissioner of transportation may establish compact sections in the following cities and towns:
Amherst Keene
Bedford Laconia
Berlin Lebanon
Claremont Londonderry
Concord Manchester
Derry Merrimack
Dover Milford
Durham Nashua
Exeter Pelham
Franklin Portsmouth

Goffstown Rochester
Hampton Salem
Hanover Somersworth
Hudson

(b) The commissioner of transportation may establish compact sections in such other cities and towns as agreed between the department and the municipality. In addition to the authority in RSA 229:5, IV, the commissioner may review and adjust the compact limits for established compacts by agreement with the municipality.

SENATOR GRAY: I move amendment 2018-0809s. This corrects the error that we had, and adds, if you look at the amendment lines 2-4 in there which now does tell you which RSA is being amended. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Birdsell: SB 503
Senator Bradley: SB 404-FN-A
Senator Daniels: SB 503
Senator Fuller Clark: SB 404-FN-A, SB 565-FN
Senator Giuda: SB 503
Senator Gray: SB 503
Senator Hennessey: SB 404-FN-A
Senator Lasky: SB 404-FN-A
Senator Sanborn: SB 301-FN, SB 334-FN, SB 337, SB 341, SB 357, SB 361, SB 368, SB 389, SB 398, SB 404-FN-A, SB 406-FN, SB 408-FN, SB 409-FN,SB 424, SB 425, SB 430, SB 431, SB 438, SB 468-FN-A, SB 479, SB 480, SB 484, SB 485, SB 490, SB 493, SB 494, SB 495, SB 502-FN, SB 503, SB 512, SB 514-FN, SB 515, SB 516, SB 517, SB 518, SB 519, SB 520-FN, SB 523-FN, SB 524-FN, SB 544-FN, SB 547, SB 560-FN-L, SB 561-FN, SB 565-FN, SB 570-FN, SB 575-FN, SB 576-FN, SB 586-FN-A-L, SB 591-FN
Senator Watters: SB 404-FN-A
Senator Woodburn: SB 334-FN

LATE SESSION

Third Reading and Final Passage

SB 334-FN, relative to temporary licenses for occupations and professions for persons from other states.
SB 341, relative to the veterans' property tax credit for service-connected disability.

SB 368, establishing an exemption from shoreland protection permitting requirements for maintenance and repairs of existing roads and for borings and test wells.
SB 389, relative to administrative fees on restitution.
SB 398, relative to information contained in certain motor vehicle records.
SB 406-FN, requiring background checks for access to Internal Revenue Service federal tax information.
SB 424, relative to property and casualty insurance.
SB 425, relative to limited liability companies.
SB 468-FN-A, relative to fines and penalties collected by the department of environmental services.
SB 479, relative to the oversight commission on children's services and relative to the commission to review child abuse fatalities.
SB 484, reestablishing the commission to address child hunger in New Hampshire.
SB 485, establishing a committee to study the relationship between concierge medicine and New Hampshire and federal health insurance law.
SB 493, establishing a committee to study the codification of the exculpatory evidence schedule and related law enforcement protocols.
SB 502-FN, relative to transparency and standards for acquisition transactions in health care.
SB 503, relative to increasing the maximum amount of the optional veterans' tax credit.
SB 512, relative to compact sections of towns.
SB 514-FN, establishing a commission to create a New Hampshire recovery memorial.
SB 515, relative to commemorative license plates.
SB 516, prohibiting motorcycle-only checkpoints.
SB 517, establishing an electric vehicle charging stations infrastructure commission.
SB 518, relative to agency reports of real property owned or leased by the department.
SB 519, relative to the purchase of property for the construction of roads.
SB 524-FN, relative to head injury policies for the community college system of New Hampshire and the university system of New Hampshire.
SB 544-FN, providing that 2 percent of insurance tax collections be deposited in the fire standards and training and emergency medical services fund.
SB 561-FN, naming a bridge over the Little River between the towns of Plaistow and Atkinson the Lance Corporal Dimitrios Gavriel bridge.
SB 575-FN, relative to electric vehicle charging stations.
SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

CACR 16, Relating to privacy. Providing that an individual's right to live free of governmental intrusion is natural, essential, and inherent.
HB 1217, amending the certification requirements for school nurses.
HB 1227, relative to an unattended idling vehicle on private property.
HB 1237, relative to the definition of "public at large."
HB 1243, relative to exemptions from property attachments.
HB 1247, relative to administering oaths to certain state officers.
HB 1252-FN, relative to certificates of insurance.
HB 1265, relative to the release of criminal conviction records.
HB 1280-FN, relative to bow and arrow hunting licenses for permanently disabled military veterans.
HB 1281, establishing an executive order registry.
HB 1283, prohibiting sobriety checkpoints.
HB 1284, relative to the reports required by the incapacitated and vulnerable adult fatality review committee.
HB 1285, relative to dancers and entertainers in premises serving alcoholic beverages.
HB 1288, relative to petitions for annulment.
HB 1289, relative to trespassing domestic fowl.
HB 1303, relative to the purposes of revolving funds in towns.
HB 1304, relative to the authorization for forensic audits by a county convention.
HB 1310, establishing a committee to study all non-regulatory boards and commissions.
HB 1329, relative to eyewitness identification procedures.
HB 1335, relative to the cybersecurity software used by the state of New Hampshire.
HB 1352-FN, eliminating the nonresident freshwater bait dealers license.
HB 1356, relative to data sharing between the department of environmental services and the department of health and human services.
HB 1361, relative to county audits.
HB 1374, relative to financial regulation technicals.
HB 1401, relative to the New Hampshire accountancy act.
HB 1404, relative to the competing harms defense.
HB 1416-FN, repealing the prohibition on bottle rockets.
HB 1420-FN, relative to a criminal penalty for driving after certification as an habitual offender.
HB 1425-FN, relative to simple assault.
HB 1441-FN, establishing the office of the ombudsman in the department of state.
HB 1446, relative to childhood cancer awareness month.
HB 1458, relative to exempting certain rules governing marine species from the administrative procedures act.
HB 1467, relative to the penalty for driving after revocation or suspension.
HB 1468, establishing a commission to study legislative oversight activities related to the department of health and human services.
HB 1472, relative to the state building code provisions for energy conservation in new building construction.
HB 1477-FN, relative to annulment of arrests or convictions for possession of 3/4 of an ounce of marijuana, or less.
HB 1483, amending the wiretapping and eavesdropping statute to include private communication networks.
HB 1494, relative to the definition of academic standards.
HB 1498, relative to alternate certification pathways for career and technical education instructors.

HB 1545, relative to the statewide interoperability executive committee.
HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes.
HB 1565-FN, relative to requiring the secure psychiatric unit to be accredited as a psychiatric hospital and making an appropriation therefor.
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 1598-LOCAL, relative to the vote to withdraw from a cooperative school district.
HB 1622, relative to organization of the department of information technology.
HB 1637, requiring school districts to establish policies relating to suspensions and expulsions.
HB 1638, declaring April 7, 2018 as tabletop gaming day in New Hampshire.
HB 1664, relative to terms of appointment of members of governing boards for allied health professionals.
HB 1673-FN-LOCAL, relative to the interest charged on late and delinquent property tax payments.
HB 1674, relative to computer science and digital skills required for an adequate education.
HB 1676-FN, repealing the licensing requirement for open-air shows and repealing the laws related to the keeping of billiard tables.
HB 1738, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs.
HB 1740, relative to costs of blood testing orders.
HB 1791-FN, allowing pharmacists to disclose information relative to lower cost drugs under the managed care law.
HB 1808, repealing certain inactive dedicated funds.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

March 8, 2018

The Senate reconvened at 1:00 p.m., a quorum being present.

Senator Birdsell offered the following prayer:

O God, from whom all power comes, by whose divine will all must abide. We pray to keep everyone safe in the aftermath of yet another New England Northeaster. We thank you for our civil liberties and freedom for our opportunities and our privileges. We beg of you to bless, assist and enlighten the Senators in this body today and always. May they prove worthy of the confidence placed in them by their fellow citizens. May they be just and upright in their thinking, honest in all their actions and ever be guided by a true conscience of the legislation they propose or vote on. Hold in your protective hands our military and first responders. Forgive us all our mistakes and selfish tendencies and help prepare us by our good deeds for an eternal union with you. Dear Christ Our Lord, Amen.

Senator Gray led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: I'm not sure they're here Mister President. I'm very proud to have the White Mountain School in Bethlehem, New Hampshire, a great preparatory school. They're down for two days visiting Concord and our state government. Welcome to the Statehouse.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: I would be introducing my daughter who's somewhere in the building, but not here, because she's studying for AP Physics and Calculus. So, Katie wherever you are keep studying.

INTRODUCTION OF PAGES

Senator Birdsell introduced Catherine McCarthy and Cole Fournier from Pinkerton Academy, serving as Senate Pages for the day.

FN REPORT FOR MARCH 8, 2018

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with a fiscal note or an appropriation of funds:

CONSENT CALENDAR:

HEALTH AND HUMAN SERVICES
SB 581-FN, relative to pharmacy benefit managers under the managed care law.

JUDICIARY
SB 391-FN, relative to sexual assault survivors' rights.
SB 497-FN, relative to breast-feeding.
SB 498-FN, relative to information on property seized pursuant to a criminal proceeding.
SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.
SB 584-FN, prohibiting electroconvulsive therapy on children 16 years of age or under.

REGULAR CALENDAR:

COMMERCE
SB 317-FN, relative to veterans' preference in public employment.
SB 566-FN, relative to unemployment compensation for school bus drivers and monitors.

ELECTION LAW AND INTERNAL AFFAIRS
SB 527-FN-L, relative to absentee voting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.
SB 462-FN, relative to occupational licensure, certification, or registration for persons with criminal records, and relative to license applicants for barbering, cosmetology, esthetics, and manicuring.
SB 570-FN, relative to the work requirement for the child care scholarship program.
SB 588-FN, relative to inspections of laboratories.
SB 589-FN, relative to regulation of certified recovery support workers.

HEALTH AND HUMAN SERVICES
SB 546-FN, relative to purchasing alliances.

TRANSPORTATION
SB 559-FN-A, making an appropriation for a sound barrier on the Everett Turnpike in Bedford.
SB 585-FN, authorizing the New Hampshire Breast Cancer Coalition to issue decals for multi-use decal plates.

WAYS AND MEANS
SB 410-FN, establishing a registration fee for canoes and kayaks.
SB 411-FN-A, eliminating the cap on the research and development tax credit.

Senator Daniels recommends the following bills be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

CONSENT CALENDAR:

EDUCATION
SB 525-FN, prohibiting the distribution of higher education and adult education financial assistance to any student who is not a legal resident—if Inexpedient to Legislate recommendation is overturned.

HEALTH AND HUMAN SERVICES
SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome (NAS).
SB 572-FN, relative to the individual health insurance market—if Interim Study recommendation is overturned.
SB 583-FN, establishing a pilot program to eliminate employment barriers for certain parents.

JUDICIARY
SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.
SB 557-FN, establishing a board of housing development appeals.

REGULAR CALENDAR:

COMMERCE
SB 553-FN, relative to mental health parity for workers' compensation—if Interim Study recommendation is overturned.
SB 567-FN, relative to workforce development and job training.

EDUCATION
SB 526-FN, relative to school breakfast programs.
SB 568-FN, relative to criminal history record checks for school employees and certain volunteers.

ENERGY AND NATURAL RESOURCES
SB 309-FN, relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.
SB 530-FN, relative to high voltage electric transmission lines in highway rights-of-ways—if Interim Study recommendation is overturned.
SB 569-FN, relative to animal cruelty.
SB 577, requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 463-FN, establishing an architectural paint can recycling program—if Inexpedient to Legislate recommendation is overturned.
SB 532-FN, relative to group II status of certain department of corrections officials.

SB 571-FN, requiring the department of health and human services to perform an efficiency audit—if Inexpedient to Legislate recommendation is overturned.

HEALTH AND HUMAN SERVICES
SB 582-FN, relative to caseload standards for child protective service workers in the department of health and human services.
SB 590-FN-A, making a supplemental appropriation to the state loan repayment program, relative to emergency involuntary admissions, and relative to the child protection act and making appropriations therefor.
SB 592-FN-A, relative to the child welfare system.

TRANSPORTATION
SB 562-FN, allowing the waiver of fees for reinstatement of a driver's license and registration in cases of demonstrated financial hardship—if Inexpedient to Legislate recommendation is overturned.

WAYS AND MEANS
SB 563-FN, establishing a recovery friendly workplace initiatives tax credit against business taxes administered by the community development finance authority.
SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.
SB 587-L, relative to the collection of fees for public parking facilities—if Inexpedient to Legislate recommendation is overturned.

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bill which is still in its respective committee:

JUDICIARY
SB 593-FN, relative to the penalty for capital murder.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

EDUCATION
SB 525-FN, by Senator Sanborn

ENERGY AND NATURAL RESOURCES
SB 446, by Senator Bradley

HEALTH AND HUMAN SERVICES
SB 581-FN, by Senator Bradley

JUDICIARY
SB 388, by Senator Woodburn

TRANSPORTATION
HB 1278, by Senator Gray

CONSENT CALENDAR

Senator Bradley moved that the Consent Calendars, with the relevant amendments as printed in the day's Calendars be adopted and that all such bills found Ought-to-Pass be ordered as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

EDUCATION
HB 1370, relative to a school's emergency management plan.

Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

This bill requires the department of education to provide a copy of a school's emergency management plan, as updated, to the director of homeland security and emergency management, department of safety. This bill makes an important change based on legislation passed last year to ensure that these emergency plans are given to all who may need them. These emergency plans include those that deal with active shooters. The committee amended the bill to clarify language that these plans will also be provided to local emergency authorities.

Senate Education
March 6, 2018
2018-0963s
06/05

Amendment to HB 1370

Amend RSA 189:64, II as inserted by section 1 of the bill by replacing it with the following:

II. ***Each school shall provide*** the plan ***to, and coordinate the plan [***~~shall be coordinated~~] with***,*** local emergency authorities and with the emergency operations plan in the municipality in which the school is located. Each school shall review its plan at least annually and update the plan, as necessary, and shall submit the updated plan to the department of education by September 1. If after review, the plan is unchanged, the school shall notify the department by September 1 that the plan is unchanged. ***The department shall provide a copy of any updated plan to the director of homeland security and emergency management, department of safely.*** The director of homeland security and emergency management, department of safety shall assist school districts in conducting training for and providing support to school districts in the development, implementation, and review of an emergency response plan, as may be needed.

2018-0963s

AMENDED ANALYSIS

This bill requires the department of education to provide a copy of a school's emergency management plan, as updated, to the director of homeland security and emergency management, department of safety.

This bill also requires a school to provide its emergency management plan to, and coordinate it with, local emergency authorities.

HEALTH AND HUMAN SERVICES
SB 478, establishing an advisory council on lactation.
Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

This bill would amend and reauthorize the advisory council on pregnancy and lactation. This council has made large strides in providing information and services to pregnant and lactating women as well as employers. It is important that the work of the council continues in order to ensure that our state becomes a more welcoming place for young people to start and raise a family.

Health and Human Services
March 6, 2018
2018-0977s
08/03

Amendment to SB 478

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Advisory Council on Lactation. Amend RSA 275 by inserting after section 76 the following new section:

275:77 Advisory Council on Lactation.

I. There is hereby established an advisory council on pregnancy and lactation. The advisory council shall be comprised of:

(a) One member of the senate, appointed by the senate president.

(b) Two members of the house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of labor, or designee.

(d) The commissioner of the department of transportation, or a designee from the division of aeronautics, rail, and transit.

(e) Two members from the business community, one from a business with 50 or more employees and one from a business with less than 50 employees, both appointed by the governor.

(f) A member of the New Hampshire Business and Industry Association, appointed by the president of that association.

(g) One individual representing women of color regarding health equity, appointed by the president of the New Hampshire chapter of the American Civil Liberties Union.

(h) One member from the New Hampshire Medical Society representing obstetrics and gynecology, appointed by the president of that association.

(i) The executive director of the human rights commission, or a member of the commission's board.

(j) One member from National Education Association for New Hampshire, appointed by the president of that association

(k) One member from the department of health and human services, division of public health, appointed by the director of that division.

(l) A representative from the Women, Infants, and Children program (WIC), appointed by the commissioner of the department of health and human services.

(m) A certified midwife, appointed by the midwifery council established in RSA 326-D:3.

(n) The president of the New Hampshire Breastfeeding Rights Coalition and the Rustik Baby Project, or designee.

(o) The chairperson of the New Hampshire breastfeeding task force, or designee.

(p) A hospital administrator from a certified baby-friendly hospital, appointed by the governor.

(q) A mother who is breastfeeding a child or children, appointed by the governor.

(r) An attorney with experience in human rights issues, appointed by the New Hampshire commission for human rights.

II. The advisory council shall:

(a) Examine best practices on behalf of pregnant women and lactating mothers in New Hampshire.

(b) Research availability of accommodations and support for lactating mothers in the public arena, including but not limited to transportation hubs, educational institutions, government buildings, and courts and correctional facilities.

(c) Review definition of sex discrimination and disparate treatment related to pregnancy and lactation on federal and state levels in order to consider amendments to existing statutes.

(d) Review federal and state definitions of reasonable accommodations and clarify definitions for state laws as it related to pregnancy and lactation accommodations.

(e) Clarify that lactation is a medical condition related to pregnancy.

(f) Review the history of pregnancy and lactation legislation in New Hampshire.

III. Legislative members shall receive mileage at the legislative rate while attending to the duties of the advisory council.

IV. The advisory council may meet as often as necessary to accomplish its goals and meetings may be held by conference call. A minimum of 3 meetings per year shall be open to the public.

V. The advisory council shall submit an interim report on November 1, 2018, and a final report on November 1, 2019, detailing its activities and findings, together with any recommendations for proposed legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

2 Transition. The advisory council on pregnancy and lactation established in RSA 275:77 shall continue the work of the advisory council on lactation established in RSA 275:76, but repealed by 2016, 232:3, I.

SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome (NAS).
Ought to Pass with Amendment, Vote 5-0. Senator Hennessey for the committee.

> This bill as amended would create a pilot program in four geographically dispersed locations to help in creating services for Neonatal Abstinence Syndrome. This is a debilitating condition that infants born to mothers with substance use disorders suffer from. This problem is on the rise in New Hampshire and we need to make sure there are services available for some of the most vulnerable people in our society.

Health and Human Services
March 6, 2018
2018-0987s
01/04

Amendment to SB 548-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome and making an appropriation therefor.

Amend the introductory paragraph of paragraph I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner of the department of health and human services shall establish a 3-year pilot program in 4 geographically dispersed areas in New Hampshire that provides therapeutic intervention to infants diagnosed with neonatal abstinence syndrome (NAS) and their families and caregivers. The program shall:

Amend paragraph V as inserted by section 1 of the bill by replacing it with the following:

V. The commissioner shall make an interim report relative to the progression of the program on or before November 1, 2019 and a final report on or before November 1, 2020, together with any recommendations for legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

Amend the bill by replacing all after section 2 with the following:

3 Appropriation. The sum of $589,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of health and human services for the purposes of this act. This appropriation shall be in addition to any other moneys 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.

4 Effective Date.

I. Section 2 of this act shall take effect November 1, 2020.

II. The remainder of this act shall take effect upon its passage.

2018-0987s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to establish a 3-year pilot program that provides therapeutic intervention to infants diagnosed with neonatal abstinence syndrome.

This bill makes an appropriation for the purposes of the bill.

SB 572-FN, relative to the individual health insurance market.
Interim Study, Vote 5-0. Senator Bradley for the committee.

This bill would have sought to remove the Medicaid expansion population out of the individual market and into their own risk pool. Currently there is legislation in the process that would remove the Medicaid expansion population from the individual market and into the managed care population making this bill no longer necessary.

SB 583-FN, establishing a pilot program to eliminate employment barriers for certain parents.
Ought to Pass, Vote 5-0. Senator Bradley for the committee.

This bill establishes a 2-year pilot program for case management and employment counseling for certain parents enrolled in the New Hampshire employment program or otherwise eligible for TANF. Having a criminal record is a clearly identified barrier to employment. This pilot program would provide services to individuals, eligible for TANF, to help annul their criminal record with the goal of them obtaining full time employment. This bill does not change the annulment statutes or process but simply helps individuals get the services needed to work through the annulment process. This program would be funded completely with TANF reserve dollars.

JUDICIARY

SB 391-FN, relative to sexual assault survivors' rights.
Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

This bill will establish a sexual assault survivors' commission tasked with consulting on policy with law enforcement, prosecution, forensic examiners, health care providers, and representatives

of sexual assault survivor advocacy organizations. The commission will work with stakeholders to disseminate and implement best practices in dealing with cases of sexual assault and work in development, outreach, engagement, and training associated with victim-centered care for sexual-assault survivors.

Senate Judiciary
March 6, 2018
2018-0956s
04/10

Amendment to SB 391-FN

Amend the title of the bill by replacing it with the following:

AN ACT establishing a sexual assault survivors' rights commission.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Department of Justice; Sexual Assault Survivors' Rights Commission. Amend RSA 21-M by inserting after section 17 the following new subdivision:

Sexual Assault Survivors' Rights Commission

21-M:18 Sexual Assault Survivors' Commission.

I. There is established a sexual assault survivors' rights commission to develop, coordinate, and disseminate best practices regarding the care and treatment of sexual assault survivors and the preservation of forensic evidence. The commission shall consist of the following members:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One senator, appointed by the president of the senate.

(c) The attorney general, or designee.

(d) The commissioner of the department of health and human services, or designee.

II. The commission shall consult with and solicit advice and testimony from law enforcement personnel, prosecution, forensic laboratory personnel, counseling, forensic examiners, health care providers and representatives from not less than 3 national organizations and state coalitions with demonstrated expertise in sexual assault prevention, sexual assault advocacy, or representation of sexual assault victims, particularly representatives of underserved or ethnic minority communities.

III. The commission shall:

(a) Improve the coordination of the dissemination and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence to hospital administrators, physicians, forensic examiners, medical associations, and health care professionals.

(b) Develop and implement, where appropriate, clinical guidelines and other incentives to encourage the adoption and implementation of best practices and protocols regarding the care and treatment of sexual assault survivors and the preservation of evidence among hospital administrators, physicians, forensic examiners, and other medical associations and health care professionals.

(c) Improve the coordination of the dissemination and implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence to state and county attorneys, state and local law enforcement agencies, health care facilities, and forensic laboratory directors and managers.

(d) Develop and implement, where appropriate, incentives to encourage the adoption or implementation of best practices regarding the care and treatment of sexual assault survivors and the preservation of evidence among state and county attorneys, state and local law enforcement agencies, health care facilities, and forensic laboratory directors and managers.

(e) Collect feedback from state and local law enforcement agencies, victim services, forensic science practitioners, and health care professionals to inform development of future best practices clinical guidelines regarding the care and treatment of sexual assault survivors.

(f) Perform other activities, such as activities relating to development, dissemination, outreach, engagement, or training associated with advancing victim-centered care for sexual assault survivors.

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. The commission shall meet not fewer than 2 times and not more than 5 times each year. Four members of the commission shall constitute a quorum.

V. Not later than one year after the effective date of this section, and annually thereafter, the commission shall submit a 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.

2 Effective Date. This act shall take effect upon its passage.

2018-0956s

AMENDED ANALYSIS

This bill establishes a sexual assault survivors' right commission.

SB 497-FN, relative to breast-feeding.
Ought to Pass with Amendment, Vote 5-0. Senator Gannon for the committee.

This bill will allow an individual who has been discriminated against in employment or housing due to pregnancy or a medical condition which results from pregnancy to file a discrimination claim with the State Commission for Human Rights or seek an immediate injunction in superior court. Under this bill, individuals will have an avenue to pursue discrimination claims through superior court, as a claim with the State Commission for Human Rights can take an extended amount of time.

Senate Judiciary
February 13, 2018
2018-0586s
08/04

Amendment to SB 497-FN

Amend RSA 132:10-d as inserted by section 1 of the bill by replacing it with the following:

132:10-d Breast-feeding. Breast-feeding a child does not constitute an act of indecent exposure and to restrict or limit the right of a mother to breast-feed her child is discriminatory. ***A person who has been discriminated against in employment or housing due to pregnancy or a medical condition which results from pregnancy may file a***

discrimination claim with the state commission for human rights under RSA 354-A or may seek immediate injunctive relief in superior court.

2018-0586s

AMENDED ANALYSIS

This bill creates a cause of action for a person who has been discriminated against in employment or housing due to pregnancy or a medical condition which results from pregnancy.

SB 498-FN, relative to information on property seized pursuant to a criminal proceeding.
Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

This bill requires the Attorney General to post an annual report on the Department of Justice's website detailing forfeiture activity in the state. The information required is already compiled by the Attorney General's Office and this bill will simply adjust the manner of posting to create improved transparency within the State.

Senate Judiciary
March 2, 2018
2018-0899s
04/06

Amendment to SB 498-FN

Amend the title of the bill by replacing it with the following:

AN ACT requiring an annual report detailing activity related to forfeiture of personal property.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Forfeitures of Personal Property; Report. Amend RSA 617 by inserting after section 11 the following new section:

617:12 Report.

I. The attorney general, no later than 120 days after the close of the fiscal year, shall post a report on the department of justice website detailing forfeiture activity in the state, for the preceding fiscal year, including the type, approximate value, and disposition of the property seized, and the amount of any proceeds received or expended at the state and local levels. The report shall provide a categorized accounting of all proceeds expended. Summary data on seizures, forfeitures, and expenditures of forfeiture proceeds shall be provided by the law enforcement agency in disaggregated form to the attorney general.

II. The attorney general may include proposed legislative recommendations to improve policies to ensure that seizures and forfeitures are undertaken and reported in a manner that is fair to crime victims, innocent property owners, secured interest holders, citizens, and law enforcement officers.

2 Effective Date. This act shall take effect 60 days after its passage.

2018-0899s

AMENDED ANALYSIS

This bill requires the attorney general to post an annual report on the department's website detailing activity related to forfeiture of personal property.

SB 500, amending references to firearms terminology.
Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

This bill will amend current state statutes by condensing and clarifying firearm terminology and the Fish and Game statute. The bill further removes the prohibition of carrying a loaded rifle or shotgun in or on a stationary motor vehicle, OHRV, snowmobile, or aircraft for the purposes of protecting livestock and crops.

Senate Judiciary
March 6, 2018
2018-0966s
04/10

Amendment to SB 500

Amend the bill by replacing all after the enacting clause with the following:

1 Pistols and Revolvers. Amend RSA 159:12, II(a) to read as follows:

(a) Fathers, mothers, grandparents, guardians, administrators or executors who give a ***pistol or*** revolver to their children or wards or to heirs to an estate.

2 Protection of Persons From Domestic Violence; Definitions. Amend RSA 173-B:1, XI to read as follows:

XI. "Firearm" means any weapon, including a starter gun, which will [~~or~~]***,*** is designed to***,*** or may readily be converted to expel a projectile by [~~force of gunpowder~~] ***the action of an explosive***.

3 General Provisions as to Fish and Game; Definitions. Amend RSA 207:1, I to read as follows:

I. ***Air Rifle: A gun operated by a compressed air or nonflammable gas cylinder by which a projectile of any size or kind can be discharged or propelled.***

I-a. Angling: The taking of fish by line in hand, or rod in hand to which is attached a cast of artificial flies, or an artificial bait, or hooks or other devices for the attachment of bait. A person may have in use not more than 2 such lines at one time. Nothing in this title shall prohibit the use of a rod-holder in a boat.

4 New Paragraph; General Provisions as to Fish and Game; Definitions. Amend RSA 207:1 by inserting after paragraph V the following new paragraph:

V-a. "Firearm" means any weapon, including a starter gun, which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.

5 New Paragraph; General Provisions as to Fish and Game; Definitions. Amend RSA 207:1 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Loaded" shall mean a round in the chamber fully dischargeable by pulling the trigger.

6 General Provisions as to Fish and Game; Lawful Methods of Taking. Amend RSA 207:3, I to read as follows:

I. Wildlife shall be taken in the daytime between 1/2 hour before sunrise and 1/2 hour after sunset with a gun***, firearm, muzzleloader, or air rifle,*** fired at arm's length***,*** or bow and arrow ***or crossbow***, unless otherwise specifically permitted.

7 Hunting From Motor Vehicle, OHRV, Snowmobile, Boat, or Aircraft. Amend RSA 207:7, II-IV to read as follows:

II. No person shall [~~have or~~] carry, in or on a motor vehicle, OHRV, snowmobile, or aircraft, [~~whether~~] ***when*** moving [~~or stationary~~], a cocked crossbow, a loaded rifle or loaded shotgun, [~~or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun~~] ***except a person or a person's agent while in the act of protecting his or her interest in their livestock or crops. Such person or the person's agent may carry a loaded rifle or shotgun while traveling through or between farming or agricultural areas while in the course of protecting his or her interest in their livestock or crops***.

III. No person shall have in or on a boat or other craft while being propelled by mechanical power, or in a boat or other craft being towed by a boat or other craft propelled by mechanical power, a cocked crossbow, a loaded rifle or loaded shotgun[~~, or a rifle or shotgun with a cartridge in a magazine or clip attached to the gun~~].

IV. The provisions of this section shall not apply to law enforcement officers carrying guns ***or firearms*** in the line of duty.

8 Game Animals; Bow and Arrow. Amend RSA 208:5, V to read as follows:

V. The licensee shall [~~not~~] be entitled to carry [~~any~~] firearms while hunting under the provisions of this section, unless such licensee [~~also possesses a valid firearms hunting license or a valid license to carry firearms issued pursuant to RSA 159~~] ***is prohibited by state or federal law from carrying a firearm***.

9 Hunting, Fishing, Trapping; Refusing Licenses. Amend RSA 214:17 to read as follows:

214:17 Refusing Licenses; Appeal. The executive director and his agents shall refuse to issue any license to hunt if it appears that the applicant is [~~not a suitable person to carry firearms~~] ***prohibited by state or federal law from carrying a firearm***. Any person who has been refused a license by an agent shall have the right of appeal to the executive director, whose decision, given after hearing, shall [~~be final~~] ***not be reviewable for a period of one year from the date of the refusal***. Any attempt to secure a license from another agency, after having been refused by an agency and before appealing to the executive director, and any attempt to secure a license from any source in the same year that the executive director, on appeal, has decided that the applicant is [~~not a suitable person to carry firearms~~] ***prohibited by state or federal law from carrying a firearm***, shall be a violation of the provisions of this chapter.

10 Obstructing Governmental Operations; Taking a Firearm From a Law Enforcement Officer. Amend RSA 642:3-a, V(a) to read as follows:

(a) "Firearm" [~~has the meaning given that term in section 921 of Title 18 of the United States Code~~] ***means any weapon, including a starter gun, which will, is designed to, or may be readily converted to expel a projectile by the action of an explosive***.

11 Repeal. RSA 214:18, relative to the executive director's authority to suspend or revoke the license of a physically or mentally improper or incompetent person, is repealed.

12 Effective Date. This act shall take effect 60 days after its passage.

2018-0966s

AMENDED ANALYSIS

This bill amends the definition of firearm in certain statutes. The bill also removes the prohibition on carrying a loaded rifle or shotgun in or on a stationary motor vehicle, OHRV, snowmobile, or aircraft. The bill also defines air rifle for the purpose of the fish and game laws.

The bill also allows the taking of wildlife with a muzzleloader, crossbow, or air rifle.

SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.
Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

This bill establishes procedures to streamline the resolution of complaints under RSA 91-A, establishes the citizens' right-to-know appeals commission and the office of the right-to-know ombudsman, and establishes an alternative process to resolve right-to-know complaints. The Committee amended the bill in order to clarify appropriate oversight parameters for the Commission and to implement workable deadlines for public bodies to respond to complaints.

Senate Judiciary
March 6, 2018
2018-0971s
01/04

Amendment to SB 555-FN-A

Amend the bill by replacing all after section 2 with the following:

3 New Sections; Citizens' Right-to-Know Appeals Commission; Office of the Ombudsman; Complaint Process; Appeals. Amend RSA 91-A by inserting after section 7 the following new sections:

91-A:7-a Citizens' Right-to-Know Appeals Commission Established. There is established a commission to provide oversight for an alternative right-to-know complaint resolution process.

I. The members of the commission shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(c) A member, appointed by the chief justice of the supreme court.

(d) The secretary of state, or designee.

(e) A representative of Right to Know NH, appointed by that organization.

(f) Ten citizen members, one from each county, no more than 4 of whom shall be current, local, county, state or federal employees or currently serving in any elected or appointed capacity with any political subdivision, public agency or public institution; and 10 alternate members, one from each county, no more than 4 of whom shall be current local, county, state, or federal employees or currently serving in any elected or appointed capacity with any political subdivision public agency or public institution; all appointed by the governor with advice and consent of the council.

II. The members of the commission shall serve without compensation, but shall be reimbursed for necessary travel and other necessary expenses. Legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

III. Legislative members of the commission shall serve a term coterminous with their term in office. The members appointed under subparagraph I(g) shall serve for a term of 3 years, except that the initial appointment of such members shall be for staggered terms of one, 2, and 3 years. No member shall serve more than 3 consecutive terms. No mem-

ber under subparagraph I(g) shall be a current lobbyist or an attorney for any entity subject to this chapter, or an attorney for any organization representing the interests of such entity. Nor shall any such member be employed by any such lobbyist or attorney. The member appointed under subparagraph I(d) shall recuse himself or herself from any court proceedings involving appeals under this chapter. The members appointed under subparagraphs I (c)-(f) shall be advisory only members who shall advise the voting members on questions of law and existing policy governing RSA 91-A.

IV. The commission shall:

(a) Establish rules of procedure, pursuant to RSA 541-A, to accomplish the mission of the commission to make resolution of complaints under this chapter fast, easy, and inexpensive.

(b) Make recommendations to the legislature concerning proposed changes to this chapter.

(c) Create, and update annually, educational materials relative to this chapter.

V. The members of the commission shall elect a chairperson and a vice chairperson annually from among the voting 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 voting members of the commission shall constitute a quorum.

VI. The commission shall be administratively attached to the department of state.

VII. Beginning November 1, 2019, and each November 1 thereafter, the commission shall submit an annual report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, and the governor. The report shall also include the total number of complaints received, the number of complaints received concerning public records and public meetings, the number of complaints received concerning state and county agencies, municipalities, school administrative units, and other public entities, the number of complaints in which a ruling was rendered by the ombudsman, the number of violations of each provision of this chapter found by the ombudsman, and the number of ombudsman rulings that were appealed to the superior court, including whether the appeal was from a complainant or a public agency or official, and whether the ombudsman's ruling was sustained before the superior court.

91-A:7-b Office Established. There is hereby established the office of the right-to-know ombudsman to be administratively attached to the department of state under RSA 21-G:10. The ombudsman shall be appointed by the governor and council, after consultation with the commission, and shall have the following minimum qualifications:

I. Be a member of the New Hampshire bar.

II. Have a minimum of 10 years full-time practice of law in any jurisdiction.

III. Be experienced with and knowledgeable of the provisions of this chapter, the federal Freedom of Information Act, and other states laws regarding right-to-know.

IV. Complete a minimum of 3 hours of continuing legal education courses or other training relevant to the provisions of this chapter.

91-A:7-c Complaint Process.

I. Any party aggrieved by a violation of this chapter shall have the option to either petition the superior court or file a signed, written com-

plaint with the office of the ombudsman, established under RSA 91-A:7-b. Any signed, written complaint filed with the ombudsman shall attach, if applicable, the request served on the public agency or official and the written response of the public agency or official. The complaint shall be deemed sufficient if it states facts constituting a violation of this chapter.

II. Once a complaint has been filed and provided by the ombudsman to the public body or public agency, the public body or public agency shall have 20 calendar days to submit an acknowledgment of the complaint and an answer to the complaint, which shall include applicable law and, if applicable, a justification for any refusal to or delay in producing the requested information. This 20-day deadline may be extended to a reasonable time frame by the ombudsman for good cause.

III. In reviewing complaints filed with the ombudsman, the ombudsman shall be authorized to:

(a) Compel timely delivery of records within a reasonable time, regardless of medium, and conduct a confidential in-camera review of records where the ombudsman concludes that it is necessary and appropriate under the law.

(b) Compel interviews with the parties.

(c) Order attendance at hearings within a reasonable time if the ombudsman determines that a hearing is necessary.

(d) Issue findings in writing to all parties.

(e) Order a public body or public agency to disclose requested records within a reasonable time, provide access to meetings, or otherwise comply with the provisions of this chapter, subject to appeal.

(f) Make any finding and order any other remedy to the same extent as provided by the court under RSA 91-A:8.

IV. The ombudsman may draw negative inferences from a party's failure to participate and comply with orders during the review process.

V. In implementing the provisions of this section, the ombudsman shall follow the procedures established by the commission.

VI. The ombudsman shall determine whether there have been any violations of this chapter and issue a ruling within 30 calendar days following receipt of the parties' submissions. This 30-day deadline may be extended to a reasonable time frame by the ombudsman for good cause. The ombudsman may also expedite resolution of the complaint upon a showing of good cause. Rulings on expedited complaints shall be issued within 10 business days, or sooner where necessary.

VII. The ombudsman shall, where necessary and appropriate under the law, access governmental records in camera that a public body or public agency believes are exempt in order to make a ruling concerning whether the public body or public agency shall release the records or portions thereof to the public. The ombudsman shall maintain the confidentiality of records provided to the ombudsman by a public body or public agency under this section and shall return the records to the public body or public agency when the ombudsman's review is complete. All records submitted to the ombudsman for in camera review shall be exempt from the public disclosure provisions of RSA 91-A.

VIII. Nothing in this section shall affect the ability of a person to seek relief in superior court under RSA 91-A:7, I in lieu of this process.

91-A:7-d Appeal and Enforcement.

I. Any party may appeal the ombudsman's final ruling to the superior court by filing a notice of appeal in superior court no more than 30 calendar days after the ombudsman's ruling is issued. The ombudsman's ruling shall be attached to the document initiating the appeal,

admitted as a full exhibit by the superior court, considered by the judge during deliberations, and specifically addressed in the court's written order. Citizen-initiated appeals shall have no filing fee or surcharge. The public body or public agency shall pay the sheriff's service costs if the public body or public agency, or its attorney, declines to accept service. Nothing in this section shall prevent a superior court from staying an ombudsman's decision pending appeal to the superior court.

II. A superior court appeal of the ombudsman's ruling shall review the ruling de novo.

III. If the ombudsman's final ruling is not appealed, the ombudsman shall, after the deadline has passed, follow up with all parties, as required, to verify compliance with rulings issued.

IV. The ombudsman's final rulings which are not appealed may be registered in the superior court as judgments and enforceable through contempt of court. If such action is necessary to enforce compliance, all costs and fees, including reasonable attorney fees, shall be paid by the noncompliant public body or public agency.

91-A:7-e Rulemaking. The commission, in consultation with the secretary of state, shall adopt rules pursuant to RSA 541-A relative to:

I. Establishing procedures to streamline the process of resolving complaints under this chapter.

II. Content of educational materials under RSA 91-A:7-a.

III. Other matters necessary to the proper administration of RSA 91-A:7-a through RSA 91-A:7-d.

4 Appropriation. The sum of $48,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of state for the purpose of compensating the position of ombudsman established in RSA 91-A:7-b as inserted by section 3 of this act. This appropriation is in addition to any other funds appropriated to the department of state. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Sections 1 and 4 of this act and, RSA 91-A:7-a and RSA 91-A:7-e as inserted by section 3 of this act shall take effect July 1, 2018.

II. The remainder of this act shall take effect April 1, 2019.

SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.

Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

> This bill revises the procedures for the granting of bail, amends the procedure for annulment of violations and class B misdemeanors depending on the date of conviction, and amends the requirements for demonstrating indigency for the purpose of annulment of a criminal record. The Committee amended the bill to clarify the language and to ensure that the appropriate procedures are in place.

Senate Judiciary
March 6, 2018
2018-0958s
04/01

Amendment to SB 556-FN

Amend RSA 597:2, III(a) and the introductory paragraph of RSA 597:2, III(b) as inserted by section 2 of the bill by replacing them with the following:

III.(a) The court shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or combination of conditions that the court may require unless the court determines by a preponderance of the evidence that such release will not reasonably assure the appearance of the person as required. A person who the court determines to be a danger to the safety of that person or the public shall be governed by the provisions of paragraph IV, except that such dangerousness determination shall not be based solely on evidence of drug or alcohol addiction or homelessness.

(b) In determining the amount of the unsecured appearance bond or cash or corporate surety bail under subparagraph II(a), if any, the court:

Amend RSA 597:2, IX as inserted by section 2 of the bill by replacing it with the following:

IX. Upon the appearance of a person charged with a class A or class B misdemeanor, the court shall issue an order that, pending arraignment, the person be released on his or her personal recognizance, unless the court determines pursuant to paragraph IV that such release will endanger the safety of the person or the public. The court shall appoint an attorney to represent any indigent person charged with a class B misdemeanor denied release for the purpose of representing such person at any detention hearing.

Amend the bill by replacing section 6 with the following:

6 Annulment of Criminal Records. Amend RSA 651:5, III(a) and (b) to read as follows:

(a)***(1)*** For a violation ***with a conviction date prior to January 1, 2019 or a violation with a conviction date on or after January 1, 2019 that was not the highest offense of conviction***, one year, unless the underlying conviction was for an offense specified under RSA 259:39.

(2) For a violation with a conviction date on or after January 1, 2019 where the violation was the highest offense of conviction, unless the underlying conviction was for an offense specified under RSA 259:39, or another violation for which there is an enhanced penalty for a subsequent conviction, after the person has completed all the terms and conditions of the sentence. If the court determines the conviction is eligible for annulment, the court shall submit a notice of its determination to the person convicted of the offense and to the prosecutor. The prosecutor shall have 20 days from the date of receipt of the notice to object to the annulment on the ground that the offense is not eligible for annulment or that the person has not completed all the terms and conditions of the sentence. If the prosecutor fails to timely object or the court denies the prosecutor's objection, the court shall annul the conviction.

(b)***(1)*** For a class B misdemeanor ***with a conviction date prior to January 1, 2019 or a class B misdemeanor with a conviction date on or after January 1, 2019 that was not the highest offense of conviction,*** except as provided in subparagraphs (f) and (h), 2 years.

(2) For a class B misdemeanor with a conviction date on or after January 1, 2019 where the class B misdemeanor was the highest offense of conviction, except as provided in subparagraphs (f) and (h), 2 years after the person has completed all the terms

and conditions of the sentence. If the court determines that a class B misdemeanor is eligible for annulment after 2 years, the court shall submit a notice of its determination to the person convicted of the offense and to the prosecutor. The prosecutor shall have 20 days from the date of receipt of the notice to object to the annulment on the ground that the offense is not eligible for annulment or that the person has not completed all the terms and conditions of the sentence. If the prosecutor fails to timely object or the court denies the prosecutor's objection, the court shall annul the conviction.

Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 11:

9 Annulment of Criminal Records. Amend RSA 651:5, III(d)-(e) to read as follows:

(d) For a class B felony except as provided in [~~subparagraph~~] ***subparagraphs*** (g) ***and (i)***, 5 years.

(e) For a class A felony, ***except as provided in subparagraph (i),*** 10 years.

10 Annulment of Criminal Records. Amend RSA 651:5, III(i) to read as follows:

(i) For a class A misdemeanor ***or felony offense*** under RSA 318-B:26, II[~~(d) or (e)~~], 2 years.

SB 557-FN, establishing a board of housing development appeals. Ought to Pass with Amendment, Vote 5-0. Senator Gannon for the committee.

> This bill establishes a board with concurrent, appellate jurisdiction with the superior court regarding municipal decisions on housing and housing developments. This will give housing developers the opportunity to challenge adverse local land use decisions outside of costly trial court. The Committee amended the bill to clarify the jurisdiction.

Senate Judiciary
March 6, 2018
2018-0967s
03/04

Amendment to SB 557-FN

Amend RSA 679:7 as inserted by section 1 of the bill by replacing it with the following:

679:7 Jurisdiction; Court Appeals.

I. In matters within its authority the board shall have concurrent, appellate jurisdiction with the superior court. An election by an applicant to bring an action before the board shall be deemed a waiver of any right to bring an action in the superior court; as such, the board shall retain jurisdiction of any matter originally brought before it.

II. In an appeal of a local decision on housing or housing development, any claim that is within the board's authority under RSA 679:5 and that has previously been or is subsequently included in an appeal in superior court by abutters or any other aggrieved or injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15 shall automatically be stayed by the court to provide the party with standing the opportunity to intervene in the matter before the board. If intervenor status is granted, the stay of the court action regarding those claims shall

continue during the pendency of the appeal to the board. After the board has decided the appeal, the court shall dismiss the matter before it to the extent the matter has been resolved by the board. Any claim included in an appeal to superior court that is not within the board's authority shall not be subject to automatic stay by the court.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2019.

SB 584-FN, prohibiting electroconvulsive therapy on children 16 years of age or under.
Inexpedient to Legislate, Vote 5-0. Senator Hennessey for the committee.

This bill would have prohibited children under the age of 16 from receiving electroconvulsive therapy as treatment for medical conditions. The Committee heard testimony that this treatment is rarely used on children and only in situations where the individual has not responded to other neurological treatments. Electroconvulsive therapy is widely accepted evidence based practice and it should continue to be allowed in medically necessary cases.

PUBLIC AND MUNICIPAL AFFAIRS
SB 340, relative to department of revenue administration guidelines for municipal audits.
Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

This bill as amended limits an audit of municipal accounts to events and transactions that occurred subsequent to the last completed audit. It also will categorize compliance into three separate sections of the final audit report. The first will categorize findings testing current assessing practices, the second will examine the permanent records and the third section will summarize compliance in a single conclusion statement.

Public and Municipal Affairs
February 21, 2018
2018-0803s
03/05

Amendment to SB 340

Amend the title of the bill by replacing it with the following:

AN ACT relative to the commissioner of revenue administration's assessment report.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Revenue Administration; Assessment Report. Amend RSA 21-J:11-a by inserting after paragraph III the following new paragraph:

IV. The report shall separately categorize compliance with findings that test current assessing practices since the year of the prior assessment report, examine permanent records, and summarize compliance in a single conclusion statement.

2 Effective Date. This act shall take effect 60 days after its passage.

2018-0803s

AMENDED ANALYSIS

This bill establishes additional requirements for the commissioner of revenue administration's assessment report.

TRANSPORTATION
SB 346, relative to requiring enhanced technology ignition interlock devices. Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

As amended, this bill requires that all ignition interlock devices required to be installed after the effective date of the legislation be enhanced technology interlock devices. This bill also eliminates the authority of the department of safety to order installation of an ignition interlock device in DWI cases not involving alcohol. Further, the bill requires that the interlock device, equipped with a camera, will transmit data as events occur. This bill is important in order to ensure that these devices are being used properly and by those for whom they were intended.

Senate Transportation
February 20, 2018
2018-0739s
03/04

Amendment to SB 346

Amend the bill by replacing sections 1 and 2 with the following:

1 Words and Phrases Defined; Enhanced Technology Interlock Device. Amend RSA 259:28-b to read as follows:

259:28-b Enhanced Technology Ignition Interlock Device. "Enhanced technology ignition interlock device" shall mean an ignition interlock device equipped with a camera and which [~~is capable of transmitting data as events occur~~] ***will transmit data as events occur and is capable of capturing and encoding as events occur a digital or photographic image of the vehicle driver including the time, date, and breath alcohol level of all breath attempts. Images and data shall be stored by the manufacturer for 3 years***.

2 New Paragraph; Alcohol Ignition Interlock Program. Amend RSA 265-A:36 by inserting after paragraph IV the following new paragraph:

IV-a. Wherever the term "alcohol ignition interlock device" or "ignition interlock device" is referred to in this chapter or in department administrative rules, it shall mean an enhanced technology ignition interlock device, as defined in RSA 259:28-b. A device installed on or before January 1, 2019 that is not an enhanced technology ignition interlock device may, if it is recalibrated within 30 days of installation and every 60 days thereafter, continue to be operated in the vehicle in which it was installed until January 1, 2022 or such time as the vehicle is replaced with a different vehicle, whichever occurs first, at which time it shall be replaced with an enhanced technology ignition interlock device.

Amend the bill by replacing all after section 3 with the following:

4 Alcohol Ignition Interlock Device; Recalibration. RSA 265-A:36, VI(a) is repealed and reenacted to read as follows:

(a) Provide recalibration of each enhanced technology ignition interlock device no less frequently than every 180 days unless otherwise ordered by the court;

5 Alcohol Ignition Interlock Device; Recalibration. Amend RSA 265-A:36, VI(g) to read as follows:

(g) Provide reports to the department when data specified in department rules becomes available. ***The reports shall be provided no less frequently than every 60 days.*** The department shall make data from the reports available to the director of the division of motor vehicles, appropriate prosecutor, prosecuting agency, treatment provider, proba-

tion officer, and defense attorney by means of authorizing the interlock provider to provide these entities with secure electronic access to the data via the interlock provider's web-based portal.

6 Effective Date.

I. Section 4 of this act shall take effect January 1, 2022.

II. The remainder of this act shall take effect January 1, 2019.

2018-0739s

AMENDED ANALYSIS

This bill requires that all ignition interlock devices required to be installed after the effective date of the bill be enhanced technology ignition interlock devices. This bill also eliminates the authority of the department of safety to order installation of an ignition interlock device in DWI cases not involving alcohol.

SB 401, relative to repair of roads not maintained by a municipality.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

This bill requires an owner of land that abuts a road that is not maintained by a municipality to repair and maintain his or her share of such road. The committee amended the bill in order to use similar language from the state of Vermont, to add a residential-only provision, and to make an exemption for class VI roads.

Senate Transportation
February 21, 2018
2018-0810s
03/06

Amendment to SB 401

Amend RSA 231:89-a, II as inserted by section 1 of the bill by replacing it with the following:

II. In the absence of an express agreement or requirement governing maintenance of a private road, when more than one residential owner enjoys a common benefit from a private road, each residential owner shall contribute rateably to the cost of maintaining the private road, and shall have the right to bring a civil action to enforce the requirement of this paragraph. This paragraph shall not apply to any highway defined in RSA 229:5.

SB 522, relative to alteration of speed limits.
Ought to Pass with Amendment, Vote 5-0. Senator Cavanaugh for the committee.

This bill eliminates certain restrictions on local authorities' power to decrease speed limits. The committee amended the bill to modify the authorization for local authorities to alter these speed limits, at the request of the prime sponsor. As other modes of transportation, such as bicycling, become more common, it is appropriate to allow municipalities to control the speed limits to be able to lower them to lesser limits as they deem appropriate in certain areas.

Senate Transportation
February 21, 2018
2018-0759s
03/08

Amendment to SB 522

Amend the bill by replacing section 1 with the following:

1 Alteration of Speed Limits. RSA 265:63 is repealed and reenacted to read as follows:

265:63 Alteration of Limits.

I. Notwithstanding the provisions of RSA 265:60, or any other law to the contrary, whenever local authorities in their respective jurisdictions determine on the basis of an engineering or traffic investigation that the prima facie speed permitted under this chapter is greater or less than is reasonable and safe under the conditions found to exist upon any way or part of a way, the local authority may determine and declare a reasonable and safe prima facie limit thereon which:

(a) Decreases the limit within any city or within any business or urban residence district or compact section of any city or town.

(b) Decreases the limit within a rural residential district.

(c) Increases the limit within an urban district but not to more than 60 miles per hour.

(d) Decreases the limit at intersections.

II. Local authorities in their respective jurisdictions shall determine by an engineering or traffic investigation the proper prima facie speed for all streets and shall declare a reasonable and safe prima facie limit thereon.

III. Local authorities shall not be required to hire outside consultants to determine the proper prima facie speed limits as provided in paragraphs I and II if the local community has sufficient staff to conduct the required engineering or traffic investigation.

IV. Local authorities shall not be required to conduct any additional investigation or study of a limit that, prior to the effective date of this paragraph, has been determined to be a reasonable and safe prima facie limit and appropriate signs giving notice thereof have been erected.

V. Any altered limit established as hereinabove authorized shall be effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice thereof are erected upon such street or way.

VI. Except for any way located in a compact section of any city or town designated pursuant to RSA 229:5, V, any alteration of limits on state highways or extensions thereof in a municipality by local authorities shall not be effective until such alteration has been approved by the commissioner of transportation.

VII. Notwithstanding the other provisions of this section, local authorities shall modify the speed limits authorized herein so that said speed limits shall not exceed the temporary prima facie speed limits established for the state highway system under RSA 265:62, II, so long as the same are in effect.

2018-0759s

AMENDED ANALYSIS

This bill modifies the authorization for local authorities to alter speed limits.

HB 1334, establishing a commission to review the structure of motor vehicle laws.

Ought to Pass, Vote 5-0. Senator Gannon for the committee.

> At the request of the Department of Safety, this bill establishes a commission to review the structure of motor vehicle laws. Since these laws have not been reviewed or updated since 1980, this commission is important in order to ensure that laws are up to date and as effective as possible.

The question is on the adoption of the Consent Calendar. Adopted.

REGULAR CALENDAR

EDUCATION
SB 431, relative to non-academic surveys required to be filed by school districts to maintain federal funding.
Inexpedient to Legislate, Vote 3-2. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 431 Inexpedient to Legislate. This bill would exempt certain surveys from the consent requirement for non-academic surveys and provide an opt-out for certain surveys. In 2017 the legislature dealt with the same issue in Senate Bill 43. At that time Senate Bill 43 created an opt-in structure, where no student would be required to volunteer or submit to a non-academic survey or questionnaire without written consent of a parent or legal guardian. The majority of the committee believes that the opt-in survey is still the best option and that parents and students should not be responsible for collecting various organizations data for them. Therefore, I ask your support in the motion of Inexpedient to Legislate on Senate Bill 431. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, and colleagues. I rise in opposition to the motion of Inexpedient to Legislate. As the chair of Senate Education has mentioned, this is a kind of a follow on to a discussion we've had last year, and other times as well. It has to deal with non-academic surveys that are often in our schools. You're probably most familiar with the student risk behavior survey which is done every two years over a wide range of topics and issues, and is very useful. That survey, we decided last year should be an opt-out. Parents are informed that it's going to occur and it was recognized as such great value, and also recognized the principle of opt-out instead of opt-in, that if you have opt-out you might be in the 80 percent or even higher of students who take it so you get a good data set, if you have opt-in you're down to 20's or low 30's and you get junk data, basically. We were told that last year and we considered that and I think it was important that the Chair of Senate Education and all this body recognized that really opt-out made a lot of sense and the case had been made for opt-out. During that time of hearings last year, we were told by many folks working at schools, working for Health and Human Services, school board members and so on that if we lost the opt-out provision on other kinds of surveys related to grants for example about student health or about sex abuse prevention, education and referrals about mental health issues, that we would be apt to lose those grants. And now we're a year later and Senator Gray I think understanding the issue that was raised, introduced this bill. I mean he knew in his own district that Rochester schools lose $1.2 million in essential grants, as a tax cap community they're not likely to find that money elsewhere to provide services dealing with student health.

Now what happens in these programs; grants are written, grant money is received from various federal and other kinds of and state and other agencies or through university research, and they want to know whether or not their grant proposals are effective. Are students actually getting, seeing better behaviors or are they reaching students or are there good results from that research? And it is quite clear because of these folks that provide these services are dealing with forty, fifty, sixty, seventy years of how to do this work and the scientists know that if you don't have good data, you really cannot evaluate the success of your programs.

So, here's what we heard in the testimony. We heard from New Futures, we heard from New Hampshire Health Collaborative and we heard particularly from the Concord schools, and the totals are hard to kind of calculate which is which category but I thought we immediately heard about $30.6 million worth of grants would be lost and particularly heard from HEART, from Concord, the second start program that says you know one of four children in the school system in Concord had parents who had a substance use, behavioral health, a problem and that meant the 1,475 students would not get help through that program if they didn't have it and they said that they made a referral of about fifty students a month to get additional health services because of what we reported to them and the service that they conducted. We also heard from Laconia School District about what it would lose as well. Now since the time of the hearing I happened to have some conversation with members of the Governor's Commission on Alcohol and Drugs and I've also talked to members of the Governor's Drug Task Force and they said, you know maybe $10.2 million we might lose. And I would say in those areas in particular, we had heard a lot of talk on the floor in the last few weeks about how much money we've put in in the budgets to try to do something about substance abuse disorders and I would say here we are about to throw away $40 million. Now I don't know where we're going to find to replace that but there it is.

And then also a couple of weeks ago I was at that event One Billion Rising which is for survivors of sex abuse, particularly child sex abuse, Haven is an organization that you may know in Rockingham County and Strafford County area. They serve about 10,000 of the 40,000 students there for child sexual abuse prevention, education and other groups all across the state do this kind of work in our schools. And I asked them about this and they say well if anything, we really need to show and to demonstrate to the funders that give us money to do this work in your schools, because the state's not providing that money, even though the state passed the law requiring that we do child sex abuse prevention education, we passed that law, we didn't put any money to it, so the schools go out and they get these kinds of grants, they said well we think we'd lose that. And I heard a story about you know one fourth grader who you know they go back two or three times and a fourth grader went up to one of the providers and said, you know there was a boy who was doing something that he shouldn't be doing, made me uncomfortable touching me and I went to a trusted adult just like you said and asked them to make him stop and it stopped. Now I know it's an anecdote, one child but that's what these programs are about and the surveys they have to do to demonstrate that they're having an impact there. And I'm just, you know the frustration I feel is that we're all going to vote most of us for Marsy's Law, right? It has more to do with the victims of child sex abuse. Well I'm glad we're going to help the victims because we're going to create more victims if we don't fund this kind of services for our children.

Now what is the opposition to this? As I said before, there's been a recognition in Senate Education and in this body that opt-out is a good way to go on a really important survey. So why do these have to be opt-in? Well what do we hear from? We hear from a small group of parents. You know I get the emails from Senate Education; it's about twenty emails I get, say we shouldn't have these things forced upon our kids, it's intrusion, they don't like maybe they don't like because certain topics like drugs or sex abuse are being talked about, you know you get various things there. It's a relatively small group. And what gets me about it is that

right now if they don't want their student to be the class and they get informed about these, they can say just my kid doesn't take it, but they don't want anybody else's kid to take it either. So, what's the point here, twenty or thirty people are telling us that the hundreds of thousands of students in our communities who are being benefitted by these grants, these programs, that they don't want them to get it either. Why can't they just be happy opting out when they want to opt-out instead of saying everybody has to lose these kinds of services?

Well, we have an option here, there was discussion in the hearings about well okay if we're going to have opt-out, let's say the local school boards can make that decision about to do an opt-out instead of an opt-in and what they have to do and I have a Floor Amendment that would say and we discussed this in the hearings, okay if they're going to do the opt-out route, they've got to have a public hearing, the survey has to be available, the grant that they're going to apply for before they can accept the plan has a public hearing about it, parents can come in at, you know we hear a lot of talk here about how the local school board and our constitution says that education's supposed to be local for the most part, right? So why not let the school board sufficiently notice things? Here's the survey, here's what the programming is, here's what the grant is, have a public hearing and decide. And I think that makes a lot of sense particularly because what I've heard from local school boards is that we're not even applying for grants, some of these grants anymore because this is what might happen. It's really discouraging that we might deny these services.

And finally, I'd like to say this who might say, well why can't these researchers get 90 percent return on opt-in? Well they had forty, fifty, sixty years of experience trying to do that you even try to get students to you know get a note from their parents to go on a field trip for example and you can see what happens with that. And the other part of it too, is that do you really want all that grant money going to some elaborate incredible procedure trying to contact every parent or guardian in the school district and have all the money go to that instead of the money going to provide services to the students? Well we can vote down the ITL, I can give you my Floor Amendment, we can let our students get behavioral help with drug and sex abuse prevention education that they need. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: I'll be brief Mister President, thank you. You know I argued last year that this is important data that we gather about high school students and as an academic researcher and someone who uses data like this, I have a deep understanding of its importance. And when I look at some of the things that the surveys measure; social behavior, family life, sexual orientation, drug use I can imagine being able to build a statistical case that tells us the likelihood that a young person will become a drug addict later in life or an alcoholic, or perhaps an abuser of other people. If we don't gather this information, we're missing opportunities to shape our future, to build better public policy and to build a better life for the people of New Hampshire. We need this data. It's important data to have.

I know from doing surveys where people opted in, if you got 40 percent you were gold. Forty percent is not enough with this population, it does not give you the level of statistical significance and confidence that you need to draw firm conclusions. This is something that really needs to

happen. So, we want to use this research to build the case, based on risk exposures at a young age and help to avoid serious situations at a later age. I think we need to overturn the ITL because supporting the ITL to me is saying we don't need information, we don't want information, we'll just go with anecdotal evidence the rest of our lives and we'll throw money at things as they come at us even though we might have been able to prevent them ten years prior had we had the data. Thank you, Mister President.

(The Chair recognized Senator Cavanaugh for a question of Senator Watters.)

SENATOR CAVANAUGH: Thank you for taking my question. The total was $40 million?

SENATOR WATTERS: Thank you for the question. And counting. From what I understood and sometimes hard to categorize, it was about 30.2 million that we were hearing through Health and Human Services and maybe another 10.2 that I was hearing about from the Governor's Council and the Drug Task Force and then you know I'm not exactly sure, of course I know the Haven group and they have you know $7 million of grants, but I assume across the state there's many, many things and there's the 1.2 million in Senator Gray's district so I think there's so much more than we even know until this hits the brick wall.

SENATOR CAVANAUGH: If those programs aren't funded with that, whatever that total amount is, would the local property taxpayers have to pick that up, then. If they wanted to keep those programs going?

SENATOR WATTERS: Well thank you for the question, and a good question. I can't imagine corporate property tax payers maybe in Manchester, property taxpayers under a tax cap in Rochester or in Somersworth and Dover or you know over in my district could possibly even hit another million or two under the cap.

SENATOR CAVANAUGH: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise against the ITL. We had a bipartisan discussion here by two distinguished colleagues, who gave you a wonderful iteration as to why this should be overturned. But I think the key for us we're a data driven society. We need this data to make significant decisions as we move forward. We're all pressed. I live in a tax cap community. That tax cap affects education. It affects education in a very, very significant way. So, I ask my colleagues, heed the information that was brought forward by the Senator from Dover and the Senator from Newcastle as to why overturning this is so important. It's important to all of us and the communities that we represent. We're a data driven society. We all know that because we make decisions in this body based on the data that's provided to us without that data, those decisions are not going to be as solid or as qualified as they should be. Thank you, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator Reagan.)

SENATOR SANBORN: Senator, thank you for taking the question. It was my understanding if I heard the Senator from District 4 correct about his concern about federal money coming in if this bill were to go along the lines being recommended, that the Commissioner of Education had actually come back with a letter to indicate there would be no loss of federal funds or grants. Is that correct?

SENATOR REAGAN: I believe that the Senator from Senate District 3 has that letter.

SENATOR SANBORN: Thank you.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I rise in support of the ITL and basically, we have federal law that says if you're going to ask your kids about their sexual orientation, if you're going to ask them about their drug use, if you're going to ask them about anything personal like that, all we're asking is that you go through the gate keeper. And who's the gate keeper? It's the parents. The state right now supports parental rights. If we do not support the ITL we will again attack parental rights. If a stranger comes up to your child and says what is your sexual preference? What is your use of illegal drugs? Or and on and on, you'd be upset. What we're saying is the parents have to give written notice; yes, you can ask these questions. If the surveys aren't complete it's because the parents said no. Why is the state usurping the rights of parents, and assuming their yes? If a person goes to any place of employment and these questions are asked, such as your sexual preference, any type of medical, are you depressed and on and on and on, you're going to have a legal fight. Why is it okay for strangers to ask these questions to your children in school? By the way Mister President, nobody's saying they can't ask these questions. All we're saying is you need written permission from the parents, which lines up with federal law, and we just passed this last year. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I rise only to talk to one particular issue and that was brought up by the good Senator from District 4 that some remarks that were attributed to me. After this bill was filed and came out of committee, there was a lot of discussion about losing money. And I asked the proponents of the bill, I asked my school district, I asked many, many, many people to come and show me the regulation requirement that identifies what participation rate or what other law there is out there that says I'm going to lose money. No one to this date has shown me that. The best argument that I have gotten which goes along with the good Senator from District 24 is the quality of the data. But again, I got up here only to speak about the money. I have not been shown and I have tried to get the actual wording in the federal laws that would say I would lose money and it has not been provided to me.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in opposition to the ITL and to ask that the body vote against the ITL and give an opportunity to think about another way of getting parental input and allowing for some local control by school boards in exercising the determination of the receipt of federal funds. We're a state that is in the bottom ten among the fifty, relative to our receipt of federal dollars per capita. We're only going to see ourselves even in a deeper hole, deficit to our subsidy of all the other states. I think there is another way to do it and I appreciate the Senator from District 4 trying to find where is that niche to try to make sure that their parental rights and input on the seeking and administration of federal grants that that voice will be heard and yet we can proceed with receipt of these funds and judging whether programs work. And here's where I think to my colleague from

District 6, this is what is going to put the gates on the federal funds. Granting agencies ask for the evidence that the program worked. It is the efficacy of our efforts that we're trying to demonstrate through some post grant effort, a collection of information that's going to provide evidence back to those agencies that funded it for a specific purpose. How do we collect that information with any reliability if the participation rates are down in the 20 and 30 percent, and that's not made up information, that's known information? Researchers know that the difference between an opt-in response rate and an opt-out response rate, and it's extreme. Grantors know the difference. We will lose those dollars. It's our race to the bottom as far as seeking federal dollars per capita and I think there is a local choice here to be made and we ought to vote down this ITL, give us a chance to have a discussion of an amendment that would provide for that local choice. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. You know I find myself as I usually do appreciating both sides of a debate, because there's usually a lot of merit on both sides of a debate. And I have to say I spent a lot of quality time with our colleague from District 6 talking about this issue, as he is the prime sponsor, I wanted to better understand it. And when I first started discussing it with him, I was inclined to agree with him that we should vote for the bill and change our policy. But as I listened to what his research, which he just talked about, indicated there may be a fear that we're going to lose grants, but nobody can point to the fact that we're absolutely going to. It's at this point, supposition. And I think we need to be clear in this room that none of us want to lose these grants whether they're federal funds or other funds. None of us in this room want to create more victims, there's no race to the bottom here. But what we have is a policy that we just adopted last year and I'm always a firm believer that we ought to let things, we ought to let things work, and see where it goes. If we've adopted a policy and yes, it's very difficult in this building and that policy that Brother Avard fought long and hard for last year has now been in effect for only several months. Let's let it work. And so, after our conversation with our colleague from District 6, I did reach out to the Commissioner of Education and I posed the question; okay there's a fear about losing grants, do we have a strategy in place to minimize that risk and make sure we don't lose those grants and I do have a letter, I'm not going to read the entire letter. I'll make it available to anybody that wants it. I should have done that previously, I've had a few other things on my mind today. We'll get to them shortly. But I think that the commissioner has a strategy in place to minimize that risk and therefore given the fact of the emotional debate we had last year about Senate Bill 43, the desire to make sure that parents are as involved as the should be in their children's education while at the same time understanding the validity of these surveys. I think that we can safely forego this legislation at this point in time, with the assurance that the commissioner I think has provided in this letter that the Education Department is going to do everything possible to maximize the participation in these surveys so that we will be able to achieve the necessary threshold so that New Hampshire is open for receiving these grants. So therefore, I ask the body to stay with the recommendation of the Education Committee and vote yes on the ITL motion. Thank you.

(The Chair recognized Senator Watters for a question of Senator Bradley.)

SENATOR WATTERS: Thank you Senator, for taking my question. Does the commissioner's letter speak to the $30.6 million that are not coming through Education but are coming through Health and Human Services, New Futures, New Hampshire's Behavioral Collaborative?

SENATOR BRADLEY: The commissioner talks about the fact that he has a strategy in place to ensure that there's better relationships between parents and the administration of schools so that there, as he says in his letter, is a trusting and respectful relationship. Once, I think in his view and I think we should let this work, those trusting relationships are fostered through a contract that he has, a three year, $1 million contract with scholastic, I believe that we will be able to achieve what you want Senator Watters, which is access to these grants but at the same time what our friend from District 12 wants which is respecting the rights of parents.

SENATOR WATTERS: Does his letter speak to the, what I heard from the Governor's Commission of Alcohol and for the Drug Task Force about its 10.2 million or the 18.5 million immediate loss which we heard about from Kim Haley of Second Start?

SENATOR BRADLEY: I'm not going to answer the same question that I did on the previous grants, I think he has a strategy in place and I go back to what our friend from District 6 said about all the research that he did, not being able to point to any specific federal law or requirement that would absolutely preclude these kind of grants in New Hampshire. I would agree with you though, we need to monitor this carefully. And I think we need to let the policy of opt-in work, because I think it better protects parents and their kids from some of these surveys that some parents find objectionable, and monitor. See how it works, and make sure that we follow up and have the kind of oversight of the Education Department that I think the commissioner relishes to make sure that he's doing his job, to make sure that the strategy that he has in place actually works.

SENATOR WATTERS: So, you know, as your answers have indicated the letter has nothing to do with where the majority of grants are coming from so I guess my question is if we lose say 30 to 40 or plus million dollars of grants over the next year will you commit to finding that funding in the next budget to replace it?

SENATOR BRADLEY: I think what I would commit to is taking a second look at the legislation that we're voting on today. If I'm wrong and the commissioner's wrong that the strategy in place doesn't work, like anything else on life, you have to adjust to changing circumstances. I hope I've proven that I have the ability to do that.

SENATOR WATTERS: Thank you.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark, Innis.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

ELECTION LAW AND INTERNAL AFFAIRS
SB 438, relative to the postponement of local elections.
Ought to Pass with Amendment, Vote 4-0. Senator Birdsell for the committee.

Election Law and Internal Affairs
February 13, 2018
2018-0591s
06/03

Amendment to SB 438

Amend RSA 669:1, V(b)(1) as inserted by section 2 of the bill by replacing it with the following:

(b)(1) The moderator, or if the moderator is unavailable, the clerk, notifies the secretary of state that an extreme weather emergency or an imminent serious threat to public health or safety makes conducting the election when and where scheduled impossible. Prior to deciding to notify the secretary of state, to the extent practical, the moderator shall consult, with the jurisdiction's governing body, clerk, and as appropriate for the circumstances the fire chief, police chief, and emergency management director. If the consultation with the governing body includes a quorum of that body, the consultation shall be exempt from the notice and public meeting requirements of RSA 91-A.

Amend RSA 669:1, VI(b) as inserted by section 2 of the bill by replacing it with the following:

(b) All other statutory provisions associated with a postponed election under this section shall also be extended the same 2 weeks, except that supervisors of the checklist shall not be required to meet again until the postponed town election day. If the election is postponed to a date that follows the date of the business meeting, the end of the term of the moderator established in RSA 40:1 shall be extended through the completion of all election day duties or until the qualification of a successor, whichever is later. Any school district election coordinated with a town under RSA 671:26-a or otherwise held in conjunction with the town election shall also be subject to the provisions of this section.

Amend the bill by replacing all after section 3 with the following:

4 New Section; Town Meetings; Elections; Definitions. Amend RSA 39 by inserting after section 1-c the following new section:

39:1-d Definitions. Notwithstanding any other provision of law, for the purposes of all statutes pertaining to annual and special meetings of towns, school districts, and village districts:

I. "Election" means the choosing of officers by official ballot and in towns, school districts, and village districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13, voting on warrant articles by use of official ballot. "Election" shall include any voting where a voter has a right to vote by absentee ballot as established by part I, article 11 of the New Hampshire constitution and RSA 669, RSA 670, and RSA 671. Elections are governed by RSA 669, RSA 670, and RSA 671 and the election provisions of RSA 40:13.

II. "Meeting" means the discussion of business of the towns, school districts, or village districts and voting on warrant articles only by voice, division, or secret "yes-no" ballot vote. Meeting shall include the deliberative session of an annual meeting in towns, school districts, and village

districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and RSA 40.

5 New Section; Town Elections and Meetings; Definitions. Amend RSA 669 by inserting after section 1 the following new section:

669:1-a Definitions. Notwithstanding any other provision of law, for the purposes of all statutes pertaining to town elections:

I. "Election" means the choosing of officers by official ballot and in towns that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13, voting on warrant articles by use of official ballot. "Election" shall include any voting where a voter has a right to vote by absentee ballot as established by part I, article 11 of the New Hampshire constitution and RSA 669. Town elections are governed by RSA 669 and the election provisions of RSA 40:13.

II. "Meeting" means the discussion of business of the town and voting on warrant articles only by voice, division, or secret "yes-no" ballot vote. "Meeting" shall include the deliberative session of an annual meeting in towns that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and RSA 40.

6 New Sections; Elections and Meetings; Definitions; Emergency Postponement. Amend RSA 670 by inserting after section 1 the following new sections:

670:1-a Definitions. Notwithstanding any other provision of law, for the purposes of all statutes pertaining to village district elections:

I. "Election" means the choosing of officers by official ballot and in village districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13, voting on warrant articles by use of official ballot. "Election" shall include any voting where a voter has a right to vote by absentee ballot as established by part I, article 11 of the New Hampshire constitution and RSA 670. Elections are governed by RSA 670 and the election provisions of RSA 40:13.

II. "Meeting" means the discussion of business of the village district and voting on warrant articles only by voice, division, or secret "yes-no" ballot vote. "Meeting" shall include the deliberative session of an annual meeting in village districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and RSA 40.

670:1-b Postponing a Village District Election When There is a State of Emergency. A village district election that is held in conjunction with a town election shall be postponed when the town election is postponed as authorized by RSA 669:1, V. A village district election that is not held in conjunction with town elections, may be postponed in the same manner as provided for a town election in RSA 669:1, V and VI.

7 New Sections; Definitions; Emergency Postponement. Amend RSA 671 by inserting after section 1 the following new sections:

671:1-a Elections and Meetings; Definitions. Notwithstanding any other provision of law, for the purposes of all statutes pertaining to school district elections:

I. "Election" means the choosing of officers by official ballot and in school districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13, voting on warrant articles by use of official ballot. "Election" shall include any voting where a voter has a right to vote by absentee ballot as established by part I, article 11 of the New Hampshire constitution and RSA 671. School district elections are governed by RSA 671 and the election provisions of RSA 40:13.

II. "Meeting" means the discussion of business of the school district and voting on warrant articles only by voice, division, or secret "yes-no" ballot vote. "Meeting" shall include the deliberative session of an annual meeting in school districts that have adopted the official ballot referendum form of meeting as authorized by RSA 40:13. Meetings are governed by RSA 39 and RSA 40.

671:1-b Postponing a School District Election When There is a State of Emergency. A school district election that is held in conjunction with a town election shall be postponed when the town election is postponed as authorized by RSA 669:1, V. A school district election that is not held in conjunction with town elections, may be postponed in the same manner as provided for a town election in RSA 669:1, V and VI.

8 Town Meeting; Moderator; Duties. Amend RSA 40:4, II to read as follows:

II. In the event a weather emergency occurs on or before the date of a deliberative session or [~~voting day of a~~] meeting in a town, which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours***, but not more than 24 hours,*** prior to the scheduled session, postpone and reschedule the deliberative session [~~or voting day of the~~] meeting to another reasonable date, place, and time certain. The date originally scheduled shall continue to be deemed the ***date of the*** deliberative session or [~~voting day of the~~] meeting for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours. The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled deliberative session or [~~voting day~~] ***meeting***.

9 Effective Date. This act shall take effect 60 days after its passage.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 438 Ought to Pass with Amendment. This bill as amended provides for the postponement of local elections. It is the result of a study committee established to address issues brought on last year when municipalities had to postpone elections due to a snow emergency. At that time there was confusion about the process of postponement, what type of notice has to be given, how to handle absentee ballots and the legitimacy of the votes cast. This legislation creates a uniform process that will provide clarity for the municipalities, should they need to postpone in the future. It gives the moderator clear authority to postpone an election and outlines the procedure to do that. To eliminate confusion, it clarifies the process of postponing and rescheduling for those in multi-town districts as well as those, for those who are not. It also addresses what notice has to be given and to whom. The bill will mitigate confusion for moderators in bringing uniformity between towns across the state. The Election Law and Internal Affairs Committee asks for your support in the motion of Ought to Pass with Amendment on Senate Bill 438. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in opposition to the Committee Amendment and I would ask you to vote down that Committee Amendment so that I may bring forth an amendment that will allow for criteria of local elections to remain at the local level and at the same time will clarify certain concerns that could arise with such postponement and puts in place a uniform process for

all municipalities, but leaves the ultimate decision to the moderator and in consultation with other local officials and departments. And I would like to speak to why I believe the bill as amended before you should not go forward.

There are several key issues related to this legislation. The first one is that there is the language in the amendment that ends up providing separate definitions for elections and for meetings, and yet in reality the way local municipalities function, that their local elections are part of their meetings. So, this is going to cause great confusion going forward, not only with regard to the elections of individuals but also with regard to other items that may be on the ballot that particular day.

Secondly, there is confusion whether or not this amendment actually is simply notification or is it asking permission of the secretary of state, which then leaves the power in the hands of the secretary of state. In the amendment there is clarification on section regarding, let me just refer this to you, section on line 25 and 20 in the original bill, which was clarified where they broke out that it would continue to include two separate types of events; one is weather events and one also are issues around natural disasters and other safety events. But what happens is they left in the statement that's in the original bill on line 37 that says if the secretary of state fails to respond to a request to postpone within four hours of notification, the moderator may postpone the election. Well there's real conflict between request to the secretary of state and notifying the secretary of state which says in the end for those first four hours, the secretary of state is the authority to make the decision of whether or not a local election should be postponed.

In addition, there's a challenge about uniformity. It's possible to preside, which the amendment I'm bringing before you would do, is uniformity in terms of the procedures that would be followed but not uniformity in terms of leaving that decision up to someone at the state level, when we know that local conditions can vary from one community to another and that the best entities to make those decisions are local officials. And in addition to that, there is a history where over two-hundred years local authorities have had control over local elections; they print the ballots, they handle the total of the ballots, they handle letting the community know the results of those ballots. None of those areas involve the secretary of state because these are local elections. If we allow this amendment to go forward it really flies in the face of a tradition in our state that has allowed town meetings, which includes local elections, deliberative sessions to continue as they have always been understood rather than breaking them out and creating enormous chaos and confusion going forward. So, I would ask you to vote down this amendment, let me bring forth another amendment that will address many of the issues that were raised by the committee and the commission and provide answers to those concerns. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in support of Senate Bill 438 and the compromise that really started a year ago with the big storm that hit us. I have fifty-eight communities in my district. I have a lot of local officials. We elect everything in the North Country. In the town of Jefferson, they elect a Hog Reeve, which is the man whom is marrying a Jefferson woman and they put everybody on the ballot and elect those people and you don't have to be from the town.

And since I am marrying a Jefferson woman, I could be Hog Reeve in the town of Jefferson while I live in Whitefield which is an amazing thing. I love local control and I love local government. As a former supervisor of the checklist, assistant town moderator, Harold Burns who sat in this seat, former Speaker, former Senator from District 1, town moderator school district moderator and I fought the fight to retain local control that towns could do what they want to do. It was one of the most contentious issues. Senate President had the wisdom and I had the unfortunate responsibility of accepting his appointment on this study commission and we did what we're supposed to do. We sat down and we tried to iron out a compromise. The Senator from District 3 knows, everyone hates you when you're done at the end of a compromise. They don't like different pieces of it, but we did good work. We did great work.

This compromise I think meets the needs of our modern community and respects the heritage of our local control in our communities around New Hampshire. It balances local control with state mandate, feudalism with state control. And I want to just address, because I think this is the critical point that brought me to this compromise; we were having discussions as the spectrum between notice and permission. Two different places and if we shorten that notice period it would put the pressure on the secretary of state's office to not be able to control this. I believe we were able to make this decision, much closer to notice and far from permission. This is not asking for permission. It sets that four hour to make it practically impossible unless there is some suspicion that there is an issue. It's a beautiful day and a town decides to cancel their elections and we're like what happened? We can't even ask the question. We can't even ask the question. So, I think we hit the balance and then it went to Senate Elections. Now I ask you, any one of you, let's find some things where we're able to compromise on Senate Elections, it's been a contentious issue, okay? We all have very strong opinions, but 4-0, we did the work for a year. Why do we serve on these committees when we hammer out these compromises and then the last minute we're in these situations where the work that we did didn't quite do enough and I appreciate everyone's opinion and I love, we all want the same thing, but let's support the work of the committee, let's support the work of the people that tried to find a balance and let's try to move this process forward and give that consistency that we think our state needs to be able to move forward respecting local control and our traditions, but also having some degree of uniformity in the state of New Hampshire. Thank you, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator Woodburn.)

SENATOR SANBORN: My good friend, thank you for taking my question although my first thought was I was going to rise to see if I could vote to have you hog tied, but more to the point would be, my understanding is that the attorney general issued a letter that I think many people in the body got relative to the point of declaring that allowing municipalities to actually determine the date of elections would actually be illegal and that right is in the sole responsibility of the secretary of state himself. Have you seen that letter and can you confirm that?

SENATOR WOODBURN: Thank you Senator, I have seen it and I do think it requires us to do something to be able to give that clarification and again I think that the solution that we came through, this hard-earned compromise is the best way to go.

SENATOR SANBORN: Thank you, Senator. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Sanborn.)

SENATOR FULLER CLARK: I wonder Senator Sanborn, if you are aware in that letter that we received from the attorney general that he very conveniently left out a section of the statute that he cited. He cited that RSA 40:4 authorized the moderator in the event of a weather emergency under the conditions described in the statute to postpone the business meeting or the judicial former town meeting or deliberative session or the voting day. That language or the voting day is not included in his memo so he doesn't really address, you know, if you were to keep that language it's clear that in the statute, local communities, the moderators in local communities do have that authority and I would like to know why the attorney general left out the end of that phrase?

SENATOR SANBORN: Senator, thank you so much for the question. I must say for the record, the attorney general's a personal friend of mine and I think one of the most highest and fair persons our state as ever seen, so to suggest that he would conveniently leave something out would be something I would respectfully disagree with you with. Now all that being said, I believe clearly this continues to be a challenge as we hear from both sides today. And at the end of the day, there is a question between who has the right to move town meetings and who has the right to make the decision on elections. And it's clear to me in my reading of the letter and the conversations I've had, although so you know I have up until very recently been on your side of this issue, having had conversations, having read the letter, it leads me to believe that the clarification that we need today would dictate that the secretary of state should have full control over this.

SENATOR FULLER CLARK: Thank you very much for your answer.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. Briefly, I think that the work that has been done in this body over the last year gets us to the place of talking about tipping one way or the other. I think there's a lot of credibility and a lot of good work that's gone into this. It's unusual that I would hear from thirteen of fifteen towns that I represent in District 10. All thirteen have communicated with me either through a moderator, through the chair of the selectman's board or the city manager, or town administrator, their opposition to the current amendment. And in favor of an amendment that I believe Senator Fuller Clark is intending to bring forward. For that reason, I'm going to vote against the current amendment in the hopes that we will bring forth another that is similar but tips that balance just a little bit closer as Senator Woodburn was saying, a little bit closer towards that notification route, and I think that that is in keeping with our fidelity to those who are elected to administer the elections in our towns. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Fuller Clark, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Gray, French, Sanborn, Avard, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Morse.

The following Senators voted No: Watters, Hennessey, Ward, Kahn, Daniels, Lasky, Cavanaugh, Fuller Clark, Innis.

Roll Call, Yeas: 15 - Nays: 9. Adopted.

Senator Fuller Clark offered a Floor Amendment.

Sen. Fuller Clark, Dist 21
February 22, 2018
2018-0822s
06/01

Floor Amendment to SB 438

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court recognizes that existing law prescribes the dates for annual town meetings, but also gives town moderators the authority to postpone a meeting in the event of a weather emergency. The general court further recognizes that in most towns, the annual meeting consists of 2 sessions — a voting session for the election of officers and voting on certain other matters by official ballot, and a session often referred to as the deliberative session or business session, at which items to be voted on are debated and amended, and at which final votes may or may not be taken, depending on the form of town meeting the town has adopted. The general court recognizes that the official ballot voting session includes the election of officers and that it is an integral, long-standing part of the town meeting, not a separate event. Because of questions that were raised about the process of postponing town meeting during the severe snowstorm on town meeting day in March 2017, this act is intended to clarify and improve the existing process for postponing either or both sessions of the annual town meeting.

2 Duties of Moderator; Postponement of Town Meeting; Date for Rescheduled Meeting; Absentee Ballots. Amend RSA 40:4 to read as follows:

40:4 Duties.

I. The moderator shall preside in the town meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed, and may prescribe rules of proceeding; but such rules may be altered by the town.

II.***(a)*** In the event a weather emergency occurs on or before the date of [~~a~~] ***the*** deliberative session***, business session,*** or ***official ballot*** voting [~~day~~] ***session*** of a ***town*** meeting [~~in a town~~], which the moderator reasonably believes may cause the roads to be hazardous or unsafe, the moderator may, up to 2 hours***, but not more than 24 hours,*** prior to the scheduled session, postpone and reschedule the [~~deliberative~~] session [~~or voting day of the meeting~~] to [~~another reasonable~~] ***a*** date, place, and time certain***, as provided in subparagraph II(c). To the extent practical, prior to making a decision to postpone, the moderator shall consult with the governing body, the clerk, and as appropriate for the circumstances, the police chief, the fire chief, and the local emergency management director.***

(b) In the event an accident, natural disaster, or other emergency occurs which the moderator reasonably believes may render use of the meeting location unsafe or which destroys the ballots or makes them unusable, the moderator may, at any time prior to the scheduled session, postpone and reschedule the session to a date, place, and time certain, as provided in subparagraph II(c). To the extent practical, prior to making a decision to postpone the moderator shall consult with the

governing body, the clerk, and as appropriate for the circumstances, the police chief, the fire chief, and the local emergency management director.

(c) The rescheduled date for an official ballot voting session shall be the second Tuesday following the date originally scheduled. The moderator shall reschedule the business session or deliberative session of a meeting to a reasonable date, place, and time certain, subject to subparagraph II(d). The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled date or dates, as well as information on obtaining absentee ballots for the rescheduled dates. The rescheduling of school district elections in multi-town school districts shall be governed by RSA 671:22-a.

(d) The date originally scheduled shall continue to be deemed the deliberative session***, business session,*** or ***official ballot*** voting [~~day~~] ***session*** of the meeting for purposes of satisfying statutory meeting date requirements; provided, that in towns or districts that have adopted RSA 40:13, the postponement shall not delay the deliberative session more than 72 hours. [~~The moderator shall employ whatever means are available to inform citizens of the postponement and the rescheduled deliberative session or voting day.~~]

III. If the official ballot voting session is rescheduled as provided in paragraph II, any absentee ballots that have been issued based on a voter's absence or inability to appear at the polls on the original election date shall remain valid and shall be accepted if properly executed and received by the clerk no later than 5:00 p.m. on the rescheduled election date, regardless of whether the voter is absent or unable to appear at the polls on the rescheduled election date. In addition, voters who satisfy the requirements for voting by absentee ballot on the rescheduled election date may vote by absentee ballot, and all references to the day of the election in the provisions of RSA 657 and RSA 659 related to absentee ballots shall be deemed to refer to the day of the rescheduled election.

IV. For purposes of this section:

(a) "Business session" means, in a town that has not adopted the provisions of RSA 40:13, the session of a town meeting at which voters discuss, deliberate, and vote on matters other than the election of officers by official ballot and other questions that are placed on the official ballot.

(b) "Deliberative session" means the first session of a meeting in a town that has adopted the provisions of RSA 40:13.

(c) "Official ballot voting session" means the session of a town meeting at which voters vote on the election of officers and other matters by official ballot.

3 City Elections; Postponement for Emergency. Amend RSA 44:11 to read as follows:

44:11 Times.

I. The meeting of the voters of each ward for the election of city and ward officers shall be held on such day as may be fixed by law or by ordinance of the city council but in no event shall it be held in conjunction with a biennial election; and all ward and city officers who are chosen by the people shall hold their respective offices for the term and from the day fixed by law or ordinance, and until others are appointed in their stead. The prohibitions in this section shall not apply to a special election held to fill a vacancy for the office of a city or a ward officer.

II. In the event of a weather or other emergency as described in RSA 40:4, II, the election may be postponed and rescheduled

in the manner provided in that section for the rescheduling of a town meeting official ballot voting session, except that all references to the moderator shall be deemed to refer to the city clerk.

4 Town Elections; Date Subject to Postponement. Amend RSA 669:1, I to read as follows:

I. ***Subject to RSA 40:4,*** all towns shall hold an election annually for the election of town officers on the second Tuesday in March, except those towns which have adopted an alternative date under RSA 40:14 or those towns which have adopted the provisions of RSA 31:94-a and have, by majority vote at a previous town meeting, decided to elect officers on the second Tuesday in May.

5 New Section; School District Elections; Rescheduling. Amend RSA 671 by inserting after section 22 the following new section:

671:22-a Rescheduling Elections. In the case of a school district that comprises one or more preexisting districts and holds its elections in conjunction with the town elections in the component towns as provided in this subdivision, the town moderators in each town shall, in the event of an emergency described in RSA 40:4, II, use their best efforts to agree on rescheduling the town and school district elections. Unless the moderators from all towns in the district agree to reschedule their elections, all town and school district elections shall proceed on the date originally scheduled.

6 Effective Date. This act shall take effect January 1, 2019.

2018-0822s

AMENDED ANALYSIS

This bill provides for the postponement of local elections.

SENATOR FULLER CLARK: As you will see, this amendment includes a statement of purpose that makes it clear that the authority rests with moderators to postpone a meeting in the event of weather emergency other event. It recognizes that the annual meeting consists of two sessions; a voting session for the election of officers and voting on certain other matters of the official ballot and a session often referred to as the deliberative session or business meeting, depending on the form of the town meeting the town has adopted.

If you move to under the duties and if you look at line 21 in the amendment it clarifies that in the event of a weather emergency on or before the date the deliberative session, business session or official ballot voting session which is replacing the voting day of a town meeting which the moderator reasonably has made the roads to be hazardous or unsafe says that he may up to two hours but not more than twenty-four hours prior to the scheduled session, postpone or reschedule the session to another date, place and time certain as provided in the following paragraph 2C. This language is language that is also existing in the amendment that you've just passed, as well as the following phrase, to the extent practical and prior to making a decision to postpone the moderator shall consult with a governing body, the clerk and as appropriate for circumstances the police chief, the fire chief and the local emergency management director. It also goes on to set apart the same is true for the event of an accident, natural disaster or other emergency, over which the moderator reasonably believes may render use of the meeting location unsafe or that destroys the ballot or makes them unusable. On page 2 this language continues and it makes it clear again that the moderator shall seek, shall consult with a government body the clerk and as appropriate circumstances the police chief, the fire chief and the emergency management director.

Going further it specifies that this meeting shall take place two weeks to the same Tuesday following the day originally scheduled. This is part of creating the uniformity of how that postponement will be handled by each community. Secondly it goes on to say that if the official ballot session is rescheduled, any absentee ballots that have been issued based on a voter's absence or inability to appear at the polls on the original election date shall remain valid. That was one of the questions that was posed; what would happen to those absentee ballots that had been cast for the original election day?

It further goes on to clarify what a business session is, what a deliberative session is and what an official ballot voting session is, that it is a session of a town meeting. It is not separate from the town meeting which is one of the statutory confusions in the amendment that you've just passed. Finally, you will see that it answers another question on line 9 on page 3 that has to do with how this should be handled with regard to cities and in addition to that, above that on line 3 it makes it clear that if you have problems with– but that it also makes it clear, it's down here further, under the school districts in section 18 that if you have school district elections that you have to have all of those communities agree on rescheduling the town and school district elections unless the moderators from all the towns in the district agree to reschedule their elections all towns and school district elections shall proceed on the date originally scheduled. That answered another major concern; what was going to happen between school elections and local municipal elections.

So I believe that this is the appropriate way to go forward that it is important that we do have a uniform system in place but that we shouldn't be taking away local control over local elections and one of the issues that's been talked about with regard to this issue of having uniformity is that you may have just as we had last night, a variety of weather conditions in different parts of the state. Why would you want to have all those communities being treated the same way or if they're not being treated the same way, why would the secretary of state be expected to respond to those many communities within a four hour period? And we heard from Senator Woodburn that while you know that was just a gesture, he didn't think they possibly could respond in four hours so that ultimately the authority would divest to the moderators. Let's leave it with the moderators, let's not have this confusion between notification and then having the secretary of state having to respond to a request it makes no sense from a procedural point of view and it makes no sense from the history of how we have handled local elections up to this point. It does resolve some of the questions if in a very rare instance we would have a repetition of what happened last year on March 14th, or some other concerns such as a safety issue where you might have to lock down a school where elections are taking place and you're going to need to do that immediately, you're not going to be able to wait to notify the secretary of state and then wait four hours for him to respond to your request before he fails to respond to your request, you now have the authority. Let's leave that authority where it belongs, it's clearly defined in state statute, regardless of what we heard from the attorney general's office and it is the appropriate and proper way to move forward. So, I urge you to vote for this amendment. Thank you.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. I ask the body to vote down this amendment. While it has a lot in common with the com-

mittee amendment, I believe and there are some things that are left out. One the rescheduling of an election as a result of a state of emergency, the committee amendment addresses that. This current amendment doesn't address it in full. Informing voters on how to obtain absentee ballots for rescheduled elections, the committee amendment addresses that. This current amendment does not address that.

Rescheduling of multi-town school districts, we go into detail on our committee amendment on how to do that, this allows a moderator, moderators are required to be unanimous in order to reschedule the elections, so if you have a town that has decided to reschedule and it's a multi-town school district and they don't agree, now you've got discrepancy in what school districts are going to be rescheduling their elections.

The committee amendment also addresses rescheduling of village districts. All of these municipal associations have asked us in sub-committee to put these in, and that's why we made sure that we addressed these. Rescheduling due to emergency that renders polling locations unstable, unusable or unsafe prior to election, we do address that in our committee amendment. One of the things in our amendment was brought up, the public meetings, there was concern that when the moderators were working with the public officials that it would be considered a public meeting and required a 91-A, we addressed that in our amendment. This does not. So, I ask you this amendment we have here is deficient, and I ask you to vote this down and continue with the bill. Thank you.

(The Chair recognized Senator Kahn for a question of Senator Fuller Clark.)

SENATOR KAHN: Relative to the rescheduling of a school district's meeting or election as you described the three different forms in which balloting might take place, is it as clear as what I read on page 3 in line 24 that all the school districts need to agree on a rescheduling, otherwise they need to proceed with the previously scheduled date?

SENATOR FULLER CLARK: The language is unless the moderators from all towns in the district agree to reschedule their elections all town and school district elections shall proceed on the day originally scheduled. So, you're not going to see that one community is still going to continue by postponing its election and another is not if it also involves the school districts. There has to be agreement across the board either to not postpone or to postpone.

SENATOR KAHN: Thank you. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Fuller Clark, seconded by Senator Birdsell.

The following Senators voted Yes: Watters, Hennessey, Kahn, Daniels, Lasky, Feltes, Cavanaugh, Fuller Clark.

The following Senators voted No: Woodburn, Giuda, Bradley, Gray, French, Ward, Sanborn, Avard, Carson, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

Roll Call, Yeas: 8 - Nays: 16. Failed.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 527-FN-L, relative to absentee voting.
Ought to Pass with Amendment, Vote 2-0. Senator Birdsell for the committee.

Election Law and Internal Affairs
February 20, 2018
2018-0717s
03/05

Amendment to SB 527-FN-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 Absentee Voting Application Form. Amend RSA 657:4, I to read as follows:

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance, and Disability:

I hereby declare that (check one):

_____ I am a duly qualified voter who is currently registered to vote in this town/ward.

_____ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot because (check one):

_____ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.

_____ I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.

_____ I cannot appear in public on election day because of observance of a religious commitment.

_____ I am unable to vote in person due to a disability.

_____ I cannot appear at any time during polling hours at my polling place because of an employment obligation. For the purposes of this application, the term "employment shall include the care of children and infirm adults, with or without compensation.

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

_____ Presidential Primary to be held on _____
(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

_____ State Primary to be held on _____
(MM/DD/YYYY)

_____ General Election

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

_____ Republican Party

_____ Democratic Party

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

_____

(Last) (First) (Middle) (Sr., Jr., II., III)

Applicant's Voting Domicile (home address):

_____

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Mail the ballot to me at this address (if different than the home address):

_____

(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Applicant's Phone Number [~~(optional)~~]: _____

Applicant's Email Address [~~(optional)~~]: _____

Applicant's Signature: _____

Date Signed: _____

(MM/DD/YYYY)

I attest that I assisted the applicant in executing this form because he or she has a disability.

Signature _____

Print Name _____

If your absentee ballot affidavit envelope does not have the printed name and signature of a person who assisted you with voting, your signature will be compared to your signature on the absentee ballot affidavit to verify your identity. If your signatures do not appear to be made by the same person, your absentee ballot may not be counted.

The applicant must sign this form to receive an absentee ballot. ***[***~~The signature on this form must match the signature on the affidavit envelope in which the absentee ballot is returned, or the ballot may be rejected.~~] Any person who ***witnesses and*** assists a voter with a disability in executing this form shall [~~make a statement acknowledging the assistance on~~] ***print and sign his or her name in the space provided on*** the application form [~~to assist the moderator when comparing signatures on election day~~]. ***The clerk and moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a person assisting the voter has signed the statement that assistance was provided.***

2 New Section; Verification of In-Person Absentee Voter. Amend RSA 657 by inserting after section 17 the following new section:

657:17-a Verification of In-Person Absentee Voter.

I. An absentee voter who returns his or her completed absentee ballot to the clerk's office in person shall be treated as a verified voter provided:

(a) The voter voluntarily shows the clerk a photo identification that meets the requirements of RSA 659:13; or

(b) The voter voluntarily completes a challenged voter affidavit in the same manner as is required for an election day voter who does not present a qualified voter identification.

II. The clerk shall mark the absentee ballot affidavit enveloped "voter verified" and note on the clerk's list of absentee voters that the voter has been verified. The verified voter's signatures on the application for an absentee ballot shall not be compared to the voter's signature on the absentee ballot affidavit on election day.

III. A voter who does not present a qualified photo identification and who does not complete a challenged voter affidavit shall not be treated as a verified voter, and his or her signatures on the application for an absentee ballot shall be compared to his or her signature on the absentee ballot affidavit on election day in the same manner as other absentee voters.

3 Announcement by Moderator. Amend RSA 659:50 to read as follows:

659:50 Announcement by Moderator.

I. The moderator shall begin processing absentee ballots by clearly announcing that he or she is about to open the envelopes which were delivered to him or her. The moderator shall then remove the envelope containing the ballots of each absentee voter and***, for those absentee ballots where the absentee voter has not been verified by the clerk as provided in RSA 657:17-a,*** shall compare the signature on the affidavit with the signature on the application for the ballot. If:

[~~I.~~] ***(a)*** The name of the voter is on the checklist; and

[~~II.~~] ***(b)*** The affidavit appears to be properly executed; and

[~~III.~~] ***(c)*** [~~The signature~~] ***If the affidavit shows that the voter received assistance, the absentee voter shall be processed as verified. Otherwise, the signatures*** on the affidavit ***shall be examined to determine if it*** appears to be executed by the same person who signed the application[~~, unless the voter received assistance because the voter is blind or has a disability; and~~]**.**

[~~IV~~] ***II. For the absentee ballots processed in accordance with paragraph I and those where the clerk has previously verified the absentee voter in accordance with RSA 657:17-a, if*** the signatures appear to be the signatures of a duly qualified voter who has not voted at the election; then the moderator shall publicly announce the name of the absentee voter, except that with respect to any voter who has been included in the address confidentiality program under RSA 7:43 or who has been granted a protective order under RSA 173-B, the moderator shall identify such voters as "confidential voter number 1" and "confidential voter number 2," and so forth. If these conditions are not met, the moderator shall follow the procedure provided in RSA 659:53.

4 Effective Date. This act shall take effect 60 days after its passage.

2018-0717s

AMENDED ANALYSIS

This bill establishes additional procedures for verification of absentee voters.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 527-FN Ought to Pass with Amendment. This bill as amended establishes procedures for verification of absentee voter documents before Election Day. The new procedures will allow the town clerk to accept and verify an absentee ballot when assistance is given to the disabled voter. Also, the clerk may verify the absentee ballot of a voter who shows photo ID when handing in the ballot or when the voter completes a challenged voter affidavit. The committee felt that creating a way to verify a portion of the absentee ballots before an election would help moderators and election officials process votes more efficiently and ensure a greater number of absentee ballots will be counted. I ask that you please support the committee's recommendation of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES
SB 443, relative to the jurisdiction of counties concerning retail electric supply.
Ought to Pass, Vote 4-0. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 443 Ought to Pass. This bill permits certain county governments to access certified competitive retail electric supply markets. Currently county governments that are located within the service territory of the municipal electric utility are not allowed to access competitive electric suppliers. Senate Bill 443 will permit these county governments who access third party energy suppliers. In doing so it may help reduce taxpayer costs on electricity as well improve market competition for retail rates. The Senate Energy and Natural Resources Committee asks for your support of the motion of Ought to Pass on Senate Bill 443. Thank you.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 451, relative to wildlife trafficking.
Ought to Pass with Amendment, Vote 4-0. Senator Feltes for the committee.

Energy and Natural Resources
February 20, 2018
2018-0718s
04/10

Amendment to SB 451

Amend RSA 212-C:1, I as inserted by section 1 of the bill by replacing it with the following:

I. "Covered animal species" means any species of:
(a) Elephant (superfamily Elephantidae).
(b) Rhinoceros (family Rhinocerotidae).
(c) Tiger (species Panthera tigris).
(d) Lion (species Panthera leo).
(e) Leopard (species Panthera pardus).
(f) Cheetah (species Acinonyx jubatus).
(g) Jaguar (species Panthera onca).
(h) Pangolin (family Manidae).
(i) Endangered shark, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
(j) Endangered ray, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
(k) Endangered sea turtle, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
(l) Endangered whale, as listed by the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Amend RSA 212-C:2, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) When the activity, and any sport-hunted item that is legally obtained in accordance with federal law, are authorized by federal law.
Amend RSA 212-C:2, III as inserted by section 1 of the bill by replacing it with the following:

III. There is a presumption of possession with intent to sell a covered animal species part or product when the part or product is possessed by a retail or wholesale establishment or other forum engaged in the business of buying or selling of similar items, and a finding of intent to sell is supported by any other evidence which independently establishes such intent.

Amend RSA 212-C:2, IV-VI as inserted by section 1 of the bill by replacing them with the following:

IV. A person who violates this section shall be guilty of a violation and may be fined not more than $1,000, or an amount equal to 2 times the total value of the covered animal species part or product that is the subject of the violation, whichever is greater. The circuit court and the superior court shall have concurrent jurisdiction to hear matters brought under this chapter. If the appraised value of the covered animal species part or product exceeds $25,000 or if the prosecuting entity seeks relief unavailable in the circuit court, the matter shall be transferred to the superior court for adjudication.

V. Any covered animal species part or product that has been seized by a law enforcement officer pursuant to this chapter shall be appraised to determine its value. During the pendency of any criminal matter, the court shall provide an opportunity for a hearing to determine who shall maintain custody of the items, how the items shall be preserved, liability for any costs incurred to preserve the items, and such other matters as may be required to protect the property until a final dispositional order has been entered.

VI. If the owner of the covered animal species part or product is found not guilty, the property shall be returned to the owner. If the owner is found guilty, the covered items shall be forfeited to the fish and game department. Any fines assessed by the court shall be used first to reimburse the entity ordered to preserve the property prior to adjudication, and thereafter, to the fish and game department to reimburse for any costs incurred in final disposition of the items, and finally to the entity which successfully prosecuted the matter.

VII. The executive director of the fish and game department may adopt rules pursuant to RSA 541-A relative to:

(a) The purchase, sale, offer for sale, or possession with intent to sell, of parts or products of any animal species that so closely resemble in appearance parts or products of a covered animal species that law enforcement personnel would have substantial difficulty in attempting to differentiate between the species.

(b) The method and manner to be used in appraising the value of any covered animal species part or product seized by law enforcement or abandoned into the care or custody of the department.

(c) A prohibition against commercial sale of any covered animal species part or product in its custody or ownership.

(d) The method and manner used to determine ownership of any covered animal species part or product abandoned to its care or custody other than by order of a court of competent jurisdiction.

(e) The noncommercial disposition of covered animal species parts or products to:

(1) A legal beneficiary of an estate, trust, or other inheritance;

(2) A bona fide scientific or educational institution for scientific or educational purposes; or

(3) Any enrolled member of a federally-recognized Indian tribe.

(f) The destruction of covered animal species parts or products not otherwise disposed of in accordance with this chapter.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 451 Ought to Pass with Amendment. This bill establishes a prohibition of wildlife trafficking. This bill as amended bans the importation of items from endangered species and regulates the intrastate sale of these items. The bill expands a list of covered animals that are protected, the legislation outlines exceptions to the prohibition such as non-commercial transfers like family heirlooms, possession of a firearm or a knife that contains an animal part of donations of an item to a scientific or educational institute. Senate Bill 451 will emulate what other states around the country have started to do; ban the intrastate sale of items connected to wildlife trafficking. The Senate Energy and Natural Resources Committee asks for your support of the motion of Ought to Pass with Amendment on Senate Bill 451. Thank you.

(The Chair recognized Senator Gannon for a question of Senator Feltes.)

SENATOR GANNON: Just a small question, I don't mean to waste the body's time at all. I go to Florida a lot. I saw sharks were on the thing. They often have sharks in little bottles, they sell tails, they sell tons of shark things in Florida. Are we going to be, is there going to be an intrastate commerce clause problem, we're going to prohibit this in every tourist town in Florida?

SENATOR FELTES: Well, thank you very much for the question, Senator Gannon. The answer is no problem.

SENATOR GANNON: That's all? Thank you, then. Thank you.

(The Chair recognized Senator Giuda for a question of Senator Feltes.)

SENATOR GIUDA: Thank you, Mister President. Thank you, Senator, for taking my question. Very quickly; old pianos have keys that are ivory keys. Would this bill impact that and the interstate sale of those?

SENATOR FELTES: Thank you very much for that question Senator Giuda. In response to your question as in response to Senator Gannon's question, no problem.

SENATOR GIUDA: Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 569-FN, relative to animal cruelty.
Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources
February 20, 2018
2018-0720s
08/04

Amendment to SB 569-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to animal cruelty and establishing a commission to study certain language applicable to the transfer of animals.

Amend RSA 437:1 as inserted by section 2 of the bill by replacing it with the following:

437:1 Definitions. In this subdivision:

I. "Animal rescue facility" means any non-profit organization which is tax exempt under Section 501(c)(3) of the United States Internal Revenue

Code or is licensed or registered as an animal rescue facility or similar entity with a state regulatory agency, and whose mission and practice is, in whole or in significant part, the rescue of homeless or abandoned animals and the placement of those animals in permanent homes. "Animal rescue facility" shall not include any person which is, or is housed on the premises of, a breeder or broker, obtains dogs, cats, or ferrets from a breeder or broker in exchange for payment or compensation, or resells dogs, cats, or ferrets obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

II. "Animal shelter facility" means a facility, including the building and the immediate surrounding area, which is used to house or contain animals and which is owned, operated, and maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals, and also a public pound for the housing of strays or a pound operated by any person, excluding veterinarians, who contracts with a municipality to serve that function.

III. "Breeding female" means an unspayed female dog, 12 months of age or older kept or maintained for the purpose of breeding and selling the dog's offspring.

IV. "Broker" means a person acting as an agent or intermediary in negotiating or transferring dogs, cats, or ferrets when transfer to the final owner occurs in New Hampshire.

V. "Commercial kennel" means a person that keeps, maintains, or owns 7 or more breeding female dogs or transfers 10 or more litters or 50 or more puppies in any 12-month period. "Commercial kennel" includes a person that keeps, maintains, or owns dogs on the same property as another person who also keeps, maintains, or owns dogs and the total number of breeding female dogs on the property is 7 or more. The term "commercial" shall not be taken into consideration for any zoning purposes.

VI. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

VII. "Person" means any person, firm, business, corporation, or other entity.

VIII. "Pet store" means any person licensed to keep, maintain, and transfer certain live animals, birds, and fish at retail to the public.

IX. "Pet vendor" means any person engaged in the business of transferring live animals or birds customarily used as household pets to the public, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire, when transfer to the final owner occurs within New Hampshire. Pet vendor includes animal rescue facilities, animal shelter facilities, brokers, commercial kennels, and pet stores.

X. "Transfer" means transfer of ownership of live animals or birds from any person to a member of the public.

Amend the introductory paragraph of RSA 437:3 as inserted by section 3 of the bill by replacing it with the following:

437:3 Requirements. No pet vendor shall transfer animals or birds without a license. A pet vendor shall apply to the commissioner for a license giving such information as the commissioner shall require. The application shall include proof that the zoning enforcement official of the municipality wherein any facility is to be maintained has certified that the facility conforms to the municipal zoning regulations. The application shall be accompanied by a non-refundable $200 fee. ***A license shall be***

issued if, after inspection, the department or a person appointed by the department finds that all premises, buildings, and other enclosures comply with the requirements of paragraph I. If the premises, buildings, and other enclosures do not comply, the applicant may reapply within 30 days of the initial inspection. If, after a second application and inspection, the premises, buildings, and other enclosures still do not comply with the requirements of paragraph I, no license shall be issued. All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a new application. No licenses shall be transferable. ***The department may suspend or revoke a license at any time, if in the judgment of the department the conditions under which the license was issued are not being maintained. Upon receipt of a written complaint from a person or agency alleging violation of this subdivision, the department shall investigate said complaint within a reasonable time.*** A pet vendor licensed under this subdivision shall:

Amend RSA 437:4, I(d) and (e) as inserted by section 4 of the bill by replacing them with the following:

[~~IV.~~] ***(d)*** The licensee ceased to operate the business for which the license was issued; or

[~~V.~~] ***(e)*** The applicant or licensee held any similar license issued in another jurisdiction ***or by the United States Department of Agriculture*** which was revoked or suspended by that jurisdiction as a result of engaging in conduct prohibited by RSA 437 during the preceding 5 years.

Amend RSA 644:8, IV-b(d) as inserted by section 10 of the bill by replacing it with the following:

(d) If the court determines by a preponderance of the evidence that the animal or animals has been or is being abused or neglected in violation of paragraph III or III-a or when there is a clear and imminent danger to the animal's health or life and there is not sufficient time to obtain a court order, then the court shall set a renewable bond or other security in an amount sufficient to cover the reasonable costs of providing the confiscated animal with humane care and adequate and necessary veterinary services for a period of 30 days. When determining the reasonable costs of providing humane care, the court shall consider the income of the animal's owner.

Amend RSA 644:8, IV-b(e)(1) as inserted by section 10 of the bill by replacing it with the following:

(e)(1) If the court orders a bond or other security to be posted, then the amount of funds necessary for 30 days of the animal's care, as determined by the court, shall be posted with the municipal or county treasurer. The owner shall be ordered to deposit the same amount every 30 days thereafter until the final disposition of the criminal matter, unless he or she requests a hearing no less than 5 business days prior to the expiration of a 30-day period. If the required funds are not deposited within 5 business days of the issuance of the order setting the amount of funds, or 5 business days after the expiration of a 30-day period, then the animal is forfeited to the petitioner by operation of law. If the owner is unable to pay the bond, the court shall not fine the owner for nonpayment.

Amend the bill by replacing section 11 with the following:

11 Appropriation. In addition to any sums appropriated in the state operating budget, the sum of $200,000 for the fiscal year ending June

30, 2019 is hereby appropriated to the commissioner of the department of agriculture, markets, and food, to support the increase in oversight and inspections of pet vendors. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing all after section 11 with the following:

12 Group Licenses. Amend RSA 466:6, I to read as follows:

I. The owner or keeper of [~~5~~] **7** or more dogs shall annually by April 30 pay the required fee and obtain a license authorizing the owner or keeper to keep the dogs upon the premises described in the license, or off the premises while under such owner's or keeper's control. Such owner or keeper shall not be required to obtain a "commercial kennel" license under RSA 466:4, III unless such person has a commercial kennel as defined under RSA 466:4, III.

13 New Paragraph; Group Licenses. Amend RSA 466:6 by inserting after paragraph V the following new paragraph:

VI. On June 1st of each year, the municipality shall, to the extent practicable, notify the department of agriculture, markets, and food of the number of group licenses issued in the previous year.

14 New Subdivision; Animal Transfer Study Commission. Amend RSA 437 by inserting after section 22 the following new subdivision:

Animal Transfer Study Commission

437:23 Animal Transfer Study Commission.

I. There is established a commission to study RSA 437:1 as it pertains to the definition of "in the business of transferring live animals or birds customarily used as household pets to the public."

II. The members of the commission shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) One member of the house of representatives who is a member of the environment and agriculture committee, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of agriculture, markets, and food, or designee.

(d) One member representing dog owner and breeder interests, appointed by the governor.

(e) One member representing a humane organization, appointed by the governor.

(f) One member representing an animal rescue organization subject to RSA 437:1, appointed by the governor.

(g) One member representing pet stores, appointed by the governor.

(h) The attorney general, or designee.

(i) One member from the New Hampshire Veterinary Medical Association, appointed by that organization.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study and make clarifying recommendations for the phrase "in the business of transferring animals" as it applies to licensed pet vendors under RSA 437:1.

V. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the chairperson of the senate energy and natural resources committee, the chairperson of the house environment and agriculture committee, the senate clerk, the house clerk, and the state library on or before November 1, 2018.

15 Repeal. RSA 437:23, relative to the animal transfer study commission, is repealed.

16 Effective Date.

I. Sections 1-13 of this act shall take effect January 1, 2019.

II. Section 15 of this act shall take effect November 1, 2018.

III. The remainder of this act shall take effect upon its passage.

2018-0720s

AMENDED ANALYSIS

This bill:

I. Defines "breeding female" for dogs.

II. Requires inspection of premises before issuance of a license to transfer animals or birds.

III. Allows the suspension or revocation of a license to transfer animals or birds if conditions under which the license was issued are not maintained.

IV. Allows for a person caring for an animal confiscated during an animal cruelty trial to petition the town for a bond to cover the cost of animal care.

V. Makes an appropriation to the department of agriculture, markets, and food to increase oversight of pet vendors.

VI. Establishes a commission to study certain language applicable to the transfer of animals.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 569 Ought to Pass with Amendment. This bill defines a breeding female dog, it requires inspections of premises before issue of a license to transfer animals or birds and allows the suspension or revocation of a license to transfer animals or birds of conditions under which the license was issued was not maintained. The bill also allows for a person caring for an animal confiscated during an animal cruelty trial to petition the town for a bond to cover the cost of animal care. The bill also makes an appropriation to the Department of Agriculture to increase oversight of pet vendors and establishes a commission to study certain language applicable to the transfer of animals.

Now let me just say this; I think probably everybody has read some of the stories about the incident that happened in my town. And when that occurred, I spoke with our Wolfeboro Police Chief and others and offered to try to bring in legislation that would bring people together on ways to minimize animal cruelty and unfortunately, it's not just what happened in my town, it's what's happened in a number of your towns too. Very problematic. And I have to admit, I didn't realize or know all that much about animal husbandry issues, agricultural issues associated with animals. I know a little bit about hiking above tree line with dogs, but beyond that maybe not too much about the breeding of dogs. So, the first thing I did in the Senate Conference Room was get a large group of people to talk through the issues. There were veterinarians, there were representatives from the Governor's Commission on Animal

Cruelty, there were dog breeders, there were people from the Municipal Association, law enforcement was there, the Department of Agriculture participated, folks from the Farm Bureau and others I'm sure that I've forgotten. We went through the points, oh and the Humane Society and Animal Rescue shelters, how could I possibly forget. We went through the various points of the draft amendment, paragraph by paragraph, sentence by sentence trying to find common ground and compromise, which I think most of you know is what I try to do. And then we had the hearing, and there were an awful lot of people there, people that supported the bill, flat out, people that supported it in concept but didn't like all the details and there were some people the just could not support the bill.

And so, there was a long hearing, thank you, Senator for conducting a good hearing. We listened carefully in the committee and we came up with I think further compromises that make this a good bill that preserves the rights of hobby breeders that breed a certain species of dog. We came up with rights that, or compromises, excuse me, that protect the accused if there is an animal cruelty case. We exempted all agricultural husbandry practices from this. The compromise for the dog breeders, we went from five breeding females to seven and we defined a breeding female as a female that breeds but it has to be at least twelve months old. We put reasonability language in the cost of care provisions, an income determinant for a judge to look at and we said inspections should be every two years. These were some of the compromises that went into this bill. What we're left with is something that should not be a problem for responsible dog breeders but gives the state and local officials better opportunity to prevent the animal cruelty cases that we're seeing happen with way too much frequency in our state.

One of the things I've learned is that because our regulations are different and quite frankly more lax than our neighboring states around us, people are actually coming to New Hampshire. And that certainly from what I've been told, the situation in my town. And the police chief in Wolfeboro's told me that the current law would not have allowed any inspections to try to head off problems. And I understand, and I think we all understand, that we want to protect the rights of law abiding and responsible citizens. We have those debates all the time, and yet at the same time we do have problems. And the problem that happened in my town or the problem that happened in Bristol or Alexandria or Berlin or Croydon, they're pretty significant. This bill allows us to do it and protect animals from cruelty, from abuse, protect the rights of people that have had their animals confiscated in a pending situation before trial. If they pay for cost of care, they can maintain control of their animals with due process. This is a reasonable compromise that I would hope that everybody can live with and I would ask for your vote for the committee amendment and then Ought to Pass on the bill. Thank you.

(The Chair recognized Senator Avard for a question of Senator Bradley.)

SENATOR AVARD: Thank you Senator, for taking my question, there might be a couple. First of all, in our testimony that we heard is it true that one person moved from one state to basically your area because our state was actually lax?

SENATOR BRADLEY: That is what I have been told, in the situation in my town by the police chief and local authorities.

SENATOR AVARD: Would this affect anybody who is breeding six female dogs?

SENATOR BRADLEY: No, it wouldn't affect anybody breeding seven or less dogs and the definition of a breeding female, that dog has to be at least twelve months of age so that's a new provision. And kept or maintained for the purpose of breeding and selling the dogs offspring. That's an important consideration here because I'd probably never do it, but some people like to have a lot of pets. And so, you could have more as I understand this language and I think we worked on it long and hard. More than seven females that are un-spayed but you're not breeding them. So, you're not a commercial kennel therefore you're not subject to the inspections.

SENATOR AVARD: Thank you for taking my question. With regards to the police officers that came to testify. This bill basically protects especially some of the small towns and small police departments that actually have to go in, such as in Croydon, where the police officer actually testified, he cried after, after he saw the abuses. But not only was it emotionally draining it drains their budgets as well.

SENATOR BRADLEY: So, we certainly heard that testimony from the police chief in the town of Croydon and I can assure you that the cost of care situation for taxpayers in my town would have decimated the budget of the police department in the town of Wolfeboro. Now look, there is some controversy about how much the cost of care should be. That's why we put the word reasonable in this amendment to make sure that a judge has control over what the reasonable cost of care should be as well as at the suggestion of our friend from Concord, language that says, you know you have to take into consideration the income level of somebody. In my town situation the police department would have been decimated and to get back to the question that you raised the police chief in my town, Chief Rondeau, who I've known for a long, long time, testified recently in the trial and when asked said that the situation he faced when he went into that home was worse than anything he had seen in Iraq. And that's pretty telling, and so I think for all of us we need to recognize what's happening, not by responsible dog breeders but by irresponsible. And unfortunately, I don't think we can sweep this under the rug or ignore it. And I thank you for your support and for the support of others on the committee because I think this is something we do need to fix.

SENATOR AVARD: Because it's a concern and this went on for a couple of days, and we wanted to cover a number of bases but with regards to funds and due process and the concerns that people have with regards to that more or less the due process, people just walking in and accusing you, could you talk a little bit more about the due process and the protections of the individual civil rights?

SENATOR BRADLEY: Well, first of all we exempted all livestock, slaughter, that kind of thing. That's not where the problem is. The farmers in our state to the best of my knowledge, really run great operations, and why in another bill that we'll be debating on the floor next week there were so many of them that turned out talking about inspections of a different nature. They should be exempted. We exempted them. And so, we built protections in with the standard of preponderance of the evidence to protect those I think better that are accused of animal cruelty and give them an opportunity if they post a bond to maintain ownership of their animals during the trial. Animals are seen as evidence. That's you know, the fact of the matter in a trial and unlike a computer or confiscated contraband or something like that that can just be stored on a shelf, animals can't be stored on a shelf and it's very expensive. In the situation that is near and dear to me in my town, the costs so far are

over a million dollars. And even if you think those costs are excessive, discount it by two thirds. You still have over $300,000. For most of our towns I think all of you would understand how devastating that would be to a budget.

SENATOR AVARD: Thank you.

(The Chair recognized Senator Hennessey for a question of Senator Bradley.)

SENATOR HENNESSEY: I got some mail about gaming animals and you know for hunting or for I don't know what else they do to gaming with animals that's legal. But can you explain to me how this affects those people?

SENATOR BRADLEY: So, there was testimony at the hearing about what are known as hobby breeders or specialty breeders which may breed huskies for instance for sled dog racing, and that would be one kind. And that's why I suggested that we move the definition of breeding female from five breeding females to seven to better protect those hobby breeders and why we put the definition of a breeding female in that there's an actual breeding female not a pet. And it's interesting, I don't know if I can find it but I had a letter here somewhere. Somebody who I think had attended the hearing and wrote a letter and suggested that we move it for five to six. We moved it from five to seven. And I think that's an appropriate compromise.

SENATOR HENNESSEY: Thank you.

(The Chair recognized Senator Giuda for a question of Senator Bradley.)

SENATOR GIUDA: Thank you Senator, for taking my question. Suppose someone has six breeding females, and they're in a deplorable state. Does this bill authorize any action to be taken in that case?

SENATOR BRADLEY: Existing law would have to be followed. The new law would say seven and so it would be much harder to define. They would not be defined as a commercial kennel subject to inspection but they'd still be subject to all the animal cruelty laws. So, in an effort to find a compromise to protect, you know responsible breeders, I chose seven. Started at five, Maine is five, Vermont is three. I think that that's a reasonable compromise.

SENATOR GIUDA: Thank you, Mister President and thank you Senator, for taking my question. How do we determine if a person has seven or more or five or six whether there's an intent to breed or to sell?

SENATOR BRADLEY: So, there is paperwork that goes with transferring of animals, okay? And the current law says that a commercial kennel is defined by ten or more litters or fifty or more puppies in any twelve month period. So that is retained, okay? But the paperwork supervision to determine that is very difficult for the Department of Agriculture. And so other states have done well with the term breeding females and a number. Now we're, under this compromise that I believe is acceptable, we'll be slightly higher than Maine or Vermont but still give either the Department of Agriculture or local official's better opportunity to actually inspect. And I think that in the situations I've talked about, whether it was the Chihuahuas in Croydon, in Senator Ward's district or the Great Danes in my district or the Shepherds I think that were in a fire and perished, inspections would lead to minimizing problems in the first instance and I don't think would undermine responsible breeders in what they're doing.

SENATOR GIUDA: Thank you, Mister President. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
March 7, 2018
2018-1020s
01/03

Floor Amendment to SB 569-FN

Amend RSA 437:1, III as inserted by section 2 of the bill by replacing it with the following:

III. "Breeding female" means an unspayed female dog, 24 months of age or older kept or maintained for the purpose of breeding and selling the dog's offspring.

SENATOR BIRDSELL: Thank you, Mister President. This comes at an interesting time because when we were talking about this yesterday and I looked at the description of a breeding female, I asked the question only because my sister recently bought a German Shepherd dog from a New Skete Monastery in New York last summer and when she picked her up, and I found out just recently when I went down to visit them that they recommend now, at least with German Shepherds, I don't know about other dogs but I'm sure it is, that they recommend anywhere from between one and four heat cycles before they get the dog fixed. And where a heat cycle is can a dog and my sister's dog just went into hers at eight months, so now the current language is twelve months. So, this amendment I'm presenting gives the age of twenty-four months just so that if there are breeds out there that recommend, like the German Shepherds and some of the hunting dogs, that they push out a little bit to see if they're worthy of breeding for hunting purposes. I'm asking you to vote in the affirmative for increasing the age of unspayed female to extending it out to twenty-four months. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Birdsell.)

SENATOR GIUDA: Thank you for taking my question. If a person were to be a commercial breeder and were to breed an animal in that first heat cycle, instead of following the recommendation of the vets and breeders that are professional and accredited, would that be cruelty, if they did it at twelve months?

SENATOR BIRDSELL: Well, the dog has to be in the heat cycle in order to be bred. I don't know, I don't think so. But still in order for a maturity value, the at least the New Skete Monastery and the new recommendations are having the females go anywhere from one heat cycle to four heat cycles and I think it has, I believe it has a lot to do with the cancer in their later years.

SENATOR GIUDA: Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, I think this is, while I'm not thrilled with this, I think it's an acceptable compromise and I can live with it.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
March 5, 2018
2018-0938s
08/10

Floor Amendment to SB 569-FN

Amend RSA 437:4, I as inserted by section 4 of the bill by deleting subparagraph (f).

Amend the bill by replacing sections 11 and 12 with the following:

11 Appropriation. In addition to any sums appropriated in the state operating budget, the sum of $200,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the commissioner of the department of agriculture, markets, and food. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

12 Inspectors; Authorization. The commissioner of the department of agriculture, markets and food is authorized to hire 2 inspectors to support the increase in oversight and inspections of pet vendors.

2018-0938s

AMENDED ANALYSIS

This bill:

I. Defines "breeding female" for dogs.

II. Requires inspection of premises before issuance of a license to transfer animals or birds.

III. Allows the suspension or revocation of a license to transfer animals or birds if conditions under which the license was issued are not maintained.

IV. Allows for a person caring for an animal confiscated during an animal cruelty trial to petition the town for a bond to cover the cost of animal care.

V. Makes an appropriation to the department of agriculture, markets, and food, and authorizes the commissioner to hire 2 inspectors to increase oversight of pet vendors.

VI. Establishes a commission to study certain language applicable to the transfer of animals.

SENATOR BRADLEY: I neglected, it must be because I haven't studied under the tutelage of you Mister President, on the Finance Committee. I put an appropriation in the bill but not an authorization to create the two inspectors that the appropriation is supposed to cover. This was brought to my attention by our former colleague, now Commissioner Jasper, so I would ask; this is consistent with the intent of the bill. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Feltes, seconded by Senator French.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, French, Sanborn, Daniels, Birdsell.

Roll Call, Yeas: 19 - Nays: 5. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 577, requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin.
Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources
February 20, 2018
2018-0721s
10/08

Amendment to SB 577

Amend the title of the bill by replacing it with the following:

AN ACT requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that the continued operation of the Burgess BioPower plant in Berlin is important to the economy of the north country and the city of Berlin, as well as the forest products industry, and important for the attainment of renewable energy portfolio standard goals and the environment, and is therefore in the public interest.

2 Public Utilities Commission; Proceedings. Within 30 days after the effective date of this act, the public utilities commission shall initiate a proceeding in order to consider how it is in the public interest to revise its Order 25,213 (Docket DE 10-195). The commission shall consider whether it is in the public interest to increase the amount of the cap on the level of the cumulative reduction factor, or to make other adjustments or revisions to the order, so that the Burgess BioPower plant can continue to operate. When considering the best way to meet the public interest the commission shall consider the impact the potential closing of, or the reduced capacity at, Burgess BioPower could have upon jobs at the plant and in the forest products industry, property tax and other impacts on the city of Berlin, renewable energy resources in New Hampshire, the impact on Eversource ratepayers, and other such factors the commission deems appropriate.

3 Sulphur Limits; Import Prohibited. Amend RSA 125-C:10-d to read as follows:

125-C:10-d Sulfur Limits of Certain Liquid Fuels.

I. ***No person shall import into the state any of the following liquid fuels:***

(a) No. 2 oil, also referred to as distillate oil, with a sulfur content greater than 0.0015 percent by weight;

(b) No. 4 oil with a sulfur content greater than 0.25 percent by weight; or

(c) Nos. 5 or 6 oil, also referred to as residual oil, with a sulfur content greater than 0.5 percent by weight.

II. Beginning on February 1, 2019 and continuing thereafter, no person shall sell, offer for sale, supply, distribute for sale or use, except for fuel remaining in storage for a device not requiring a permit pursuant to RSA 125-C:11, any of the following liquid fuels:

(a) No. 2 oil, also referred to as distillate oil, with a sulfur content greater than 0.0015 percent by weight;

(b) No. 4 oil with a sulfur content greater than 0.25 percent by weight; or

(c) Nos. 5 or 6 oil, also referred to as residual oil, with a sulfur content greater than 0.5 percent by weight.

[~~II~~] ***III***. The commissioner may temporarily allow the use of non-conforming fuels with respect to paragraph [~~I~~] ***II*** if there is a demonstrated need to do so based on an acute shortage of supply.

4 Electric Renewable Energy Classes; Useful Thermal Energy. Amend the introductory paragraph of RSA 362-F:4, I to read as follows:

I. Class I (New) shall include the production of electricity [~~or useful thermal energy~~] from any of the following, provided the source began operation after January 1, 2006, except as noted below***, or the production of useful thermal energy as noted below***:

5 Electric Renewable Energy Classes; Useful Thermal Energy. Amend RSA 362-F:4, I(e) to read as follows:

(e) Methane gas ***if the methane gas energy output is in the form of useful thermal energy provided that the unit began operation after January 1, 2013***.

6 Effective Date.

I. Section 3 of this act shall take effect 12:01 a.m. July 1, 2018.

II. Sections 4 and 5 of this act shall take effect 60 days after its passage.

III. The remainder of this act shall take effect upon its passage.

2018-0721s

AMENDED ANALYSIS

This bill:

I. Requires the public utilities commission to initiate a proceeding to consider changes to its order affecting the Burgess BioPower plant in Berlin.

II. Prohibits the import of certain liquid fuels and prohibits the sale of such fuels in 2019.

III. Changes the inclusion in electric renewable energy class I for methane gas.

SENATOR BRADLEY: Thank you again, Mister President. I move Senate Bill 577 Ought to Pass with Amendment. The bill requires the Public Utilities Commission to initiate a proceeding to consider changes to its order affecting the Burgess Biomass Plant in Berlin. The Burgess plant currently has a power purchase agreement from Eversource, subject to a PUC order that placed a cap on subsidies from ratepayers to the plant. This bill would ask that the Public Utilities Commission open a proceeding to consider if it's in the public interest to revise or alter the subsidy. The Public Utilities Commission will consider the impact of potential closing of, or the reduced capacity at the Burgess Power Plant that it could have on jobs at the plant and in the forest products industry, the property tax base of Berlin, renewable energy sources in New Hampshire and the impact on the ratepayers. During the committee process there was an amendment to Senate Bill 577 that extends the time frame for complying with the prohibition on the importation of certain liquid fuels or oil in particular. This was legislation that we considered a couple of years ago, was adopted unanimously, it was asked for by the oil dealers. What's happened is that there hasn't been a quick enough turnover

of the oil in one of the tanks and so the Department of Environmental Services asked me to file this amendment in order to ensure that this tank is in compliance with the law by extending out the time frame. I think that's a reasonable thing to do. The second amendment that's in the committee amendment changes the inclusion in electric renewable rates for Class 1 methane gas. The amendment clarifies legislative intent and allows landfill gas to be considered as thermal energy, making it eligible for Class 1 thermal renewable energy certificates under the renewable portfolio standard. Thank you, Mister President. I hope we can vote for the committee amendment and the bill.

The Chair ruled sections of the Committee Amendment non-germane.

Without objection, Senate Rule 3-17 is suspended to allow consideration of the non-germane Committee Amendment. Adopted by the necessary 2/3 vote.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
Sen. Avard, Dist 12
February 28, 2018
2018-0884s
10/04

Floor Amendment to SB 577

Amend the bill by deleting section 4 and renumbering the original sections 5 and 6 to read as 4 and 5, respectively.

Amend paragraph II of section 5 of the bill by replacing it with the following:

II. Section 4 of this act shall take effect 60 days after its passage.

SENATOR FELTES: Thank you very much, Mister President. The chair of Senate Energy and I also serve on JLCAR together. This is an issue that we have worked on in terms of allowing methane to be a qualifying thermal energy underneath the RPS in Class 1. This is a technical amendment. When we did the amendment in committee some of the language got a little messed up. This cleans up the language to make sure that we're just applying this authorization to methane and not affecting any of the other fuels as they're currently treated under existing law. So, I'd encourage passage of this amendment and thank the chair of the committee for his work on this and thank you very much, Mister President.

Recess. Out of recess.

PRESIDENT MORSE: I just want to remind the Senate that this bill's going to Finance.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: I apologize Mister President. Where are we at this point? Ought to Pass as Amended?

PRESIDENT MORSE: Ought to Pass as Amended.

SENATOR SANBORN: Yes, thank you for allowing me to speak, I apologize. To my colleagues, I rise in a very global perspective, acknowledging

that I have a proven record of supporting competitively produced and brought renewable energy that if you vote for this you can't say you're unhappy with high electric cost. Time and time again in this body and we all know how complicated electrical energy is and I support people having that right to make their own electricity and I support renewable energy but this is a case where we are sending a docket or telling the PUC to go consider and investigate whether or not they want to extend an above market rate for a longer period of time. When this power plant was created there were lots of reasons, economic, political that a lot of people supported it. It helps jobs in the North Country. It helps bring some economic revitalization to my good friend's districts, and I have an appreciation for that. But in an environment today where people are producing power for three cents a kilowatt, making a government induced program that's eight and a half cents a kilowatt for a long period of time makes it very difficult for people to argue against our high electric rates. If we want lower electric rates, we need to actually start focusing on using the free market and competition to actually allow it to work and not inject our government into requiring or looking or asking or considering for long term specific deals for specific companies that are specifically above high market rates. So, my struggle with this Mister President, is more about the fact that I hear every single day among the top four complaints people have in our state is the cost of electricity. Every single discussion; cost of health care, cost of electricity, not enough employees. For this body to consider asking the PUC to extend an above-market rate is hard for us, should be hard for us to swallow. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the OTPA motion. I too am in favor of removing subsidies however, this is a unique situation. First, the actual cost of production is in most cases less than the cost of transmission and distribution. So, while this is a factor it is not the major factor in the high cost of electricity in our state. Secondly, this is an issue about jobs in the North Country. In my district I have two biomass plants, one has already closed, the second is hanging on for dear life and it is not this particular biomass plant. And so, the one thing that we don't understand fully and that we need to understand is that these biomass plants, the source of fuel for the plant is in New Hampshire. The revenue delivered is to New Hampshire. The families that earn livings whether logging in the woods or driving on the trucks or working in the mills or working in the power plants are all New Hampshire families, and that these plants provide those families with the ability to pay mortgages, health insurance, etcetera. And so, this is more than just an issue isolated only on one of the factors involved in the high cost of electricity. In this instance and with all biomass plants, this is an actual, if you will, an economic ecosystem within itself and for those reasons I will support this amendment. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise also in support of this adjustment to the purchase of power agreement for the Burgess Biomass Plant in Berlin. It is crucial to the North Country, our loggers, our chippers, our haulers and those dollars that circulate are lifting all folks. In the North Country wood is good, and burning wood sometimes called wood burn, is even better. 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 Avard, seconded by Senator Sanborn.

Recess. Out of recess.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark, Innis.

The following Senators voted No: Sanborn, Reagan, Gannon, Morse.

Roll Call, Yeas: 20 - Nays: 4. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 570-FN, relative to the work requirement for the child care scholarship program.
Ought to Pass, Vote 4-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 570-FN Ought to Pass. This legislation will direct the Department of Health and Human Services to adopt rules which will modify the work requirement for the child care scholarship program. The adoptions of rules will include for the participation in a mental health or substance abuse treatment program. This creates an exception for the non-financial eligibility condition for child care scholarships for participation in mental health or substance use treatment programs. A step the state can take which will assist in recovery efforts. The ED&A Committee voted Ought to Pass and asks for your support in their recommendation. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. I rise in support of the ED&A Committee's recommendation and thank the chair of ED&A and the committee for the bipartisan vote. Right now, parents of children who need to get into treatment are having to choose between taking care of their children and treatment. That's not fair to the parents, that's not fair to the children and right now we have an opportunity to correct it. This is a significant step forward to help our families Mister President, in the opioid epidemic and I would encourage us to vote yes on Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Gannon for a question of Senator Feltes.)

SENATOR GANNON: Just another brief question, you can give me a brief answer again. How many are we talking about here as a total? How many people? Do you have a rough idea how many this encompasses?

SENATOR FELTES: Thank you very much, Senator Gannon. I don't know exactly the number. I think the fiscal note says indeterminable. But whatever the number is, each person that is falling through the cracks and their children is too many. Thank you, Senator.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Feltes, seconded by Senator Fuller Clark.

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.

PUBLIC AND MUNICIPAL AFFAIRS
SB 506, limiting amendments to warrant articles.
Ought to Pass with Amendment, Vote 4-1. Senator Woodburn for the committee.

Public and Municipal Affairs
February 21, 2018
2018-0818s
06/08

Amendment to SB 506

Amend the bill by replacing all after the enacting clause with the following:

1 Town Meetings; Petitioned Warrant Articles. Amend RSA 39:3 to read as follows:

39:3 Articles. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one of them not later than the fifth Tuesday before the day prescribed for an annual meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. ***Such corrections shall not in any way change the intent of the article as presented in the original language of the petition.*** For the purposes of this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. In towns with fewer than 10,000 inhabitants upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, and in towns with 10,000 or more inhabitants upon the written application of 5 percent of the registered voters in the town, so presented not less than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting. In no event shall a special town meeting be held on the biennial election day.

2 School Meetings; Warrant and Articles. Amend RSA 197:6 to read as follows:

197:6 Warrant and Articles. Upon the written application of 25 or more voters or 2 percent of the voters of the school district, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the school board or one of them not later than 30 days before the date prescribed for the school district meeting or the second Tuesday in March, whichever is earlier, the school board shall insert in the school district warrant for such meeting the petitioned article with only such minor textual changes as may be required. No article may be inserted after posting of said warrant. ***Petitioned articles shall not be amended except for minor textual corrections. Such corrections shall not in any way change the intent of the article as presented***

in the original petition. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32.

3 Effective Date. This act shall take effect 60 days after its passage.

2018-0818s

AMENDED ANALYSIS

This bill limits amendments to petitioned warrant articles to minor textual corrections.

SENATOR WOODBURN: Thank you, Mister President. I move that Senate Bill 506 Ought to Pass with Amendment. This bill prohibits the amendments to be petition articles by select board members or town officials except for minor textual corrections. This would apply to town meeting warrant articles or school meeting warrant articles. The committee felt that the petitioner's original intent should be protected from town officials changing the meaning from what was presented in the original language of the petition. Once the warrant article is introduced at the deliberative session, changes can be made in the acceptance of a majority of voters as per standard practice. I ask you to support the committee's recommendation of Ought to Pass as Amended. Thank you, Mister President.

(The Chair recognized Senator Daniels for a question of Senator Woodburn.)

SENATOR DANIELS: Just a question, if a petition were put in that was not constitutional, how are we to leave the unconstitutional wording in?

SENATOR WOODBURN: That's a very good question and I think we should, I think I should divert to someone who may be able to answer that better. I don't have a good answer.

SENATOR DANIELS: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister Chairman. I would think it would be incumbent on the select board to inform the legislative body when the article is presented that it is unconstitutional, but I think we run the risk if we start letting select boards decide what's constitutional or not before it has a viewing in front of both legal counsel and the legislative body that we run a risk of truncating first amendment or other fundamental rights.

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.

TRANSPORTATION

SB 400, relative to traveler information signs on highways.
Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

Senate Transportation
February 21, 2018
2018-0755s
01/04

Amendment to SB 400

Amend RSA 230:52, III as inserted by section 1 of the bill by replacing it with the following:

III. The fee charged under paragraph II to a registered nonprofit organization that maintains a museum or heritage tourism site which is open to the public and listed in the National Register of Historic Places or the New Hampshire register of historic places under RSA 227-C:33, shall be limited to the cost of the initial creation and placement of the sign, or its replacement.

2018-0755s

AMENDED ANALYSIS

This bill provides that the fee charged to certain nonprofit organizations for advertising space on a limited access highway shall be limited to the initial cost of the sign or its replacement.

SENATOR WATTERS: Thank you, Mister President. I move Senate Bill 400 Ought to Pass with Amendment. This bill provides that the fee charged to certain nonprofit organizations for advertising space on a limited access highway shall be limited to the initial cost of the sign or its replacement. The fee structures set up for these types of signs have made it difficult for non-profits to afford to advertise. I think we wisely under the leadership of Senator from District 19 a couple of years back, passed a statute that asked the Department of Transportation to make sure that these signs that have the informational placards on them were paid for by those folks who wanted the information on them. I think the unintended consequence of that was that we found that even these little non-profits and museums that we have in our districts were asked to pay not only $500 for the initial construction of the sign, but $500 a year just to keep their placard up there. So, the non-profits could no longer afford to have their signage on the highway. This legislation then would help ensure that those sites that are open to the public will not have to pay for signs done initial cost of the sign or its replacement. The committee amended the legislation in order to ensure that the non-profits, which are eligible under this legislation will include only those places which maintain a museum or heritage tours on site and are open to the public and listed in the national register or state register of historic places. The Transportation Committee asks for your support in the motion of Ought to Pass with Amendment on Senate Bill 400. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 464, relative to the procedure for driveway permits.
Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

Senate Transportation
February 21, 2018
2018-0758s
01/10

Amendment to SB 464

Amend RSA 236:13-a, III(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Extend the time for rendering a decision on the application for good cause.

SENATOR WATTERS: Thank you, Mister President. I move Senate Bill 464 Ought to Pass with Amendment. This bill establishes a procedure

for processing applications for certain excavation and driveway permits. Some developers have experienced a lack of predictability with the Department of Transportation regarding this permit process which leads to a delay in the process for months if not a whole year, and we all know for developers time is money. This can be detrimental to developers because one of the last components that will hold up the site plan from being signed is a driveway permit being issued. This legislation would seek to bring some predictability to the timing of the permit process. The Transportation Committee ask for your support in the motion of Ought to Pass with Amendment on Senate Bill 464.

(The Chair recognized Senator Giuda for a question of Senator Watters.)

SENATOR GIUDA: Thank you, Mister President. Senator, thank you for taking my question. My question is I see in the amendment in the schedule of the extending the time for rendering a decision on the application for request. What is exactly this amendment doing? I mean is it so defining a specific period of time that they need to have it done by, or I'm not sure exactly what we're doing here.

SENATOR WATTERS: Thanks for your question. So, there's basically two periods we're talking about. One is when the initial application comes in and the Department of Transportation is supposed to respond to the initial application within a certain amount of time. And then they also can ask for additional information. And so, what we were concerned about is that in both cases that that period be definable and shortened. I think it was important there to have the good cause mentioned because what we heard is that sometimes they put out the request for the additional information, they don't hear back and they try a request again and so there might be an occasion where the department says look, we really do have these reasons but they would have to specify that.

SENATOR GIUDA: Okay, thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 559-FN-A, making an appropriation for a sound barrier on the Everett Turnpike in Bedford.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Senate Transportation
February 21, 2018
2018-0788s
04/05

Amendment to SB 559-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the construction of sound barriers on type I and type II highways.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the construction of sound barriers on type I and type II highways.
2 Membership and Compensation.
I. The members of the committee shall be as follows:

(a) Two members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the construction of sound barriers on type I and type II highways. The committee shall also study:

I. The formula for cost-effectiveness.

II. Type I and type II projects and potential costs for each type.

III. The town's role in determining the costs associated with type I and type II projects.

IV. Alternate methods for funding type I and type II projects.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2018.

6 Effective Date. This act shall take effect upon its passage.

2018-0788s

AMENDED ANALYSIS

This bill establishes a committee to study the construction of sound barriers on type I and type II highways.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 559-FN Ought to Pass with Amendment. As introduced this bill would have made an appropriation to the Department of Transportation for the construction of a sound barrier on the F.E. Everett Turnpike in Bedford. The committee heard ample testimony for individuals who live and have lived in this neighborhood in Bedford for years. It is clear that the highway expansion on the Everett Turnpike has caused an increase in noise for residents in this area. However, the Department of Transportation conducted a test in this area in 2011 and found that the number of houses impacted was too low to justify the cost of building a sound barrier. Further there are so many other neighborhoods and areas throughout the state that are in the same or worse predicament that have also not received funding for such sound barriers. The committee therefore amended the language of the bill to establish a study committee that would specifically study the construction of sound barriers on type 1 and type 2 highways throughout the state, not just at this particular location in Bedford but others. This study committee would examine the formula for cost effectiveness and potential cost for sound barriers on each type of highway. Further it would examine the town's role in determining the cost associated with these projects and alternate methods for funding them. Transportation Committee believes that this is the best way to move forward with getting these types of projects addressed fairly. Therefore, I ask for your support in the motion of Ought to Pass with Amendment on Senate Bill 559-FN. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and ask the body to turn down the amendment and allow a vote on the passage of the bill before the amendment. While I appreciate the work that the Transportation Committee did, but at the end of the day they came back and said, hey, let's study this. Wow, let's study this. I think this is the eleventh year in a row we're going to study this. Now you're talking about a small blue collar family that's owned houses ever since the fifties when the state of New Hampshire came in and wiped out a hundred yards of the wood buffer between their houses and the interstate. They spent years dealing with the state of New Hampshire as it considered whether or not it needed to save a habitat for bald eagles. Four and a half million dollars I think they spent studying whether or not they needed to save the habitat for bald eagles. The bald eagles flew away, they're not even there anymore. The state of New Hampshire came in, wiped out their land, built the road, conversation after conversation that we'll build the sound wall, don't you guys worry about it, we'll be there. State of New Hampshire will take care of it. Back then it was under $300,000. State didn't do it. Year after year after year after year, these families came up to this body, came up to the House and just said a simple thing; deliver on your promise. Why are we penalizing people because they happen to have bought houses in 1950 or built them in the fifties on two acres of land which is the only excuse that the state is giving them today? Not enough density of real estate.

You know I hear and I can appreciate the fact that today there are several of us in this room who say we'd like to have a sound wall, I hear my good friend from District 21 has said it as often as I say it. I've been saying it for years in this room. Now today we're realizing that there's plenty of people that are being subjected to excessive sound. And let's talk about excessive sound. These are people that based upon the fact that the state came in and blasted away the mountain, so they have granite facing that's fifty feet high across the street from them, put in cement Jersey barriers the entire length then have doubled the width of interstate. These are people who inside their house, inside their house the sound levels are higher than the state of New Hampshire says should be recorded outside of their house. They can't open their windows, they can't open their doors, they can't enjoy their yards, they're prisoners in their homes from what the state of New Hampshire did to them. And back when this thing could have been solved for a couple hundred grand or $300,000 the state chose not to do it. And then it was 400, 500, 600, 700, 800, 900. At one point they came in and said it would cost them a million four, even though today we know that the cost is realistic around 900,000. These people have even asked to do the work to go find competitive private bids to get the price down, and yet the state of New Hampshire will not allow them to do that.

So, when are we going to solve this problem? When are we going to solve this problem? We have a transportation fund that has money in it. Has money in it, it's not like we're broke. We have no plan. I've even suggested time and time again, what does it take for us to start this? What does it take to go to either the first neighborhood, which would be this neighborhood in full disclosure, to allocate something? We have a ten year highway plan, we spend money on roads. Earlier this year we, you know we had a nice long debate about a roundabout up in the Lakes Region. But yet these people are just getting pounded with the sound of cars and motorcycles and trucks twenty-four hours a day. We're not doing anything for them. We're not doing anything for them, and I

suggest that maybe it's time that we do. So, I ask this body to join me and vote down the amendment and let's actually start the process of doing something. And with the ten year highway plan we can look at other projects and find ways that we can fund it and actually help our constituents. So please vote down the amendment and let's pass the bill as introduced. Thank you so very much, Mister President.

(The Chair recognized Senator French for a question of Senator Sanborn.)

SENATOR FRENCH: Senator, is this the exact same neighborhood that you took me down to last year where we could not even hold a conversation in the backyard?

SENATOR SANBORN: Senator, thank you so much. I've actually invited many Senators to come down. And that's all I've asked for people; come down and listen and thankfully you were one that actually did and I appreciate the fact that you did and you're right. We had to yell, we actually had to raise our voices to even be heard, it is that kind of loud for these people.

SENATOR FRENCH: Thank you.

(The Chair recognized Senator Giuda for a question of Senator Sanborn.)

SENATOR GIUDA: Senator, did I hear you say that the state of New Hampshire DOT had pledged to put up a sound barrier when this improvement to the state highway system was made?

SENATOR SANBORN: Senator, thank you so much for the question. I appreciate it. I have been told that they were by past commissioners; the present commissioner today says they did not. So, I'll leave that as it is. Thank you.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I was one of the ones who voted with the 5-0 majority. Since then I have visited the neighborhood and I have found those sounds to be just unlivable. But when I voted that way, I thought we can't just help this one neighborhood there's others in the same situation. But this neighborhood is so bad it's gone on for eleven years. And then I was just thinking, the Senator from Concord, District 15 mentioned earlier, when we were doing SB 570 on the work requirement and I asked him how many people is this helping and he said Senator if it's one person. This is dozens and dozens of families that we've ignored for a decade. So, I feel at this time we should put them to the forefront and actually help someone today. So, I would go from my good Senator from District 9 and vote we override the Ought to Pass. Thank you.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. And I really appreciate what the Senator from District 9 has said. I could give exactly the same speech about a neighborhood on Dover Point. Here's the situation we're in and I think that frankly I think the case was made and you know this kind of bill has been rejected in the past but we thought, okay we've got to try to do something about this, and that's why we brought forward this committee amendment. And just to explain briefly about this that there are type 1 projects which have federal funding in the highway fund, that have a formula that says we will pay for the sound barriers when construction is initially done with federal funds if it meets certain criteria; there's a decibel level, and then there's a number of houses and

the cost per house. Now whether that is justifiable in certain cases I think that's open to debate but that is the federal standard and that is the standard across all projects and why one may be done and one may not. Now if we accept that perhaps traffic's gotten worse or decibel level's gotten worse or something has changed or that we really just think we ought to do something for a neighborhood.

Then we have proposed a type 2 program which would say we will try to find state money to take care of these ones that hadn't been done before or if in the future they're projects under the federal highways but they wouldn't qualify so can we find some state money for it. And I think that's an important thing and that's why we have the committee established here. We were told by DOT that they, I think the figure was something like $200 million that could be potentially spent on these type 2s and I wonder where we're going to find $200 million in the ten year highway plan but I voted for this because I felt we ought to get started on it. But that's the situation we're in and there's one other thing to say too, that if we cherry pick a project right now and you know, Senator from District 9 wants his to be number one, the neighborhood in my district has more people, worse noise so you know which one's going to be first, right? But the problem is that if we do it for one and have violated the principles under which we provide funding we are open to suits by anybody else who wants one and it says well you gave it to them, you violated your criteria, so you no longer have a principle of not funding us and I think that's a problem. So, I really thought this was a terrific way to move forward that the Senator from District 19 proposed and I take it seriously. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise opposed to the pending motion. Three years ago, I put in the same bill. I was on Transportation at the time and I was told, well this should really go into the ten year plan. So, the second year we tried to get it into the ten year plan and I was told well it should really should go into the budget. We've got this runaround and we just keep going around in circles when the major problem here is the metrics that are being used are not the right metrics. The metrics should be based on the volume, the sound, not how many houses within a certain density so I would ask the body to overturn the pending motion so an alternate motion can be brought forward. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. I too represent Windham and I also have constituents who are affected by the 93 expansion. And I would say in looking over this information, one of the criteria that the Department of Transportation is using is the number of homes on a certain piece of property. Now many areas, and Windham is responsible as well, they have two acres or two and a half acres per lot. So, one of the criteria is that, one of the problems is that, DOT has determined that there are not enough homes impacted. Why? Because the towns have a limited amount, have space that they mandated acreage. So, the town is also part of the issue. So, this is why we want the study committee so we can look at the criteria and see if there's any changes that we can make to it. So I'd like the body to move ahead with the study committee so that we can make some improvements in the criteria that DOT has set forth and as the Senator from District 4 said, there's limited things

that we can do with the stage 1, because it is mandated by the feds but we can certainly work with the type 2 and try and make some changes for these people that are affected. I did visit Windham and it's loud, so I understand that we have an issue and I intend to bring it forth and try and make some changes so please pass the amendment and let's move forward with trying to make some change.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you, Mister President. I feel compelled to add the neighborhood adjacent to I-95 in Portsmouth as a community that has been waiting for a sound barrier for close to thirty years. This is a critical issue that exists for a number of communities around the state and I think what's important is to make sure that what comes out of this study finds a way to address this problem, and recognizing that we have neighborhoods everywhere that have been impacted by the expansion of our major highways. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President I rise again and I appreciate to just remind my good friend from Senate District number 4 that we are talking of two different transportation funds, yours is on a state highway this is on a road that has a toll so it is a different funding mechanism. And again, in this account the money exists. The money's in the account we just need to make the decision to spend it. We need to make the decision that we're going to finally stand up and start fighting for all of our constituents as Senator from District 23 had commented to the Senator from District 15, if it helps one person, if it helps one person let's do this. I will make a commitment to this body Senator Watters, Senator Fuller Clark. I ask this body to make the same commitment today. Vote down this amendment, help these people who have been up here for year after year after year, and let's make a decision that we do not approve the ten year highway plan until there is a funding mechanism in there that generates some sort of a solution to these people. Every year I've come here we have voted for the ten year highway plan. We've never had it in. So why don't we come together as a body and say let's make sure that any plan we have that all of us can get together, we don't need some fancy commission, not that this isn't a fancy commission, Senator. But we can come together and we can solve it. And in conclusion I am remiss and I need to thank my good friend from District 11, Senator Daniels who has put this bill in for me and others several times as he has continued to chase the process. Because every debate we've had on this every year, put in the highway plan, put in Transportation, put it in the budget. We've just been chasing it. When do we stop and just start helping people? This is what we're here for. So, I ask people again, turn down the amendment, let's pass this forward and I will commit Senator Watters, Senator Fuller Clark, let's get together and come up with a funding mechanism and work with the Chair of Transportation and not support that ten year plan until we get something in. Let's solve a problem today. It would be great. Thank you, Mister President.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Sanborn for a parliamentary inquiry.)

SENATOR SANBORN: Thank you, Mister President. Mister President, if I believe the time is right to come together and actually start delivering

on promises that we would make, with the intent that we will further come together and come up with a plan for the ten year highway plan that comes over here, would I vote no on the amendment?

PRESIDENT MORSE: If you're in favor of the amendment you're going to say aye, if you're opposed, you're going to say no.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Innis, Morse.

The following Senators voted No: Giuda, French, Sanborn, Daniels, Avard, Gannon.

Roll Call, Yeas: 18 - Nays: 6. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 562-FN, allowing the waiver of fees for reinstatement of a driver's license and registration in cases of demonstrated financial hardship.
Inexpedient to Legislate, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move Senate Bill 562-FN Inexpedient to Legislate. At the request of JLCAR, this bill would allow the waiver of fees for reinstatement of a driver's license and registration in cases of a demonstrated financial hardship. Although the committee is sympathetic to this idea it became evident at the public hearing and afterwards that there's no clear language as to what would actually constitute a financial hardship. The committee has not received any information on this matter since the time of the public hearing. The Transportation Committee asks for your support on the motion Inexpedient to Legislate on Senate Bill 562-FN. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

SPECIAL ORDER

Without objection, the following bill is special ordered to 5 o'clock. Adopted.

FINANCE
SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program.

SB 585-FN, authorizing the New Hampshire Breast Cancer Coalition to issue decals for multi-use decal plates.
Ought to Pass, Vote 4-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move Senate Bill 585 Ought to Pass. This bill authorizes the New Hampshire Breast Cancer Coalition to issue decals for multi-use decal plates. It is likely that nearly everyone here knows someone whose life has been affected by breast cancer. The mission of the New Hampshire Breast Cancer Coalition is to support patients here in New Hampshire who are being treated for breast cancer. This legislation would help to provide income for the coalition to provide services and assistance to women in the state, stemming from the breast cancer diagnosis. Since there are several pieces of legislation this session that deal with decals for multi-use decal plates, some of which need amendments in order to be passed into law properly. A subsequent

motion will be offered that I hope each of you can support. All members of the Transportation Committee asks for your support in the motion of Ought to Pass on Senate Bill 585-FN. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted.

Senator Birdsell moved to Lay on the Table SB 585-FN. Adopted.

WAYS AND MEANS

SB 563-FN, establishing a recovery friendly workplace initiatives tax credit against business taxes administered by the community development finance authority.

Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Senate Ways and Means
February 21, 2018
2018-0787s
05/04

Amendment to SB 563-FN

Amend the bill by replacing all after the enacting clause with the following:

1 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.

2 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 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.

3 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.

4 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.

5 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.

6 Applicability. The tax credits authorized in this act shall apply to tax years beginning on and after January 1, 2019.

7 Effective Date. This act shall take effect July 1, 2018.

2018-0787s

AMENDED ANALYSIS

This bill 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.

SENATOR SANBORN: Thank you, Mister President. Mister President, I move Senate Bill 563 Ought to Pass with Amendment. This bill establishes a tax credit against the business profits tax and the business enterprise tax for donations made to the Community Development Finance Authority, the CDFA, for recovery friendly workplace initiatives. This bill comes as one of the agenda priorities of the Governor who has truly led a great effort on this and discussed it last week in the Executive Council chambers, where he is trying to bring forth new and innovative ways to make sure that we find better solutions, more effective solutions and solutions that work into our fight on the opioid crisis. As we know today there is a stigma against being in recovery. There is a stigma against people who are struggling with the opioid crisis. What this bill would do is to allow businesses to make donations to the CDFA, which would then give grants back to recovery organizations and businesses to help them set up employee assistance programs, to help them market and bring forward ways that businesses themselves could let people know that they are open, welcoming and accepting of those that are in recovery. This would be the first type of program that has in America where we will find a way to actually let people know that we recognize the struggles that they've had and we're there to help them out. Mister President, I commend this bill to the body, would ask for its support as amended. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9
Sen. Giuda, Dist 2
Sen. Daniels, Dist 11
Sen. D'Allesandro, Dist 20
Sen. Feltes, Dist 15
February 26, 2018
2018-0846s
10/01

Floor Amendment to SB 563-FN

Amend the introductory paragraph of RSA 162-L:10, I-a as inserted by section 2 of the bill by replacing it with the following:

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:

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect upon its passage.

SENATOR SANBORN: Thank you, Mister President. Mister President and members of the body, what this amendment does is provide us as indicated a 75 percent tax credit on contributions made between July 1, 2018 July 30, 2020 so the program would sunset but would allow a carry forward of no more than five succeeding tax periods, which would be allowed to use the money either individually or in combination. So essentially what this amendment does is again reaffirm a two year sunset and a five year tail of which the money could be appropriated. All of us; Sanborn, Giuda, Daniels, D'Allesandro and Feltes ask for your support for the amendment. Thank you, Mister President.

(The Chair recognized Senator Kahn for a question of Senator Sanborn.)

SENATOR KAHN: Thank you, Mister President. Thank you, Senator, for taking the question. The amendment just for my, for the spreadsheet, that I'm just trying to keep track of all the credits and reductions and tax collections that we're on an annual basis reducing, doesn't change from $1 million in the previously approved amendment, under your amendment?

SENATOR SANBORN: Yes, correct. Thank you very much, and I apologize I neglected to say this is an up to a $1 million total contribution level. Stays the same.

SENATOR KAHN: Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: I just want to speak to this bill and say that while I understand the need to address the opioid crisis in the workplace and that this bill is very well-intentioned, I'm a little disappointed that the businesses aren't able to step forward on their own and provide these services and these treatments. Thank you.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 587-L, relative to the collection of fees for public parking facilities. Inexpedient to Legislate, Vote 3-1. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. Mister President, I move Senate Bill 587 Inexpedient to Legislate. This bill sought to allow the city of Concord to collect an additional motor vehicle registration fee which is a process we allow in two other cities in New Hampshire today, that we have provided the authority for them to actually make a surcharge on the people's local registration. So, this bill would have sought to allow the city of Concord to collect this additional motor vehicle registration fee in order to help pay for the construction, operation and maintenance of its parking facilities. A majority of the committee did not support enabling a city to raise fees on vehicle registrations for its residents who might not use the parking facilities. In addition, we heard testimony that the city of Concord recently amended its parking fees and it looks to get a 50 percent increase from $2 million in total revenue to $3 million in total revenue, just on their increased cost of parking fees. Members of the committee felt that they should be able to use that money to better manage their parking facilities. Now all that being said, I think it's important for this body to note that today the state of New Hampshire, many members in this body, many members across the way, even the Governor down one step actually has use of parking facility, of parking meters free of charge from the city. We did have discussions within our committee as to whether or not there should be an annual appropriation back to the city of Concord to compensate them for the lack of parking revenue, and it's something that this body might want to consider at a future time. So, with that Mister President, I commit to the body of Inexpedient to Legislate on Senate Bill 587.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much Mister President. Mister President, this body has voted to enable some increases with respect to car registration across our municipalities. Everybody here has done that for the most part voted for enabling legislation. This is enabling legislation for one community, Concord. Enabling, the republican principle of local control Mister President. The Jeffersonian principle of local control. Let the people of Concord debate and discuss whether or not to do this. The representation that they're going to increase fees another million dollars is false. What's going on here, despite the fact that I don't support increasing car registration fees, I do support the city of Concord making its own determination in the debate and discussion about car registration fees. Local control; I support it, the majority of Ways and Means does not. I ask you to vote no on ITL. Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise against the impending motion of Inexpedient to Legislate. You know as a body we're supposed to listen to the people that we represent. When the mayor of a city comes before us and says that the people that I represent would like to see the population number reduced from 50,000 to 40,000 so that this action can take place, it seems to me that we as a representative body should honor what the locals request. They didn't say initiate a tax, they didn't say initiate this or initiate that, what they asked for was the authority to manage their city as they see fit. And guess what; they were elected by the people of that city. Parking is the issue. We have the authority in Manchester to do what we needed to do with regard to parking. We are the largest city in the state, we have a population of 100,000. The law says at 50,000 and above you can make this decision locally. This request by the city of Concord is to be given

the authority to make a local decision. The mayor said that Concord has reduced impact fees to make it more acceptable for business and industry to come to the city. They've reduced impact fees. They asked permission to make a decision. That's all, just to make a decision. The town budget person came. They clearly articulated the rationale for this decision and they asked us as they have in the past to grant them this option.

Now we just talked about money, we talked about taking 1.4 million out of the turnpike authority to build a barrier. These people are asking us for permission to create a situation where they may have an opportunity to increase a fee that they desire. That's going to make their community better. How in God's world can we refuse this? How can we refuse giving people an opportunity to make a decision? Isn't that the decision making process? Didn't Aristotle talk about that? Huh? In Athens when we had public discussion? The Athenian concept of the decision making process? Pericles thought about it. But hear in Concord, we can't think about, we can't allow people to make decisions on their own when they come to us and ask. Madonn'! What are we doing here? Where is representative democracy at this point in time? When people ask us, ask us to give them the authority to enter into the decision making process. My colleague in District 24 an academician. What about this? Is this the Socratic method, Senator? It may well be the Socratic method, why don't we introduce it to the Senate? If it was good enough for Socrates it's good enough for me. So why in God's world don't we say, hey you want to make this decision, you make this decision? You will let the people of Concord who elected you, hold you responsible for the decision making process. Is that not the American way? I just think that this is one we all, we have discussions here every time abut spending money, yet we say to people that they can't make the decision on their own to do what they want with the money that they raise. There's an inconsistency here. Let's be consistent, let's be consistent. Thank you, Mister President.

(The Chair recognized Senator Gannon for a question of Senator Feltes.)

SENATOR GIUDA: Thank you, Mister President. Thank you, Senator, for taking my question. Is there anything in the charter or in the bylaws or in the laws of the city of Concord, I come from a town but not a city, that would prevent the city council from putting a ballot initiative forward, to see if the voters would support a $1 tax or a $5 or in this case as much as $151 tax on a vehicle?

SENATOR FELTES: Thank you very much Senator Giuda. Concord's a city, cities operate under charters, towns operate differently. Concord is a city.

SENATOR GIUDA: My question was is there anything in the charter or in the rules or the laws of the city that prevent the city council from holding a referendum or putting some sort of a ballot measure forward to request authority to put taxes on their citizens?

SENATOR FELTES: Senator Giuda, what you're suggesting is a change to state law to enable–cities.

SENATOR GIUDA: I don't need an education, a yes or no would suffice, they can't do that, is that true?

SENATOR FELTES: Well the answer to your question is you're suggesting a change to state law which would enable cities to go out for referendums on specific decisions. Now that would be a dramatic departure from how we've approached municipal law. So, if you have that amendment, I'm happy to debate it, I think a lot of people would vote no on it.

SENATOR GIUDA: I still don't understand. Is there anything that prevents the city of Concord from asking its citizens whether they want to put another tax on their vehicles?

SENATOR FELTES: Yes. State law.

SENATOR GIUDA: Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I apologize, I did not say this before. Based upon our current ethics laws which you know I think penalize the business community, I am a taxpayer in the city of Concord, so therefore I feel compelled I must stand up and declare that this bill may or may not have an effect on me, although I do not own or register any vehicles in this town, and that said my position to speak.

I hear my friend from District 20, although I did not ask him how long he's been debating with Socrates, I do understand he's been debating for a long time. And what I heard from him say is ask us, the mayor came in and said ask us. Well, my good friend from Manchester, I did ask, because I am a business owner on Main Street. I talk to people from this community every single day. I've talked to members of the business community, I've talked to residents, I've talked to employees, I've talked to members of some of the leading advocacy organizations in this community. Not a single one of them said they supported this initiative. Not one that I spoke to. I got phone calls from the business community, I got phone calls from local residents. I got phone calls as much on this one as any bill that I have seen. People talk in this town all the time about the challenges in the past ten years, this community has had on taxes. I will tell you in full disclosure, in 2011 this town raised one of my building property taxes by 11 percent. The next year they raised it by 59 percent. Across the board tax increases. This is a city which knows if it needs to raise money, my good friend from District number 15, or my friend from District 2, has the ability to put into a budget, just like we put into our budget. If they feel they need more money, on and above the 50 percent increase they laid down this year, just on parking fines, they have that ability.

Now Mister President, I'm not here to beat up on the mayor and the people of the city, they are great people. And for the record one of the only communities in this state that this past year actually eliminated a bunch of fees and I commend them for that. I pay some of those fees. I'm very, very thankful that the city of Concord finally recognized it wanted to be more competitive and eliminated a bunch of fees Mister President, I am thankful for that. But this isn't a question as to whether or not the city of Concord has the right to raise its budget to spend more money. This is a question of whether or not the state of New Hampshire is going to give them the right to go make an increased new higher fee on every resident's car. So, us voting this bill down on an Inexpedient to Legislate basis, does not stop the city of Concord from being able to go out and raise other funds to manage, fix, repair or add additions to its parking facilities as we see they're doing one right behind you Mister President. This is only a question of funding source, not their right to fund it. So again, I would ask the body to stick with the committee on Inexpedient to Legislate measure. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Briefly, I'm not going to comment on the disputes the Senator from Bedford has with the city of Concord, I will say that in terms of the suggestion of a 50 percent increase, that's inaccurate. That's not based in fact. I'll also say this is enabling legislation; Nashua has it, the authority, Manchester has the authority. Nashua debated it and discussed it and adjusted their budgets elsewhere to deal with parking maintenance and parking garages. Manchester debated it and discussed it and they exercised their option under this. So, the city council voted 15-0 to authorize this to come to the Statehouse to enable that discussion and debate. I filed the legislation to enable the discussion and debate. Could the outcome be like Nashua? It could. Could it be like Manchester? It could too. I don't know. But let's allow the city of Concord to have that debate and discussion. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Sanborn, seconded by Senator Avard.

The following Senators voted Yes: Giuda, 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.

ADDENDUM REGULAR CALENDAR

COMMERCE
SB 317-FN, relative to veterans' preference in public employment. Interim Study, Vote 3-1. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. Mister President, I move Senate Bill 317 to Interim Study. Mister President, our veterans make up about 10 percent of our state's population and we all support them and those who have always fought for our freedom. We know that, I think about a year ago, we passed a bill in this body to make sure that the state of New Hampshire showed preferential treatment for our veterans in municipal employment. What this bill would do is to just say if they were not given that opportunity for a job that the employees at the state of New Hampshire Mister President, would have to go find them other opportunities within the system and although we believe that is a worthwhile cause and something that maybe we should discuss, there are ramifications and potential liabilities about whether or not an employee at the state of New Hampshire would have the responsibility, and to what extent, to actually go find other opportunities if they lost that specific job itself. So, Mister President, this might send us down a slippery slope. As employers we need to hire employees who are best qualified for position offered, not because they fall into a different, certain category of people. And this bill would cause a burden to the state in having to find a new way and a new opportunity and bring that forward and we think it's something that would need further study. So please join the Commerce Committee in voting SB 317 to Interim Study. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to speak against the Interim Study motion and will ask the body to turn down that motion so a subsequent motion can be made. This bill was filed because I was

getting feedback from veterans across the state. That yes, we did file and we did pass legislation that gave veterans preference in state employment but most of that was predicated upon them taking some sort of an exam. There are very few state jobs that require any type of an exam. So, what I did was I worked to the Department of Administrative Services and the department, they're the ones that came up with this language. This is not an imposition, and in fact if you look at the legislation, it says the explanation shall include information for the veteran or disabled veteran regarding other public employer positions within the hiring agency for which the veteran or disabled veteran may be qualified to apply. No one is being required to find somebody another job. It is just giving them information about additional jobs. This is something that the Department of Administrative Services felt was within their purview, and something that they could do without any additional cost. So again, Mister President, I stand and ask the body to support our state's veterans as they come back from serving overseas to give them preference in employment here in New Hampshire. Thank you very much, Mister President.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I too rise in opposition to the committee report. The Senator from District 9 said this could possibly be a slippery slope. I think it's one we should take. We have as the Senator from District 14 said, this is not giving anybody a handout or causing any more imposition to a group of people or anyone in the state. This just gives an added boost to what our veterans are seeking. And so, I hope you will overturn the committee report so that we can have another disposition. Thank you.

(The Chair recognized Senator Daniels for a question of Senator Carson.)

SENATOR DANIELS: Could you tell me if the Department of Employment Security has on their list of open positions those that are public positions?

SENATOR CARSON: I'm sorry Senator, I can't answer that question. I don't know.

SENATOR DANIELS: Would you believe that the Department of Employment Security gives preferential treatment to veterans to begin with?

SENATOR CARSON: Yes, I would believe that.

SENATOR DANIELS: Thank you.

(The Chair recognized Senator Giuda for a question of Senator Carson.)

SENATOR GIUDA: Senator, as I'm reading the language in this bill, it states that upon written request to the veteran or disabled veteran that a department shall provide an explanation of its decision.

SENATOR CARSON: Yes.

SENATOR GIUDA: Are you aware that that's illegal in the private sector?

SENATOR CARSON: Thank you very much for your question Senator. Since this language came from the Department of Administrative Services, I would imagine that they would have already looked at this and discussed this. At no point in time was there ever any discussion about anything being illegal or unconstitutional.

SENATOR GIUDA: It is a well-established principle that a person seeking employment is not entitled to an explanation of why they are refused in the private sector.

SENATOR CARSON: Thank you.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. In reading the language actually the information that a public employer in the language it says a public employer does not, that does not appoint a veteran or disabled veteran to a vacant position shall upon written request, so that's already in language. That's already in law. The only thing that's new is that the explanation shall include information on the veteran or disabled veteran regarding public employer positions. So, all they're adding to it is a list of the positions that if veteran is available, or that are available to the veteran. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study.

A roll call was requested by Senator Carson, seconded by Senator Sanborn.

The following Senators voted Yes: Sanborn, Daniels.

The following Senators voted No: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

Roll Call, Yeas: 2 - Nays: 22. Failed.

Senator Carson moved Ought to Pass.

A roll call was requested by Senator Sanborn, seconded by Senator Avard.

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.

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

COMMERCE
SB 318, amending the prohibitions on youth employment.

SB 351, relative to managed care programs under workers' compensation. Ought to Pass with Amendment, Vote 4-0. Senator Innis for the committee.

Commerce
March 6, 2018
2018-0975s
01/06

Amendment to SB 351

Amend the bill by replacing section 1 with the following:

1 Workers' Compensation; Managed Care Programs. Amend RSA 281-A:23-a, V to read as follows:

V. Every managed care program shall include a sufficient number of injury management facilitators, including resident injury management facilitators, who shall be qualified by reason of education, training, and experience to manage the injured employee's medical, hospital

and remedial care, vocational rehabilitation, modified duty, and return to work plans. An injury management facilitator shall work with the injured employee, employer, and medical, hospital and other providers to ensure that the injured employee receives effective, timely, and appropriate services in order to achieve maximum medical improvement and an expeditious return to work. Any person [~~employed~~] ***operating*** as an injury management facilitator [~~by~~] ***in conjunction with*** a managed care program ***under this section*** shall be approved by the commissioner with ratification by the workers' compensation advisory council. The commissioner shall, in consultation with the advisory council, by rule determine the number of facilitators which shall be sufficient.

2018-0975s

AMENDED ANALYSIS

This bill clarifies the qualifications of an injury management facilitator affiliated with managed care programs under workers' compensation.

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass with Amendment on Senate Bill 351. This bill is relative to managed care programs under workers' compensation and requires approval of injury management facilitators by the Commissioner of Labor with ratification by the Workers' Compensation Advisory Council. The bill takes current practice from Rules and puts them in statute, giving the department clarification. The committee amendment changes the word employed to operating to clarify the issue for those contracted employees. Please join the Commerce Committee in voting Senate Bill 351 Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 422, relative to advance notice of work schedules.
Inexpedient to Legislate, Vote 2-2. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Inexpedient to Legislate on Senate Bill 422. The bill requires an employer to give fourteen days advance notice to work schedules to its employees which would be a burden on the business community such as the hospitality industry and the health care industry. Both of these industries rely on their employees to be flexible based on the amount of work required. This bill imposes penalties on an employer for making changes to the schedule with less than two weeks' notice. It allows for changes to the schedule for unforeseen circumstances, which is not defined in the bill or anywhere in statute. Please join the committee in voting Senate Bill 422 Inexpedient to Legislate. Thank you, Mister President.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I rise in opposition to that foolish recommendation of ITL from this committee. I ask this body to overturn that recommendation so I can bring forward an amendment that makes this a really good bill. So please follow with me Mister President, in opposing the ITL. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much. I too rise in opposition to this bill and on behalf of all of the working women in this state,

and recognizing that it is International Women's Day and how important it is for women to be able to have some control over their schedules going forward, and not to say that men don't need that too, but we do have carrying a lot of unpredictable obligations as parents so both men and women should be able when they're working in certain jobs to be able to be able to plan. That's all this bill is about and I would urge you to turn down the Inexpedient to Legislate and join with Senator French who will address some of the concerns that were raised in the hearing and provide us with a bill going forward that will work to give to our employees within a reasonable amount of time advance notice about their schedules. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, first I rise as a business owner and based upon our current ethics laws which you know are punitive against business owners anyway, clearly as a business owner I may or may not have result as effect of this legislation, I'm still participating and to my dear friend and my respected colleague from Senate District number 21, I speak for every single employer in this state that we do not care if you're a man, if you're a woman, if you're tall, if you're short, if you're red, black, blue, brown, green, skinny, or fat. We care that you get up every morning, that you go to the bathroom, that you shower, that you show up. We treat everyone equally. And every time as an employer I hear some suggestion from anybody that suggests that the business community is preferential toward one person over another, it does make me upset. Because our community, our business owners in this state do not behave that way. As it relates to this bill, specifically this is a question as to whether or not you, every one of us in this room, want to financially punish, because that's what the bill does, any business that changes its schedule for its employees.

This bill requires that every business put a fourteen-day schedule out, and if there's a deviation from that, there's a penalty for it. Is that what we've come to at this point? How does a florist manage rain? How does a golf course manage the potential for rain? How does a restaurant manage the Red Sox going to game six but not game seven? Or the Patriots or the Celtics or the Bruins? How does any business know fully two weeks out every single person it needs on every single hour and then we're going to punish them if they deviate from that? Now what this is bill does not fair and doesn't say if an employee doesn't show up for work when they're scheduled that they get punished. I don't think they should, for the record. We need, we need to begin to trust the business community.

I would like to think that our economy, our state, our future, everything we do around here should at least give some deferential recognition to the fact that people try hard, business owners try hard, they have a good moral code, they have a good ethical code, they try to do the right thing every day. But they are so darn frustrated that this body, that side and this side, are standing them up against the wall every day and pinning back their ears. The single most important social program we could ever create in this state, that would solve virtually every single problem we have, is making sure people have a good job. Making sure people have a good job. And you can't be pro-job if you're not pro-business. Week after week after week we see bills come running through this body, come running through that body that tells the business community that we don't trust them, we don't think they're doing a good job, we think they're

making too much money we don't think they're doing this, we don't think they're doing that. What right do we have to continue to penalize people who are just trying to do the right thing?

Ladies and gentlemen, I hope you make a very clear statement in this and recognize the fact that it's not our job to micromanage every little business. It is not our job to sit there and tell some business owner that if they didn't get their schedule done on Monday, that they're going to have to pay a fine. That's not what we're about. It's not who we are. Please ladies and gentlemen, support the ITL.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Who we are is a state that values work and we value family and we value the proposition you shouldn't have to choose between the two if at all possible. Some reasonable advance notice of your work schedule allows you to plan your life, your family's life. Childcare; big issue in the state. If you're not able to figure out what your schedule is and may be a part time worker and you have childcare responsibilities, that's a cost to you and your family. If you have to change your schedule and you have to put your kid into childcare on a certain day when it wasn't already scheduled. Many cases that's an enhanced fee. If you have to take your kid out of childcare on short notice, you're still paying childcare, you're still paying it. That's a cost to working families, you want to talk about cost, that's a huge cost to working families. You want to talk about cost; caregivers. Caregivers who set up schedules, many cases have to schedule at least a few days in advance working with caretakers, in many cases working with children with disabilities, seniors with impairments. Want talk about cost, hospital costs, appointments, not incredibly easy to just switch a hospital appointment around at a moment's notice. There's a reason why the National Women's Law Center and every other group in the state working on this issue supports this bill. I'm not ecstatic about Senator French's amendment coming up, but I support it. And it is seven days which what Senator from Bedford said he provides in terms of notice to his employees. So, what's the burden? Seven days' notice on your work schedule? I think it's reasonable. And there's a big exemption for unforeseen circumstances so if we want to give some value to the notion, the value of work and the value of family and the value of not choosing between the two of them if at all possible. We'll vote down ITL and take up Senator French's amendment. Thank you very much, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Feltes.)

SENATOR FULLER CLARK: Senator Feltes, would you agree with me that what we heard in the testimony was that the majority of workers in the state who are paid hourly are women and that would be why I raise that issue, not because saying that businesses are treating male individuals differently than women individuals but that because we have such a high percentage of women who are hourly workers. Is that not of concern?

SENATOR FELTES: Absolutely Senator Fuller Clark. This is an issue that disproportionately affects low wage workers, especially in certain sectors and those low wage workers, many case part-time workers are disproportionately women and those working women in our state don't have the kind of reliance of some reasonable advance notice to plan their

lives and their children's lives. And so, I think Senator Fuller Clark, your remarks are well taken especially on International Women's Day. Thank you.

(The Chair recognized Senator Innis for a question of Senator Feltes.)

SENATOR INNIS: Thank you Senator for taking my question. It's a simple one. Unforeseen circumstances. Can you help me to understand what that might mean? In hospitality, whether is that an unforeseen circumstance, if all of a sudden guests don't show because they can't get there?

SENATOR FELTES: Thank you very much, Senator Innis. The answer would be yes, and another example that we had discussed in your committee was the issue of for example, you own a business in Laconia. Well, if you were to own a business in Laconia, for example it would not be an unforeseen circumstance in terms of the uptick during bike week. So that's an example of what's not an unforeseen circumstance. But things like weather related, supply chain abruptly goes out, that kind of stiff is unforeseen circumstances. Thank you very much.

SENATOR INNIS: Thank you for taking the question.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Feltes, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Bradley, Gray, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, French, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Bradley moved to Lay on the Table.

A roll call was requested by Senator Soucy, seconded by Senator Feltes.

The following Senators voted Yes: Giuda, Bradley, Gray, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, French, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator French moved Ought to Pass.

Senator French offered a Floor Amendment.

Sen. French, Dist 7
March 7, 2018
2018-1002s
04/08

Floor Amendment to SB 422

Amend RSA 275:37-c, I as inserted by section 3 of the bill by replacing it with the following:

I. Employers shall provide hourly paid employees notice of the employees' work schedule at least 7 days in advance of any pay period.

Amend RSA 275:37-c as inserted by section 3 of the bill by inserting after paragraph IV the following new paragraph:

V. This section shall not apply to any employer with fewer than 15 employees.

2018-1002s

AMENDED ANALYSIS

This bill requires an employer with 15 or more employees to give advance notice of work schedules to its employees.

SENATOR FRENCH: Thank you, Mister President. I'd like to offer amendment 1002s, which changes this from fourteen days advance notice to seven. And it only applies to employers employing fewer than fifteen employees. I did not realize when this came forward that everyone didn't get seven days' notice. I thought everyone knew what they were going to, when they were going to be working the following week. So, it came to a surprise to me that they didn't. It surprised me that the lowest paid individuals in the state, the hourly workers, most of them are the lowest paid, don't know if they're going to be working next Wednesday or not. So, for those of us who say to these people, get two jobs, they can't get two jobs because they don't know if they're working next Wednesday until it gets to be Wednesday. So therefore, I'm bringing this forward, I think it's good legislation, I think we should support it and I really do believe seven days is not that much to ask. Thank you, Mister President.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise in support of this amendment. While I don't think it's absolutely the best, we hear often that compromise is who hurts most and right now I think we need to make a compromise. I think that this bill looks out for both segments, the employer and the employee, and in terms of just one example, in terms of childcare. Who is childcare most responsibility of? The woman. If a man got less than a week's notice or less or even more, he would say, okay to whomever his significant other might be or the woman that is in charge of your children. We need to do something about childcare. Well the woman definitely, you know, that's your job, and it's just the reality of the situation. So, I think that this bill as I said it before, is a compromise in terms of giving the employer some needed time if he has to change a schedule, and also giving the employee the needed time if she or he has to change their schedule. So, I urge you to pass this and let's do something to help out women on International Women's Day. Thank you.

(The Chair recognized Senator Sanborn for a question of Senator French.)

SENATOR SANBORN: Senator French, thanks for taking my question. So, your amendment if tied to the bill if it passes, specifically states requirements of this section shall not apply when regular operations of the employer are suspended due to circumstances beyond the employers control. Could you define that for me please?

SENATOR FRENCH: No, that's why we have courts. Which part?

SENATOR SANBORN: The question that I asked.

SENATOR FRENCH: Repeat your question, please. I wasn't following you here.

SENATOR SANBORN: The language specifically says that the requirements of this section shall not apply when regular operations of the employer are suspended due to circumstances beyond the employer's control.

SENATOR FRENCH: I would think in case of a fire or destroying of the building or weather.

SENATOR SANBORN: Rain?

SENATOR FRENCH: Weather, weather. I would say that would be part of it.

SENATOR SANBORN: So, if I understand you right, you're saying because it might rain or for other business because the sun might come out, because some businesses rely on rain and some business rely on sun, that just for the fact that the sun comes up and comes down and it rains or doesn't rain on any given day, that itself would be an extenuating circumstance?

SENATOR FRENCH: I would believe it would be.

SENATOR SANBORN: So explain to me Senator how if you want to put an amendment that says you want to require the business community to force people to make a schedule, but it doesn't have effect because the circumstances are that it might rain or might not rain which is the sun might come or the sun might not come up, would circumvent the need for it?

SENATOR FRENCH: The event would go on I'm sure, the day you planned the day, it may not be as successful, you may not have the same turn out, so then you may ask employees to leave. At which time you would owe them two hours pay. Because you booked their time, you've asked them to come and now you're releasing them with a penalty of two hours. Two hours.

SENATOR SANBORN: Senator, just to let you know the two hour minimum is in a much different place in law and it actually exists in law, and I'm asking you questions about the bill and the bill also says that no employer shall retaliate against any employee because the employee has exercised or may exercise his or her rights under this section. Could you describe what those rights are?

SENATOR FRENCH: That would be if you asked them to come in tomorrow and they couldn't, you couldn't retaliate against them for not being able to show up to work on a one day's notice.

SENATOR SANBORN: But Senator my understanding is this is a bill that requires a schedule. So, this isn't about asking someone if they would or would not show up or regardless if they wanted because you're suggesting the passage of your amendment that it requires a schedule.

SENATOR FRENCH: It requires a seven-day schedule and then if you needed additional employees to show up on a lesser time schedule, they could say no.

SENATOR SANBORN: So, Senator, you're acknowledging the fact that if an employer needs employees to show up…

SENATOR FRENCH: Needs.

SENATOR SANBORN: Needs. That with passage of this bill, that the employees don't show up and there's no need for them to show up.

SENATOR FRENCH: If they are unable to show up, because most hourly people will show up reasonably because they enjoy working for you. There are times when they can't, so they have the right to say no, I can't get sitting, no I have a doctor's appointment, no my father needs to be taken someplace.

SENATOR SANBORN: Thank you, Senator

President Pro Tempore Carson presiding.

(The Chair recognized Senator Morse.)

SENATOR MORSE: Thank you, Madam President. I would like to declare a conflict. I am a business owner and I certainly have more than fifteen employees. This bill has nothing to do with schedules and seven days and fifteen days. Nothing. This bill has everything to do with telling a person how to run their business. Because unlike some Senator's I believe I am helping every employee that I have in some way. I honestly believe my wife and I try our damnedest to make sure that those people have a good life. But I also am that kind of human that believes every businessman is trying to do that. Every businesswoman is trying to do that.

I honestly believe they know in order to retain employees that they have to. So, it isn't about whether or not you want to tell me today about schedules seven days ahead of time and whether or not I have to forecast the weather or anything like that. It's nothing to do with that. Because what's next? What is next that you're going to tell me to do to help my employees? Were you there at the meeting in November when I gave a bonus? Seven managers, brought them all in, said you know what, it's a good year. I'm going to do it ahead of time so that you can enjoy your holiday season. You weren't there. You didn't make the decision. You didn't have to listen to my wife afterward saying what are you doing. This is the reality. It's my business and I honestly believe I do it right. And I'm offended that you're trying to tell me I'm doing it wrong, because that's exactly what you're doing by debating this legislation. You're basically telling every business person. And I can tell you whether or not you own a business that you rent to people or you put materials up. You have a neighbor that owns a small plumbing company. You have a neighbor that owns a small lawn mowing company that has fifteen employees and every one of them when they hear about this debate, because we weren't organized enough to work against this, are going to say what are you doing? It's hard enough for me to get up in the morning and make a living. And now you want to tell me how to run my business. So, what is it tomorrow, Senator? What are you going to tell me to do tomorrow? Because that's the challenge we have right here today. It's not about this bill. It's about what's coming next. This government has spent a whole year of trying to eliminate stuff that just makes it burdensome on us as employers. That's what they've done. There's committees that come here and meet to look over what we passed over the years in rules to make sure that we eliminate it. Why? Because we're trying to drive the economy in New Hampshire, not drive people out of the economy. That's what this state's about. And we're sitting here debating a piece of legislation to tell the businessperson how they're going to function. I'm one of them. But I'm one of fifty some thousand businesses that are small. But bigger than fifteen. And you're starting with this. I can't wait to see what you propose next. Because you talk about a slippery slope? You're on it. Thank you, Madam President.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: I would like to move that we special order Senate Bill 313 to the conclusion of this debate. Thank you.

SPECIAL ORDER

Without objection, SB 313-FN is special ordered to after SB 422. Adopted.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Madam President. I took a look at the bill and it says seven days prior to the start of the pay period. Pay period is a very important word there, because if my pay period is one week or if my pay period is two weeks and normally an employee that we're talking about here wouldn't be longer than that but could be. That if I am going to have him work on the 13th of the month and that was a Thursday, and that my pay period starts at midnight Sunday the 9th, that the notification has to go out on the 1st, which is Saturday. Probably has to go out the day before. That is clearly you know thirteen days before the person may work if they're a person that we just bring in on Thursday, Friday and Saturday. And if it's a two week pay period it gets worse. So just the way the bill is and assuming a one week pay period, that I'm actually notifying a pay period ahead of the pay period they're going to work that they're you know and then they're actually going to do the work the next pay period makes an awful lot of problems. Down to the shipyard, I know we've got more than fifteen employees down at the shipyard, but these same things come up when you're talking about overtime. And right now, as far as I know it hasn't changed, it's forty-eight hours' notice before you're going to require somebody to work overtime. Okay? Something like that, a number of hours or a number of something would make a lot more sense than x number of days before the pay period starts, because I don't know about you, but when Renata and my wife get done with my calendar, I don't know what I'm doing the day after tomorrow. Okay? So after trying to put the numbers down in a little chart here, it just doesn't make sense to me. Thank you.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Madam President. I'm truly sorry that this has gotten to be personal. I don't believe that this is a bill or a discussion that is about the good employer versus the bad employee or the good employee versus the bad employer. Senator Morse, I honest to God wish I had worked for a million of you who treated your employees with dignity, with courtesy and with respect. My career for good or bad, might have been a whole lot different. On the other hand, I think this is about treating employee and employer with the respect that you would demand or hope to get from a partner, from a spouse, from anyone that you would spend forty to fifty hours a week with. I believe that's all this is. There are realities that people deal with in that you need a certain number of days or hours or whatever to have your children taken care of. To perhaps get a ride if you don't have your own transportation. So, there are logistical problems that everybody deals with, employer or employee. And I see this as just trying to illuminate both sides that there is an issue here and that both sides should be treated with respect. I don't see it as a slippery slope. I know that again, in my working career if I had been treated many times like a person, that's all I wanted. I wasn't going to go asking you for flowers every Wednesday, a free lunch you know here and there, don't tell me how to wear my hair, don't tell me you know what kind of makeup I should wear, etcetera. I believe this is just about common courtesy. And so, I do hope we will take it out of the personal realm because I believe most employers want to do the right thing by their employees or else, they're not going to have them as workers. And I believe that most employees want to work hard, they need to work hard and it's for their own dignity that they do so. So, I hope that you will take it again, out of the realm of personal and just vote for this bill with the compromise amendment that Senator French has proposed. Thank you.

Without objection, Senator Woodburn moved the question. Adopted.

(The Chair recognized Senator Avard for a question of Senator French.)

SENATOR AVARD: Thank you for taking my question, Senator. Just with regards to individuals that work on per diem or if somebody's needed because a contract came through and they needed them right then and there and they weren't notified in time. Would this affect them?

SENATOR FRENCH: Per diem workers? This is hourly workers. So, in which way would affect them? You could call on them, I believe, and if they want to come in, they can, you can't retaliate against them if they choose not to.

SENATOR AVARD: Thank you for answering the question.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator French.

The following Senators voted Yes: Woodburn, Watters, Hennessey, French, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Morse, Gannon, Innis, Carson.

Roll Call, Yeas: 11 - Nays: 13. Failed.

Senator Bradley moved to Lay on the Table.

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, Reagan, Birdsell, Morse, Gannon, Innis, Carson.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

President Morse presiding.

Recess. Out of recess.

FINANCE
SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program.
Ought to Pass with Amendment, Vote 10-1. Senator Bradley for the committee.

Senate Finance
March 6, 2018
2018-0984s
01/03

Amendment to SB 313-FN

Amend the title of the bill by replacing it with the following:

AN ACT reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; New Hampshire Granite Advantage Health Care Program. Amend RSA by inserting after chapter 126-Z the following new chapter:

CHAPTER 126-AA
NEW HAMPSHIRE GRANITE ADVANTAGE HEALTH CARE PROGRAM

126-AA:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and human services.

III. "Fund" means the New Hampshire granite advantage health care trust fund.

IV. "Program" means the New Hampshire granite advantage health care program.

V. "Remainder amount" means, for the 6-month period between January 1, 2019 and June 30, 2019 and for each single identified fiscal year thereafter for any authorized period of the granite advantage health care program, the cost of the program, including administrative costs attributable to the program, less the amount of revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV, less all federal reimbursement for the program that period or fiscal year, including federal reimbursement for administrative costs attributable to the program, and taxes attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under this chapter, consistent with RSA 400-A:32, III(b).

126-AA:2 New Hampshire Granite Advantage Health Care Program Established.

I.(a) The commissioner shall apply for any necessary waivers and state plan amendments to implement a 5-year demonstration program beginning on January 1, 2019 to create the New Hampshire granite advantage health care program which shall be funded exclusively from non-general fund sources, including federal funds. The commissioner shall include in an application for the necessary waivers submitted to the Centers for Medicare and Medicaid Services (CMS) a waiver of the requirement to provide 90-day retroactive coverage. To receive coverage under the program, those individuals in the new adult group who are eligible for benefits shall choose coverage offered by one of the managed care organizations (MCOs) awarded contracts as vendors under Medicaid managed care, pursuant to RSA 126-A:5, XIX(a). The program shall make coverage available in a cost-effective manner and shall provide cost transparency measures, and ensure that patients are utilizing the most appropriate level of care. Cost effectiveness shall be achieved by offering cash incentives and other forms of incentives to be offered to the insured by choosing preferred lower cost medical providers. Loss of incentives shall also be employed. MCOs shall employ reference-based pricing, cost transparency, and the use of incentives and loss of incentives to the Medicaid and newly eligible population. For the purposes of this subparagraph, "reference-based pricing" means setting a maximum amount payable for certain medical procedures.

(b) The department shall ensure through managed care contracts that MCOs incorporate measures to promote continuity of coverage, including, but not limited to, assisting over income participants in applying for coverage on the federal marketplace in New Hampshire and maintaining care and case management during the pendency of such application.

(c) The MCOs shall promote personal responsibility through the use of incentives, loss of incentives, and case management to the greatest extent practicable.

(d) Prior to submitting the waiver or state plan amendment to CMS, the commissioner shall present the waiver or state plan amendment to

the governor and the fiscal committee of the general court for approval. The program shall not commence operation until such waivers or state plan amendments have been approved by CMS. All necessary waivers and state plan amendments shall be submitted by June 30, 2018. If all waivers necessary for the program are not approved by December 1, 2018, the commissioner shall immediately notify all program participants that the program will be terminated in accordance with the federally required Special Terms and Conditions No. 11-W-003298/1.

(e) In order to combat the opioid and heroin crisis facing New Hampshire, the department shall establish behavioral health rates sufficient to ensure access to, and provider capacity for all behavioral health services including, as appropriate, establishing specific substance use disorder services rate cells for inclusion into capitated rates for managed care.

(f) Any person transitioning from the premium assistance program to the program shall not lose coverage due solely to the transition, which shall be for a period of at least 90 days. All MCOs shall honor all pre-existing authorizations for care plans and treatments for all program participants for a period of not less than 90 days after enrollment.

(g)(1) The commissioner shall include in MCO contracts with the state clinically and actuarially sound incentives designed to improve care quality and utilization and to lower the total cost of care within the Medicaid managed care program. The commissioner shall also include in the MCO contract provisions an obligation for the MCO to include provider alignment incentives to leverage the combined efforts of the parties to achieve the purposes of the incentives. Preferential auto-assignment of newly eligible members, shared incentive pools, and differential capitation rates are among the options for incentives the commissioner may employ to achieve improved performance. Initial areas to improve care quality and utilization and to lower the total cost of care may include, but are not limited to:

(A) Appropriate use of emergency departments relative to low acuity non-emergent visits.

(B) Reduction in preventable admissions and 30-day hospital readmission for all causes.

(C) Timeliness of prenatal care and reductions in neonatal abstinence births.

(D) Timeliness of follow-up after a mental illness or substance use disorder admission.

(E) Reduction of polypharmacy resulting in drug interaction harm.

(2) The commissioner shall include in MCO contracts actuarial appropriate rebate provisions for failure to implement contractually agreed upon incentive measures.

(h) Savings generated as a result of individuals disenrolled from the program for failing to meet the work and community engagement requirement shall not be included in any calculation submitted to CMS to establish federal budget neutrality of any waiver issued for the program.

(i) Consistent with the state plan amendment submitted by the department and approved by CMS, all contracts between a Medicaid managed care organization and a federally qualified health care center, as defined in section 1905(1)(2)(B) of the Social Security Act, 42 U.S.C. section 1396d(1)(2)(B), providing services in geographic areas served by the plan, shall reimburse each such center for such services as provided in 42 U.S.C. section 18022(g).

II.(a) To receive benefits under this section and to the extent allowed by federal law, the individual shall:

(1) Provide all necessary information regarding financial eligibility, assets, residency, citizenship or immigration status, and insurance coverage to the department in accordance with rules, or interim rules, including those adopted under RSA 541-A;

(2) Inform the department of any changes in financial eligibility, residency, citizenship or immigration status, and insurance coverage within 10 days of such change; and

(3) At the time of enrollment acknowledge that the program is subject to cancellation upon notice.

(b) If allowed by federal law, all resources which the individual and his or her family own shall be considered to determine eligibility under this paragraph, including cash, bank accounts, stocks, bonds, permanently unoccupied real estate, and trusts. The home in which the individual resides in, furniture, and one vehicle owned by the individual applying for benefits shall be excluded from the eligibility requirements for benefits under this paragraph. If, after counting or excluding the individual's household's resources, the total countable resources equal or fall below $25,000, he or she shall be considered asset eligible.

III.(a) Newly eligible adults who are unemployed shall be eligible to receive benefits under this paragraph if the commissioner finds that the individual is engaging in at least 100 hours per month based on an average of 25 hours per week in one or more work or other community engagement activities, as follows:

(1) Unsubsidized employment, including nonprofit organizations.

(2) Subsidized private sector employment.

(3) Subsidized public sector employment.

(4) On-the-job training.

(5) Job skills training related to employment, including credit hours earned from an accredited college or university in New Hampshire. Academic credit hours shall be credited against this requirement on an hourly basis.

(6) Job search and job readiness assistance, including, but not limited to, persons receiving unemployment benefits and other job training related services, such as job training workshops and time spent with employment counselors, offered by the department of employment security. Job search and job readiness assistance under this section shall be credited against this requirement on an hourly basis.

(7) Vocational educational training not to exceed 12 months with respect to any individual.

(8) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency.

(9) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

(10) Community service or public service.

(11) Caregiver services for a nondependent relative or other person with a disabling medical or developmental condition.

(12) Participation in substance use disorder treatment.

(b) If an individual in a family receiving benefits under this paragraph refuses to engage in work or community engagement activities required in accordance with this subparagraph, the assistance shall be terminated. The commissioner shall adopt rules under RSA 541-A to de-

termine good cause and other exceptions to termination. An individual may apply for good cause exemptions which shall include, at a minimum, the following verified circumstances:

(1) The beneficiary experiences the birth, or death, of a family member living with the beneficiary.

(2) The beneficiary experiences severe inclement weather, including a natural disaster, and therefore was unable to meet the requirement.

(3) The beneficiary has a family emergency or other life-changing event such as divorce.

(4) The beneficiary is a victim of domestic violence, dating violence, sexual assault, or stalking consistent with definitions and documentation required under the Violence Against Women Reauthorization Act of 2013 under 24 C.F.R. section 5.2005 and 24 C.F.R. section 5.2009, as determined by the commissioner pursuant to rulemaking under RSA 541-A.

(c) This subparagraph shall only apply to those considered, able-bodied adults as described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42 U.S.C. section 1396a(a)(10)(A)(i). In this subparagraph, "childless" means an adult who does not live with a dependent child which includes a child under 19 years of age or under 20 years of age if the child is a full-time student in a secondary school or the equivalent.

(d) This subparagraph shall not apply to:

(1) A person who is temporarily unable to participate in the requirements under subparagraph (a) due to illness, incapacity, or treatment, including inpatient treatment, as certified by a licensed physician, an advanced practice registered nurse (APRN), a licensed behavioral health professional, a licensed physician assistant, a licensed drug and alcohol counselor (LADAC), or a board-certified psychologist. The physician, APRN, licensed behavioral health professional, licensed physician assistant, LADAC, or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.

(2) A person participating in a state-certified drug court program, as certified by the administrative office of the superior court.

(3) A parent or caretaker as identified in RSA 167:82, II(g) where the required care is considered necessary by a licensed physician, APRN, board-certified psychologist, physician assistant, or licensed behavioral health professional who shall certify the duration that such care is required.

(4) A parent or caretaker of a dependent child under 13 years of age or a child with developmental disabilities who is residing with the parent or caretaker.

(5) Pregnant women.

(6) A beneficiary who has a disability as defined by the Americans with Disabilities Act (ADA), section 504 of the Rehabilitation Act, or section 1557 of the Patient Protection and Affordable Care Act and is unable to meet the requirement for reasons related to that disability; or who has an immediate family member in the home with a disability under federal disability rights laws and who is unable to meet the requirement for reasons related to the disability of that family member, or the beneficiary or an immediate family member who is living in the home or the beneficiary experiences a hospitalization or serious illness.

(7) Beneficiaries who are identified as medically frail, under 42 C.F.R section 440.315(f), and as defined in the alternative benefit plan in the state plan.

(8) Any beneficiary who is in compliance with the requirement of the Supplemental Nutritional Assistance Program (SNAP) and/or Temporary Assistance to Needy Families (TANF) employment initiatives.

(e) The commissioner shall adopt rules under RSA 541-A pertaining to the community engagement requirement. Those rules shall be consistent with the terms and conditions of any waiver issued by the Centers for Medicare and Medicaid Services for the program and shall address, at a minimum, the following:

(1) Enrollment, suspension, and disenrollment procedures in the program.

(2) Verification of compliance with community engagement activities.

(3) Verification of exemptions from participation.

(4) Opportunity to cure and re-activation following noncompliance, including not being barred from re-enrollment.

(5) Good cause exemptions.

(6) Education and training of enrollees.

IV. The commissioner shall implement the work and community engagement requirement under paragraph III beginning January 1, 2019 in accordance with the terms and conditions of any waiver approved by CMS. Verification of qualifying activities, exemptions, and enrollee status shall be accomplished in the following manner:

(a) MCOs under contract with the department shall share enrollee reported information regarding the work and community engagement requirement status obtained through standard contract activities including enrollment, outreach activities, and enrollee care management.

(b) For the period of January 1, 2019 through June 30, 2020 only, the department shall verify enrollee status to the greatest extent practicable through the verification of enrollee and MCO reported status and information, including information from the eligibility file. Enrollees shall be required to report information regarding their qualifying activities, exemptions, enrollee status, and changes in their status to the department in accordance with the department's rules.

(c) No later than January 1, 2019, the commissioner shall submit to the governor, president of the senate, and speaker of the house of representatives a plan for the implementation of a fully automated verification system that utilizes state and commercial data sources to assess compliance with all work and community engagement activities beginning on July 1, 2020. The plan shall provide an option to hire a third party vendor to manage the automated verification system.

V. A person shall not be eligible to enroll or participate in the program, unless such person verifies his or her United States citizenship by 2 forms of identification and proof of New Hampshire residency by either a New Hampshire driver's license or a nondriver's picture identification card issued pursuant to RSA 260:21.

VI. No person, organization, department, or agency shall submit the name of any person to the National Instant Criminal Background Check System (NICS) on the basis that the person has been adjudicated a "mental defective" or has been committed to a mental institution, except pursuant to a court order issued following a hearing in which the person participated and was represented by an attorney.

VII. For any person determined to be eligible and who is enrolled in the program, the MCO shall support the individual to arrange a wellness visit with his or her primary care provider, either previously identified or selected by the individual from a list of available primary care physi-

cians. The wellness visit shall include appropriate assessments of both physical and mental health, including screening for depression, mood, suicidality, and unhealthy substance use, for the purpose of developing a health wellness and care plan.

VIII. Any person receiving benefits from the program shall be responsible for providing information regarding his or her change in status or eligibility, including current contact information. The commissioner shall adopt rules, under RSA 541-A, pertaining to the opportunity to cure and for re-activation following noncompliance.

126-AA:3 The New Hampshire Granite Advantage Health Care Trust Fund.

I. There is hereby established the New Hampshire granite advantage health care trust fund which shall be accounted for distinctly and separately from all other funds and shall be non-interest bearing. The fund shall be administered by the commissioner and shall be used solely to provide coverage for the newly eligible Medicaid population as provided for under RSA 126-AA:2, and to pay for the administrative costs for the program. The commissioner may accept any gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund. No state general fund appropriations shall be deposited into the fund. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of the fund. The fund shall be authorized to pay and/or reimburse the cost of medical services and cost-effective related services, including without limitation, capitation payments to managed care organizations.

II. The commissioner, as the administrator of the fund, shall have the sole authority to:

(a) Apply for federal funds to support the program.

(b) Notwithstanding any provision of law to the contrary, accept and expend federal funds as may be available for the program and the commissioner shall notify the bureau of accounting services, by letter, with a copy to the fiscal committee of the general court and the legislative budget assistant.

(c) Make payments and reimbursements from the fund as outlined in this section.

III. The commissioner shall submit a report to the governor and the fiscal committee of the general court detailing the activities and operation of the trust fund annually within 90 days of the close of each state fiscal year.

IV. On or before August 15, 2018, the commissioner, in consultation with the insurance commissioner, shall estimate the remainder amounts for the period of January 1, 2019 to June 30, 2019 and for state fiscal year 2020. The commissioner shall report the estimated annual remainder amount to the insurance commissioner, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the president of the senate. Thereafter, on or before August 15 of each fiscal year, the commissioner, in consultation with the insurance commissioner, shall estimate the remainder amounts for both the current and next fiscal year. The commissioner shall report the estimated remainder amount to the insurance commissioner, the New Hampshire Health Plan, the governor, the speaker of the house of representatives, and the president of the senate.

V. On or before September 30, the commissioner shall calculate the estimated final remainder amount for the 6-month period between January 1, 2019 and June 30, 2019. On or before September 30 of each sub-

sequent year, the commissioner shall calculate the estimated final remainder amount for the prior fiscal year. If the actual remainder amount is greater than the prior calculated estimated remainder for any fiscal year, the difference shall be retained in the trust fund and shall be used in the calculation of future estimated remainder amounts.

VI. The commissioner of the department of health and human services, in accordance with the most current available information, shall be responsible for determining, every 6 months commencing no later than December 31, 2018, whether there is sufficient funding in the fund, to cover projected program costs for the nonfederal share for the next 6-month period. If at any time the commissioner determines that a projected shortfall exists, he or she shall terminate the program in accordance with the federally approved terms and conditions issued by CMS.

126-AA:4 Commission to Evaluate the Effectiveness and Future of the New Hampshire Granite Advantage Health Care Program.

I. There is hereby established a commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.

(a) The members of the commission shall be as follows:

(1) Three members of the senate, appointed by the president of the senate, one of whom shall be a member of the minority party.

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the minority party.

(3) The commissioner of the department of health and human services, or designee.

(4) The commissioner of the department of insurance, or designee.

(5) A representative of each managed care organization awarded contracts as vendors under the Medicaid managed care program, appointed by the governor.

(6) A representative of a hospital that operates in New Hampshire, appointed by the speaker of the house of representatives.

(7) A public member, who has health care expertise, appointed by the senate president.

(8) A public member, who currently receives coverage through the program, appointed by the speaker of the house of representatives.

(9) A public member representing the interests of taxpayers in New Hampshire, appointed by the president of the senate.

(10) A representative of the medical care advisory committee, department of health and human services, appointed by the chairperson of the committee.

(11) A licensed physician, appointed by the governor.

(12) A licensed mental health professional, appointed by the governor.

(13) A licensed substance use disorder professional, appointed by the governor.

(14) An advanced practice registered nurse (APRN), appointed by the New Hampshire Nurse Practitioner Association.

(15) The chairperson of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery, or designee.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II.(a) The commission shall evaluate the effectiveness and future of the program. Specifically the commission shall:

(1) Review the program's financial metrics.

(2) Review the program's product offerings.

(3) Review the program's impact on insurance premiums for individuals and small businesses.

(4) Make recommendations for future program modifications, including, but not limited to whether the program is the most cost-effective model for the long term versus a return to private market managed care.

(5) Evaluate non-general fund funding options for longer term continuation of the program, including options to accept funding from the federal government allowing a self-administered program.

(6) Review up-to-date information regarding changes in the level of uncompensated care through shared information from the department, the department of revenue administration, the insurance department, and provider organizations and the program's impact on insurance premium tax revenues and Medicaid enhancement tax revenue.

(7) Review the granite workforce pilot program.

(8) Evaluate reimbursement rates to determine if they are sufficient to ensure access to and provider capacity for all behavioral health services.

(9) Review the number of people who are found ineligible or who are dropped from the rolls of the program because of the work requirement.

(10) Review the program's provider reimbursement rates and overall financing structure to ensure it is able to provide a stable provider network and sustainable funding mechanism that serves patients, communities, and the state of New Hampshire.

(b) Any funding solutions recommended by the commission shall not include the use of new general funds.

(c) The commission shall solicit information from any person or entity the commission deems relevant to its study.

(d) The commission shall make a recommendation on or by February 1, 2019 to the commissioner concerning recommended monitoring and evaluation requirements for work and community engagement requirements, including a draft of proposed metrics for quarterly and annual reporting, including suggested costs and benefits evaluations.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Ten members of the commission shall constitute a quorum.

IV. The commission shall make an interim report on or before December 1, 2020 and a final report together with 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 December 1, 2022.

126-AA:5 Evaluation Report Required.

I. The program shall employ an outcome-based evaluation of its Medicaid program annually to:

(a) Provide accountability to patients and the overall program.

(b) Ensure that patients are making informed decisions in carrying out health care choices and utilizing the most appropriate level of care.

(c) Ensure that the use of incentives, the loss of incentives, cost transparency, and reference based pricing have been effective in lowering costs.

II. The results of the evaluation conducted under this section shall be in the form of a report to be provided to CMS, the president of the

senate, the speaker of the house of representatives, the governor, and the fiscal committee of the general court by December 31 of each year beginning in 2019.

2 Purpose Statement. The purpose of sections 3-9 of this act is to establish a pilot program by using allowable federal funds available from the Temporary Assistance to Needy Families (TANF) program to end the dependence of needy parents and low income childless adults ages 18 through 24 on governmental programs by promoting job and work preparation and placing them into high labor need jobs based on the goals set forth in 45 C.F.R. section 260.20. The long-term goal of this program is to place low-income individuals into unsubsidized jobs in high labor need areas, transition them to self-sufficiency through providing career pathways with specific skills, and assist in eliminating barriers to work such as transportation and childcare. Taken together, these measures are designed to help low-income participants break the cycle of poverty and move them from living on the margin to the middle class and beyond.

3 Granite Workforce; Pilot Program Established.

I. The commissioner of the department of health and human services shall use allowable funds from the Temporary Assistance to Needy Families (TANF) program to provide subsidies to employers in high need areas, as determined by the department of employment security based upon workforce shortages, and to create a network of assistance to remove barriers to work for low-income families. The funds shall be used to establish a pilot program, referred to as Granite Workforce, a TANF nonassistance program, which shall accept enrollments by applicants for an initial period of 6 months. The program shall be jointly administered by the department of health and human services and the department of employment security. No cash assistance shall be provided to eligible participants through Granite Workforce. The total cost of the pilot program shall not exceed $3,000,000 in federal TANF funds for the biennium ending June 30, 2019.

II. To be eligible for Granite Workforce, applicants shall be:

(a) In a household with an income up to 138 percent of the federal poverty level; and

(b) Parents aged 18 through 64 with a child under age 18 in the household;

(c) Noncustodial parents aged 18 through 64 with a child under the age of 18; or

(d) Childless adults between 18 and less than 25 years of age.

III. The department of employment security shall determine eligibility and entry into the program, using nationally recognized assessment tools for vocational and job readiness assessments. Vocational assessments shall include educational needs, vocational interest, personal values, and aptitude. The department shall use the assessment results to work with the participant to produce a long-term career plan for moving into the middle class and beyond.

IV. Except as otherwise provided in paragraph II regarding program eligibility, administrative rules governing the New Hampshire employment program, adopted under RSA 541-A as chapter He-W 600, shall apply to the Granite Workforce pilot program.

4 Granite Workforce; Subsidies for Employers.

I. Upon placement of a participant into a paying job and receiving verification of employment and wages from the employer, the department of employment security shall pay the employer a subsidy of $2,000.

II. After at least 3 full months of the continued employment of the participant and receiving verification of the continued employment and wages from the employer, the department of employment security shall pay the employer a second subsidy of $2,000.

III. If an overpayment is made, the employer shall reimburse the department that amount upon being notified by the department.

5 Referral for Barriers to Employment. The department of health and human services, in consultation with the department of employment security, shall issue a request for applications (RFAs) for community providers interested in offering case management services to participants with barriers to employment. Participants shall be identified by the department of employment security using an assessment process that screens for barriers to employment including, but not limited to, transportation, child care, substance use, mental health, and domestic violence. Thereafter, the department of employment security shall refer to community providers those individuals deemed needing assistance with removing barriers to employment. When child care is identified as a barrier to employment, the department of employment security or the community provider shall refer the individual to available child care service programs, including, specifically the child care scholarship program administered by the department of health and human services. In addition to employer subsidies authorized under this section, TANF funds allocated to the Granite Workforce program shall be used to pay for other services that eliminate barriers to work in accordance with all TANF guidelines.

6 Network of Education and Training.

I. If after the assessment conducted by the department of employment security additional job training, education, or skills development is necessary prior to job placement, the department of employment security shall address those needs by:

(a) Referring individuals to training and apprenticeship opportunities offered by the community college system of New Hampshire;

(b) Referring individuals to the department of business and economic affairs to utilize available training funds and support services;

(c) Referring individuals to education and employment programs for youth available through the department of education; or

(d) Referring individuals to training available through other colleges and training programs.

II. All industry specific skills and training will be provided for jobs in high need areas, as determined by the department of employment security based upon workforce shortages.

7 Job Placement. Upon determining the participant is job ready, the department of employment security shall place individuals into jobs with employers in high need areas, as determined by the department of employment security based upon workforce shortages. This includes, but is not limited to, high labor need jobs in the fields of healthcare, advanced manufacturing, construction/building trades, information technology, and hospitality. Training and job placement shall focus on:

I. Supporting health care/safety issues: training/jobs to combat the opioid crisis, including nurses, nursing assistants, clinicians, social workers, and treatment providers at the licensed alcohol and drug addictions counselor and licensed mental health counselor levels. Additionally, jobs to address long-term care needs, home healthcare services, and expanding mental/behavioral health services.

II. Advanced manufacturing to meet employer needs: training/jobs that include computer-aided drafting and design, electronic and mechanical engineering, precision welding, computer numerical controlled precision machining, robotics, and automation.

III. Construction/building trades to address critical infrastructure needs: training/jobs for building roads, bridges, municipality infrastructure, and ensuring safe drinking water.

IV. Information technology: training/jobs to allow businesses to excel in an ever-increasing network dependent business environment.

V. Hospitality-training/jobs to address the workforce shortage and support New Hampshire's tourism industry, to include but not be limited to hotel workers, restaurant workers, campground workers, lift operators, state park workers, and amusement park workers.

8 Reporting Requirement; Measurement of Outcomes.

I. The department of health and human services shall prepare a report on the outcomes of the Granite Workforce program using appropriate standard common performance measures. Program partners, as a condition of participation, shall be required to provide the department with the relevant data. Metrics to be measured shall include, but are not limited to:

(a) Degree of participation.

(b) Progress with overcoming barriers.

(c) Entry into employment.

(d) Job retention.

(e) Earnings gain.

(f) Movement within established federal poverty level measurements, including the Supplemental Nutrition Assistance Program (SNAP) and the New Hampshire granite advantage health care program under RSA 126-AA.

(g) Health insurance coverage provider.

(h) Attainment of education or training, including credentials.

II. The report shall be issued to the speaker of the house of representatives, president of the senate, the governor, the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program established under RSA 126-AA:4, and the state library on or before December 1, 2019.

9 Insurance Premium Tax; New Hampshire Granite Advantage Health Care Program. Amend RSA 400-A:32, III to read as follows:

III.(a) Except as provided in subparagraph (b), the taxes imposed in paragraphs I and II of this section shall be promptly forwarded by the commissioner to the state treasurer for deposit to the general fund.

(b) Taxes imposed attributable to premiums written for medical and other medical related services for the newly eligible Medicaid population as provided for under RSA [~~126-A:5, XXIV-XXVI~~] ***126-AA*** shall be deposited into the New Hampshire [~~health protection trust fund, established in RSA 126-A:5-b~~] ***granite advantage health care trust fund established in RSA 126-AA:3***. The commissioner shall notify the state treasurer of sums for deposit into the New Hampshire [~~health protection~~] ***granite advantage health care*** trust fund no later than 30 days after receipt of said taxes***. The moneys in the trust fund may be used for the administration of the New Hampshire granite advantage health care program, established in RSA 126-AA***.

10 Plan of Operation for the High Risk Pool. Amend RSA 404-G:5-a, IV(d) to read as follows:

(d) [~~For the period of January 1, 2017 through December 31, 2018,~~] An amount not to exceed [~~50 percent of the remainder amount, as de-~~

~~fined in RSA 126-A:5-c, I(b), less the amount made available to the program pursuant to RSA 404-G:11, VI. The association shall transfer all amounts collected pursuant to this subparagraph and the amount made available to the program pursuant to RSA 404-G:11, VI to the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b~~] ***the lesser of the remainder amount or the amount of revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV and taxes attributable to premiums written for medical and other medical-related services for the newly eligible Medicaid population, as defined in RSA 126-AA:1, V***.

11 New Hampshire Granite Advantage Health Care Program; Federal Match. Amend 2014, 3:10, I as amended by 2016,13:13 to read as follows:

I. If at any time the federal match rate applied to medical assistance for newly eligible adults under [~~RSA 126-A:5, XXIV-XXV between July 1, 2014 – December 31, 2016 is less than 100 percent, less than 95 percent in 2017 and less than 94 percent in 2018, of the amount as set forth in 42 U.S.C. section 1396d(y)(1), then RSA 126-A:5, XXIV and XXV shall be~~] ***RSA 126-AA is less than 94 percent in 2018, less than 93 percent in 2019, and less than 90 percent in 2020 and any year thereafter in which the program is authorized, then the program is hereby*** repealed 180 days after the event under this [~~subparagraph~~] ***paragraph*** occurs upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services. The commissioner shall immediately issue notice to program participants of the program's pending repeal ***consistent with the terms and conditions of any waiver approved by the Centers for Medicare and Medicaid Services for the program***.

12 Liquor Commission; Funds. Amend RSA 176:16, III to read as follows:

III. [~~3.4~~] ***Five*** percent of the previous fiscal year gross profits derived by the commission from the sale of liquor shall be deposited into the alcohol abuse prevention and treatment fund established by RSA 176-A:1. For the purpose of this section, gross profit shall be defined as total operating revenue minus the cost of sales and services as presented in the state of New Hampshire comprehensive annual financial report, statement of revenues, expenses, and changes in net position for proprietary funds.

III-a. In order to facilitate the initial funding of the granite advantage health care trust fund, established under RSA 126-AA:3, for the period of January 1 to June 30, 2019, an amount no less than 1/2 of the 5 percent of such gross profits based on the state comprehensive annual financial report for the state fiscal year 2017 shall be deposited into the alcohol abuse prevention and treatment fund no later than November 30, 2018.

13 Alcohol Abuse Prevention and Treatment Fund. Amend RSA 176-A:1, II and III to read as follows:

II. The fund shall be nonlapsing and continually appropriated for the purposes of funding alcohol education and abuse prevention and treatment programs. ***The commissioner of the department of health and human services may accept gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund.*** The state treasurer shall invest the moneys deposited in the fund as provided by law. Interest earned on moneys deposited in the fund shall be deposited into the fund.

III. Moneys ***received from all other sources other than the liquor commission pursuant to RSA 176:16, III*** shall be disbursed from the fund upon the authorization of the governor's commission on alcohol and drug abuse prevention, treatment, and recovery established pursuant to RSA 12-J:1. Funds disbursed shall be used for alcohol and other drug abuse prevention, treatment, and recovery services, and other purposes related to the duties of the commission under RSA 12-J:3.

IV. Moneys received from the liquor commission pursuant to RSA 176:16, III and deposited into the fund shall be transferred to the New Hampshire granite advantage health care trust fund, established under RSA 126-AA:3, for use in ensuring the delivery of substance use disorder prevention, treatment, and recovery and other behavioral health services for persons enrolled in the New Hampshire granite advantage health care program; provided, however, that any program or service approved by the governor's commission on alcohol and drug abuse prevention, treatment, and recovery that would have been funded from moneys transferred from the fund shall be paid for with federal or other funds available from within the department of health and human services. For this purpose and no later than December 1, 2018, the sum of $5,100,000 from the alcohol abuse and prevention treatment fund shall be transferred to the granite advantage health care trust fund for use in the period of January 1 to June 30, 2019. Beginning July 1, 2019 the funds deposited into the fund shall be transferred to the granite advantage health care trust fund established under RSA 126-AA:3 annually no later than June 1 for use during the forthcoming fiscal year based upon the most recently issued comprehensive annual financial report of the state.

14 Individual Health Insurance Market; Purpose. Amend RSA 404-G:1, II to read as follows:

II. Create a nonprofit, voluntary organization to facilitate the availability of affordable individual nongroup health insurance by establishing an assessment mechanism and an individual health insurance market mandatory risk sharing plan as a mechanism to distribute the risks associated within the individual nongroup market and to support the [~~marketplace premium assistance program established in RSA 126-A:5, XXV~~] ***New Hampshire granite advantage health care program established in RSA 126-AA***.

15 Individual Health Insurance Market; Definitions. Amend RSA 404-G:2, X-a to read as follows:

X-a. "Plan of operation" means the plan of operation of the risk sharing mechanism, the high risk pool, support for the program established in RSA [~~126-A:5, XXV~~] ***126-AA***, and the federally qualified high risk pool, including articles, bylaws and operating rules, procedures and policies adopted by the association.

16 Managed Care Law; Right to External Review. Amend RSA 420-J:5-a, II(a) to read as follows:

(a) Health care services provided through Medicaid, the state Children's Health Insurance Program (Title XXI of the Social Security Act), Medicare or services provided under these programs but through a contracted health carrier, except where those services are provided through private insurance coverage pursuant to the [~~marketplace premium assistance program under RSA 126-A:5, XXV~~] ***New Hampshire granite advantage health care program under RSA 126-AA*** in which case all provisions of this chapter shall apply.

17 Insurance Department; Administration Fund. Amend RSA 400-A:39, VI(a) to read as follows:

(a) Based on the annual statement filed in such year by each insurer under RSA 400-A:31, RSA 420-A:20, RSA 420-B:9, RSA 420-F:9, or other financial statement filed under RSA 415-E:11, the commissioner shall ascertain each insurer's amount of gross direct premiums written, including policy, membership and other fees, service charges, policy dividends applied in payment for insurance, and all other considerations for insurance originating from policies covering property, subjects, or risks located, resident or to be performed in New Hampshire after deducting return premiums and dividends actually returned or credited to policyholders. The premium for Medicaid managed care coverage provided by a health carrier contracting with the department of health and human services under RSA 126-A:5, XIX shall not be included in an insurer's assessable premium, except where that coverage is provided through the purchase of insurance coverage pursuant to the [~~marketplace premium assistance program under RSA 126-A:5, XXV, or through the health insurance premium payment program under RSA 126-A:5, XXIII~~] ***New Hampshire granite advantage health care program under RSA 126-AA***. If any such insurer does not otherwise timely provide the commissioner with the information necessary for such ascertainment, it shall do so on or before May 1 of each year.

18 New Subparagraph; Application of Receipts; New Hampshire Advantage Health Care Program. Amend RSA 6:12, I(b) by inserting after subparagraph (339) the following new subparagraph:

(340) Moneys deposited in the New Hampshire granite advantage health care trust fund under RSA 126-AA:3.

19 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

20 Contingency. RSA 126-AA:2, II(b) as inserted by section 1 of this act shall take effect on the date of certification by the commissioner of the department of health and human services to the director of legislative services and the secretary of state that 42 U.S.C. section 1396a(e)(14)(c) has been repealed or amended to permit the application of an asset test.

21 Funding; New Hampshire Granite Advantage Health Care Program. If the federal government amends 42 U.S.C. section 1396d (y)(1) to eliminate the state's share of funding for the New Hampshire granite advantage health care program, or if the federal government allows the use of savings within the Medicaid program to apply to the state's share of funding the program, or if any other state is permitted to receive funds from the federal government to allow a solely federally funded program, the commissioner of health and human services shall send a letter of notification regarding this change to the governor, the president of the senate, the speaker of the house of representatives, the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program established in RSA 126-AA, and the chairperson of the appropriate standing committee of the house and senate. The commissioner shall apply for the necessary waivers to similarly fund the New Hampshire granite advantage health care program.

22 Repeals. The following are repealed:

I. RSA 404-G:2, X-c, relative to the marketplace premium assistance program.

II. RSA 126-AA:4, relative to the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.

III. RSA 126-AA, relative to the New Hampshire granite advantage health care program.

IV. RSA 126-A:5-c, relative to funding the state share of the New Hampshire health protection program.

V. RSA 126-A:5-d, relative to voluntary contribution.

VI. RSA 126-A:5, XXX, relative to the New Hampshire health protection program.

VII. RSA 6:12, I(b)(340), relative to the moneys deposited in the New Hampshire granite advantage health care trust fund.

23 Effective Date.

I. Paragraph II of section 22 of this act shall take effect December 1, 2022.

II. Paragraphs III and VII of section 22 of this act shall take effect December 31, 2023.

III. Section 1 of this act shall take effect upon its passage.

IV. RSA 126-AA:2, II(b) as inserted by section 1 of this act shall take effect as provided in section 20 of this act.

V. Section 3-8 of this act shall take effect January 1, 2019.

VI. The remainder of this act shall take effect December 31, 2018.

2018-0984s

AMENDED ANALYSIS

This bill:

I. Establishes the New Hampshire granite advantage health care program which shall replace the current New Hampshire health protection program. Under this program, those individuals eligible to receive benefits under the Medicaid program and newly eligible adults shall choose coverage offered by one of the managed care organizations contracted as vendors under the Medicaid program.

II. Establishes the granite workforce pilot program.

III. Increases the amount of liquor revenues to be deposited into the alcohol abuse prevention and treatment fund and provides that moneys deposited into the fund shall be transferred to the New Hampshire granite advantage health care trust fund for substance use disorder prevention, treatment, and recovery.

SENATOR BRADLEY: Thank you very much, Mister President. I would like to, since this is such a big piece of legislation, start right out by thanking a lot of people that have worked long and hard on this legislation. In particular saluting the chairman of the Finance Committee who ran a great process of the joint committee through a long, long, long hearing and three long work sessions. Very gracious, very good job. I'd also like to thank, where is she? Yes, our trusty Chief of Staff, not only does she work all day long but nights and weekends and is a tribute to all of us in the Senate. I'd like to thank the boss. Normally Senator Morse doesn't want to get as involved in policy as he's getting in this bill but there are a couple of numbers in here Mister President, so we're keeping you on track too but thank you for all the hard work that you've done. Commissioner Meyers, the Department of Health and Human Services commissioner as well as the new Director of Medicaid, Henry Lipman,

an awful lot of people who are up in the gallery and people all across the state that came and testified for the hearing. It's been a long process, it's been a lot of work. Senator Carson, Senator Feltes and myself and the commission. This has been a good bipartisan bicameral effort to get to the place that we're at.

Senate Bill 313 has a lot of reform in it. Good reform. It also has a lot of constants in it. Here are the things that stay the same from our past efforts. No new taxes, no new fees, no general funds. Section 11 of the bill makes it very clear as we've done in the past, if federal funds fall below the expected level, the program ends after a six month wind-down and we continue with the sole purpose trust so that funds can't be mingled for other purposes. So the constant is New Hampshire taxpayers are protected. But at the same time we have significant reforms in this bill.

The commission that my friend from Londonderry, my friend form Concord and I and many others recommended a move to manage care. And we do that and change from the current process of premium assistance for several reasons. There will be significant taxpayer savings, both state taxpayers and federal taxpayers. The actuary of the Department of Health and Human Services estimated perhaps as much as a $200 million savings. But we also take the suggestion of our friend from Bedford, who made it very clear on this floor last spring that we should be thinking about moving the premium assistance population into managed care to stabilize the individual market. That will happen under this legislation. But we also have for patients, continuity of care with a ninety day continuation of any preauthorization, as well as case management provisions to help people as they transfer off to other insurance if they are income ineligible.

Perhaps one of the things that has been least talked about in this bill are the wellness incentives. Incentives for patients, and incentives for the managed care companies so that we push people to the appropriate level of care. There are an awful lot of things that people should be using, walk in clinics for as opposed to emergency rooms. This legislation will create a structure of incentives similar to what the Compass program does for the appropriate level of care.

Funding has always been a conundrum. What we do in this bill is significant. We continue with the existing funding sources, the premium tax attributable to Medicaid and transfers from the high risk pool and additionally we use 5 percent of the gross profits from the liquor fund. I would argue that is very appropriate. First of all it will be 5 percent funded, a goal that a lot of us have had for a long time and because this program is so important to substance abuse, I believe it's only logical to use those revenues to fund the state's share.

There is a work requirement in this bill. But it's a work requirement that's been worked on in a bipartisan way, not everybody always agreeing, but I think we've gotten to a place that people will have an opportunity to fulfill their work requirement with any number of qualifying conditions, but for those that can't fulfill a work requirement there are good cause exemptions and there are outright exemptions, for instance somebody who is under the purview of the Americans With Disabilities Act. We also have a pilot program that goes back to Senator Avard's bill of last year that was an initiative of former Governor Hassan's called Granite Workforce; a six month pilot program using $3 million

of TANF funds, not general funds, TANF funds to help people transition back into the workforce. Something I think all of us think is important. It's a pilot program that will track results. There is another commission created and yes, Senator Morse has told me that if this bill passes, I might be on it again. And so those are the main pieces of this legislation.

So the question becomes why are we doing it? First of all, it's been successful. Over 50,000 people, our friends and our neighbors now have care as a result of the effort that was done by a group of six of us in this very chamber. Our friend from Manchester, the Senate President, myself, Senator Larsen, Senator Gilmour, who am I forgetting, oh, how could I forget, Senator Odell. And that bipartisan effort created the four year initiative that we have. And I would argue it's been very successful. We have a healthier workforce as a result, something important to the business community, and continued prosperity. We have reduced uncompensated care, which is a hidden tax on each and every one of us with private insurance. It just gets folded into private insurance rates when people without insurance that have fallen through the cracks of the Affordable Care Act, they don't qualify for traditional Medicaid and they don't qualify for subsidies on the exchange, end up at the emergency room. We have reduced that and that has helped keep a lid on rising health care costs until the last year when the individual market did explode and we're forced to do what we're doing in this bill, by moving people into managed care.

And lastly, I was struck at the hearing, as I think all eleven of us probably were that sat on the joint committee, with the number of people who testified as to how it had impacted their life in a positive way, people from all over the state came to Concord and said what it meant to them. But one of the statistics that I find particularly compelling is that of the 50,000 plus or minus people that are consistently enrolled in Medicaid, only 15,000 of them have been on the program since its inception, of the 130,000 people that have been on it at one time or another. To me, that's success. As their lives have changed as their lives have improved, exactly what we want to see happen, they have transitioned off of this helping hand into other forms of insurance. That's success and that's why we should re-authorize this. I ask for your support for the committee amendment, there will be I think a couple of other amendments, there will be a technical amendment that myself and Senator D'Allesandro have sponsored to fix an omission in the bill. But thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise in opposition to the motion of Ought to Pass with Amendment and I do so for three primary reasons; Medicaid, the nation's largest social program has expanded far beyond its original intent of helping some people with limited income and resources. The Affordable Care Act, or as we know it as Obamacare, significantly expanded both eligibility for and federal funding of Medicaid. Under the expansion law as written, all U.S. citizens and legal residents with incomes up to 133 percent of the poverty line, including adults without dependent children would qualify for coverage in any state that participated in the Medicaid program. However the U.S. Supreme Court ruled in *National Federation of Independent Business versus Sibelius*, that states do not have to agree to this expansion

in order to continue to receive previously established levels of Medicaid funding. New Hampshire chose the route of expansion and as a result we have contributed to the destruction of the original intent of Medicaid. Has expansion been successful? Some would say that it has because numbers of people have been forced to go on health care. I take a different view of the so-called success.

Why are we completely scrapping the Medicaid expansion program and re-writing it? The answer is, the past program, the past version failed. It failed the group market. It promised that additional resources from the Federal Government would result in a reduced or stabilized health insurance cost. They haven't seen that. It promised to help stabilize the individual marketplace, it had just the opposite effect. Placing a pool of people whose claims cost 44 percent higher into the individual marketplace has resulted in the individual marketplace being pushed into a debt spiral, resulting in a 52 percent increase in 2018. It has failed the taxpayers who have been paying at least $200 million per year more than they needed for this program. It has also failed the beneficiaries, forcing them into a program that has not moved them towards independence and self-sufficiency, but instead has created the disincentive to independence by causing them to have a loss if they increase their salaries, so that they no longer get the Medicaid funded health insurance. Finally it has failed the public, by having a program that is easily gamed by both providers and recipients. I say this to say that this program, what we're doing is being built upon a failed program. I can't stand here and tell you that we have reached, or when we will reach, the point of no return. But it's a point that should be understood and debated.

Secondly as legislators we're the ones responsible for drafting legislation and we should not abrogate that responsibility to the commissioner to define in rules. Rules are supposed to establish the process by which legislation we passed will be enacted, and not define specific tenets of the legislation itself. On page 4, line 25 in the work requirement section of this bill, of the amendment it states that a person can earn working credit toward the 100 hour requirement by performing community service. This term is not defined. Does this include community organizing or how about working in political parties? I was told that the commissioner would define that in rules. On page 7, line 9 it states that the wellness visit will include screening for unhealthy substance use. I question what unhealthy substance meant. I was told again that the commissioner would define that in rules. These are issues that are rightfully the responsibility of the legislature to define, yet with this bill we're abrogating that responsibility for these issues and I'm sure there are others.

Finally, most all federal programs come with strings attached, and Medicaid expansion is no different. In Senate Bill 313 we must maneuver around many issues dictated by the Federal Government. Some for which we are requesting waivers, some for which we won't bother to ask for waivers because we have already reached a pre-drawn conclusion that they would not be granted. What's right for New Hampshire is not necessarily the same solution as elsewhere in the country. Yet with this bill, we're putting ourselves in a box to the detriment of what we could do to help New Hampshire residents who need this assistance. And we are allowing the Federal Government to pull the strings, also to the detriment of our residents. Let us not forget that the Affordable Care Act and Medicaid expansion exists only because the largest tax increase in American history was thrust upon the American people in the form of a

health care mandate. But we are also free to provide for our residents in an alternate way, that better suits their needs, if we have the willingness to do so. New Hampshire can and should do better. For that reason, and for those previously given I would respectfully ask you to overturn the committee recommendation so that an alternate motion can be brought forward. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

Recess. Out of recess.

A roll call was requested by Senator Avard, seconded by Senator Daniels.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, French, Sanborn, Daniels, Avard, Birdsell.

Roll Call, Yeas: 18 - Nays: 6. Adopted.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
Sen. Woodburn, Dist 1
Sen. Watters, Dist 4
Sen. Hennessey, Dist 5
Sen. Kahn, Dist 10
Sen. Lasky, Dist 13
Sen. Cavanaugh, Dist 16
Rep. Soucy, Merr. 16
Sen. D'Allesandro, Dist 20
Sen. Fuller Clark, Dist 21
March 8, 2018
2018-1036s
03/10

Floor Amendment to SB 313-FN

Amend RSA 126-AA:3, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established the New Hampshire granite advantage health care trust fund which shall be accounted for distinctly and separately from all other funds and shall be non-interest bearing. The fund shall be administered by the commissioner and shall be used solely to provide coverage for the newly eligible Medicaid population as provided for under RSA 126-AA:2, and to pay for the administrative costs for the program. The commissioner may accept any gifts, grants, donations, or other funding from any source and shall deposit all such revenue received into the fund. No state general fund appropriations shall be deposited into the fund. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of the fund. The fund shall be authorized to pay and/or reimburse the cost of medical services and cost-effective related services, including without limitation, capitation payments to managed care organizations. An amount not to exceed $1,500,000 from the fund for the biennium ending June 30, 2019 may be used to reduce barriers to work for childless adults age 25 and older, consistent with the requirements of the Granite Workforce pilot program.

SENATOR FELTES: Thank you very much, Mister President. Mister President, one of the things that was built into this bill was a variation of Gateway to Work, now Granite Workforce with TANF funds of 3 million for the biennium ending June 30, 2019 to help people get to work, and to help people comply with the work and community engagement requirement. I think we all believe in what the Senator from District 11 said is providing a path to work and independence. However there's a gap in the assistance in the current legislation, that gap is for childless adults age twenty-five and older who cannot be assisted with the TANF money. So this amendment tries to remedy and fill that gap. So if you look at lines 13 through 15 of this amendment, it says an amount not to exceed 1.5 million from the fund for the biennium ending June 30, 2019 may be used to reduce barriers to work for childless adults age twenty-five and older, consistent with the requirements of the Granite Workforce pilot program. Mister President, we heard don't use general funds; this doesn't. It uses funds from the trust fund that can only be used for Medicaid purposes. We heard use a reasonable amount for this while we don't know how many people will need this assistance, we know that we're doing 3 million in TANF right now for the other buckets of the population and I think 1.5 million is a reasonable amount to be able to help start to address barriers to work and provide people on a pathway to work and independence and in compliance with the working community engagement requirement. And we think that in all likelihood this as a reasonable amount in light of the amount of money under this bill that will be in the trust fund for that period of time. So Mister President, we all believe in a work, we all believe I think to provide pathways to work and independence. That's what this does. It goes along with the policy of Granite Workforce and it fills that gap, and so I respectfully encourage folks to give favorable consideration to amendment 1036s. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Feltes.)

SENATOR FULLER CLARK: Senator Feltes, would you please explain what are the potential barriers to work that this $1.5 million might be able to help with, or what is essentially 80 percent of the individuals who are on Medicaid expansion? We're already helping the 20 percent through TANF but I would like to know what might these monies actually be needed and be used for.

SENATOR FELTES: Thank you very much, Senator Fuller Clark. The estimate of approximately 80 percent of the population is for folks ages twenty-five and greater. That's an approximate estimate. The TANF money can be used for folks that are in that age bracket who have kids, so it may not necessarily be 80 percent and that was an estimate to begin with. That being said, the type of barriers that people experience, especially in the job market that we have right now is the lack of skills training, the lack of child care assistance, the lack of transportation, sometimes there isn't public transportation in many parts of the state. And having access to transportation is very important and in some cases housing instability and homelessness, which is a huge barrier to work. In terms of child care, even our low income population who could qualify for the child care scholarship program oftentimes can't afford the cost share element of that, and it's just a little bit of help to afford the cost share, allows them the opportunity to go to work with their child in child care that's helpful for them, it's helpful for the kids and quite frankly it's helpful for all of

us and it builds up our workforce, especially right now when we have a workforce that we need to attract people and fill up jobs with over 16,000 openings. Thank you very much.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I rise in opposition to the proposed Floor Amendment. It was debated in the joint Finance and HHS committee. But I do appreciate the spirit in which it's offered. Obviously, the Granite Workforce Initiative is new, it's a pilot program. One of the, or two of the things that the oversight commission will have to review is that pilot program and how well it's working as well, if you look on page 14 of your calendar about a third of the way down the page, number 9, the commission will have to review the number of people who are found ineligible or who are dropped from the rolls of the program because of the work requirement. So I think it's premature at this point to have this kind of an expenditure especially in light of if you look on page 10, what are the qualifying conditions for the work and community engagement requirements. Obviously, employment is one of those qualifying conditions, training, education, job search, vocational education, public service, community service or being a caregiver. Those are all qualifying conditions. There's a lot of ways that people can qualify including volunteerism, I did not mention and I forgot to do that, as well as participation in a substance abuse program. Those are the qualifying conditions and then good cause exemptions come under the next page or I'm sorry, the bottom of that same page, page 10, if for instance there's a death of a family member, or there's a life changing event, or someone is a victim of domestic violence, those would be good cause exemptions that one could apply for and then there are the outright exemptions as you turn over to page 11, obviously medical necessity is one of those, drug court participation, being a parent or a caregiver, if you have a dependent child under thirteen, if you're pregnant, ADA qualified or medically frail. Those are all exemptions. So I go through that in detail because I believe that the way this work and community engagement is structured, people will be able to qualify, there is this oversight committee that will have to look at the results of the pilot program and then if appropriate we may have the same debate at some point in time in the future. But I actually believe that with all of the qualifying conditions, the good cause exemptions and the exemptions virtually everybody is going to be able to qualify with the work and community engagement requirement and what we do is provide opportunities for people which is what I think we all believe in. So I ask the body to vote down this Floor Amendment.

(The Chair recognized Senator Gray for a question of Senator Feltes.)

SENATOR GRAY: In response to your answer to the Senator from District 21, there was quite a bit of mention about childcare and if I look at the amendment, lines 14 and 15 it says that it's limited to childless adults over age twenty-five. Could you rectify that for me so that I can understand your comment?

SENATOR FELTES: Sure. I appreciate that Senator Gray. Childless adults over the age of twenty-five. So you know that's a good point. I mean that won't be a barrier for a childless adult.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in support of the amendment. I think we can recognize there are people that reach an age

group in their twenties that for whatever other reasons in their lives need a boost into the workforce. I don't think this is a lot of money, and it's not for an exhaustive period of time. I think we just need to recognize this is the hand up, this is the effort to try to help our fellows and women that need that kind of boost, and I think it's a reasonable step to take. It's not a lot of money. But getting people into the workforce is obviously a major priority of this piece of legislation and having something that provides the hand up for people twenty-five and older I think is worthy of our endorsement. 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 Daniels.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9
March 8, 2018
2018-1030s
03/10

Floor Amendment to SB 313-FN

Amend RSA 126-AA:2, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) The commissioner shall apply for any necessary waivers and state plan amendments to implement a 2-year demonstration program beginning on January 1, 2019 to create the New Hampshire granite advantage health care program which shall be funded exclusively from non-general fund sources, including federal funds. The commissioner shall include in an application for the necessary waivers submitted to the Centers for Medicare and Medicaid Services (CMS) a waiver of the requirement to provide 90-day retroactive coverage. To receive coverage under the program, those individuals in the new adult group who are eligible for benefits shall choose coverage offered by one of the managed care organizations (MCOs) awarded contracts as vendors under Medicaid managed care, pursuant to RSA 126-A:5, XIX(a). The program shall make coverage available in a cost-effective manner and shall provide cost transparency measures, and ensure that patients are utilizing the most appropriate level of care. Cost effectiveness shall be achieved by offering cash incentives and other forms of incentives to be offered to the insured by choosing preferred lower cost medical providers. Loss of incentives shall also be employed. MCOs shall employ reference-based pricing, cost transparency, and the use of incentives and loss of incentives to the Medicaid and newly eligible population. For the purposes of this subparagraph, "reference-based pricing" means setting a maximum amount payable for certain medical procedures.

Amend RSA 126-AA:4, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commission shall make an interim report on or before December 1, 2019 and a final report together with its findings and any recommendations for proposed legislation to the president of the sen-

ate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2020.

Amend paragraphs I and II of section 23 by replacing them with the following:

I. Paragraph II of section 22 of this act shall take effect December 1, 2020.

II. Paragraphs III and VII of section 22 of this act shall take effect December 31, 2020.

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise with an amendment that asks the body to consider whether or not this piece of legislation is going to go in perpetuity, because let me tell you we all know that five years around here is a lifetime or whether or not it should have a two year sunset like the last two pieces of legislation did. Mister President, I'll be talking about the bill in its final analysis later, but I want to talk specifically as to this amendment we have today. I think today fourteen states across America have brought forth legislation challenging the Affordable Care Act, now that the Federal Government has eliminated several mandates, requirements and taxes. There is barely a person in America with the exception of maybe a bunch of people in this room today who don't seem to recognize the fact that the Affordable Care Act is ending. It is unsustainable, it is unaffordable, the Federal Government is slowly and surely unwinding it and now fourteen states have come together to bring forth a lawsuit to challenge it and eliminated it. I would believe that that court case will be had before two years. No reason to wait five. In addition to that Mister President, I did hear a specific poll talk about the fact we've got to make this five years because God knows we don't want to vote on it again. Got to make it five years long because Lord knows we don't want to stand up and ask the question whether or not this is good policy. This is the biggest singular spending program other than traditional Medicaid, which has been around a lot longer than I have, that we have voted on every two years. Don't we have a responsibility to stand in front of the voters? Isn't that why we're here? The last thing we should be doing quite frankly is saying lets kick this can so far down the road because we're too afraid to stand up and ask the people to consider whether or not we should continue doing this. This is a program which Mister President, again I'll speak later on in my further remarks, that as my friend from District 11 said, financially failed in two years. That's why we're back here. Even if you support this, shouldn't there be some considerations as to whether or not we should look at it again. Or are we just going to put the kids in the boat and set sail. I'd recommend to the body that nothing in life is guaranteed, certainly not health care today. And if there are opportunities for us, we should maintain some level of frugality and the consistency and leave it up to us, the members of the body, to consider the legislation again. So again what this amendment does is it strikes out the five years and makes it two years and I would ask the body to support it and I'd ask for a roll call, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I think some of the reason that, there's several reasons, that we have proposed a five year authorization is that, we've known all along that in 2020 federal funding will be at the 90 percent level and how we deal with that has always been

a question mark. I think we've answered that, and so the funding I believe is stable. That's the first reason. The second reason, and I think the most important reason, we talk in this room every time we're here about substance abuse. We're in the middle of a substance abuse crisis. And we also have spent a lot of time over the last year talking about the other health care crisis that we have; the mental health crisis. You know all of us voted last year for new initiatives that would have created what are known as designated receiving facility beds. They haven't happened because it's been hard to get the resources on an interim basis to do it. So with five years of predictability that this bill will give, it will give us a much better opportunity to deal with those twin problems of mental health and substance abuse. And if for no other reason, that we should have an authorization, it is because of that. We have got to understand that continuity, predictability, a known funding stream will help the mental health community and the substance abuse community provide the resources and the infrastructure that is vitally necessary to help New Hampshire move through this crisis, and that's the most important reason in my humble opinion for a five year authorization. Five years? I've been here a long time too. It's not perpetuity, it's five years. Thank you, Mister President. And I ask that we defeat the motion.

(The Chair recognized Senator Kahn for a question of Senator Bradley.)

SENATOR KAHN: Thank you for taking the question. Isn't it the case that insurance markets need stability in order to price themselves accurately to put a program together to have some assurance that whatever risk they're taking workforce-wise, information system-wise is worthy of that investment? If we're going to get the kind of savings that you predict, isn't that kind of stability needing to be greater than two years?

SENATOR BRADLEY: You know you make a great point. I didn't mention that before, but one thing that I think hasn't been said in the discussion so far is that by combining the two Medicaid pools if you will, expansion and traditional, we will create about a 180,000 person pool. That should enable us to bring in a third managed care provider, so greater competition and greater innovation I think will be the result of that and a five year predictability stream will help in that cause also.

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, French, Sanborn, Daniels, Avard.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

Roll Call, Yeas: 5 - Nays: 19. Failed.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
March 7, 2018
2018-0998s
01/03

Floor Amendment to SB 313-FN

Amend RSA 126-AA:2, VII as inserted by section 1 of the bill by replacing it with the following:

VII. For any person determined to be eligible and who is enrolled in the program, the MCO shall require the individual to arrange a wellness

visit with his or her primary care provider, either previously identified or selected by the individual from a list of available primary care physicians. The wellness visit shall include appropriate assessments of both physical and mental health, including screening for depression, mood, suicidality, and unhealthy or unlawful substance use, for the purpose of developing a health wellness and care plan.

SENATOR GIUDA: The current amendment that we're working on has in it language, and I quote, "for any person to be determined to be eligible and who's enrolled in the program, the managed care organization shall support the individual to arrange a wellness visit to his or her primary care provider…" Okay? Later it says, "Wellness visits shall include appropriate assessments of both physical and mental health including screening for depression, mood, suicidality and unhealthy substance abuse for the purpose of developing a health wellness and care plan." The language in the beginning of that clause is not a requirement to take a physical. Also the questionable definition of unhealthy substance abuse left to the definition of the commissioner. My amendment requires not as a point of eligibility, but once you're entered into the program, it requires any individual to take a physical, and within that physical, okay, to undergo if you will, tests for unhealthy or unlawful substance abuse. In the absence of this language we open the door to people who will use substances that are illegal, unhealthy, whichever term you'd like to use, and not be required to disclose that but can continue to get medical care, because the language is loose enough, okay, that they don't have to actually take a physical. And if you know about substance abuse, you know that many people that do it don't want to stop until they reach a point in their lives, okay, that they can get no deeper in depression or whatever the situation is. And so for this reason, okay I would ask you to consider and to vote for Floor Amendment 0998s to require a physical that would include drug screening, not as a point of eligibility, but as means to enable us to provide the very best plan of care for an individual's health. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I rise in opposition respectfully to amendment 0998s. Mandatory drug testing in public benefits has been ruled in a number of cases to be unconstitutional. So by adopting this amendment in my view we likely set the state on the path for litigation over something that's clearly unconstitutional at least in a number of other cases around the country and so I'd respectfully encourage a no vote on this amendment. Thank you very much, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: I would agree that drug screening as a condition of eligibility is unconstitutional. It is insane to think that providing a physical or requesting, not requiring a physical that would include screening for drugs is part of that physical, is unconstitutional. We're going to spend half a billion dollars on this bill, give or take. The taxpayers are fronting the money, we open the door to not enabling people to have to take a physical. So just come take the benefits, no I don't want your physical, the question was asked in the joint committee. What happens if an applicant, an eligible person refuses to take a physical? There is no answer. This opens the door to continued drug abuse and continued health care for that or any other condition, unless we close the language to require it, not as a condition of eligibility, but as a means to arrive at a better plan of care for the individual. Thank you, Mister President.

(The Chair recognized Senator Innis for a question of Senator Giuda.)

SENATOR INNIS: Thank you for taking my question. I'm struggling with the word unlawful, with substance use. Might someone find themselves in a position where he could be arrested for using certain substances or be at risk of some sort of penalty that isn't really what we want to happen. We want them to get better and get off of these things and be able to diagnose them appropriately.

SENATOR GIUDA: Thank you for your question, but I do know that HIPAA laws preclude the exposure of this information from health care providers to anyone and that includes law enforcement, unless they have a reason, okay, that this person is caught etcetera. For that purpose I would say no it doesn't expose them to any risk.

SENATOR INNIS: Thank you.

(The Chair recognized Senator Fuller Clark for a question of Senator Giuda.)

SENATOR FULLER CLARK: Thank you for taking my question. My question is once this screening has occurred, how will the information that is uncovered during this screening be used and would the result be that someone would be dropped from employment?

SENATOR GIUDA: The information for the screening purposes is just that. It's to develop a plan of care for the health of the individual. That information is protected by HIPAA, so there's really no relationship to the employer, okay, and so for that reason to provide the best possible care that we could, okay, we want to screen people for everything that could possibly be wrong and move them forward right into the opioid or into the substance abuse treatment program, which this allows a great loophole to develop.

SENATOR FULLER CLARK: Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I rise in opposition to the Floor Amendment. I do have to say to my friend from District 2, I appreciate the spirit in which you offer this Floor Amendment because I think you, like I think everybody that's in this room and everybody that's in the audience believes that we should be helping people to wellness. However I think the way that this is written when you talk about line 7, unlawful substance abuse would preclude potentially substance abuse treatment for lawful substances, alcohol being one. And I think in line 4 where you say the individual shall require to arrange a wellness visit so in order to get some kind of benefit, there's at least in my mind a question of how it impacts the eligibility. I know that's not your intent, but I absolutely do think it would lead to litigation and so for those reasons I ask the body to vote down this Floor Amendment. Thank you.

(The Chair recognized Senator Fuller Clark for a question of Senator Bradley.)

SENATOR FULLER CLARK: I thank you, Senator Bradley for taking my question. My concern is if this amendment were to pass and be included, would this jeopardize the entire legislation going forward with regard to waivers that we might be requesting from the Federal Government?

SENATOR BRADLEY: I don't know the answer to that question. So the answer to that question is it's an unknown and it could well jeopardize it

and as I said before I think it could lead to litigation. I think our friend from Concord who is more learned on the law than I am believes it's definitely a problem. Let me describe sort of the process that VIII came into being. I approached providers about how we, because remember what I said, we want to give as many incentives as we could for wellness and preventative care, and early detection and screening so that people are avoiding lurching from emergency room to emergency room to emergency room and getting a continuity of care. And so we met with people in the mental health community, the medical community, the substance abuse community and worked with them on language that is not a mandate, which would clearly be a constitutional issue, but encourages that wellness that I think every one of us in this room want to see happen because it's the best for the individual and it's the best for the overall health care delivery system. But if we take it too far, there's clearly a litigation risk and clearly a CMS waiver risk. Thank you.

SENATOR FULLER CLARK: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. With respect to the Senator from District 3's remarks about whether unlawful might preclude inclusion of alcohol, I would suggest that if line 7 also says unhealthy and excessive use of alcohol is definitely while not unlawful unless you're driving is unhealthy, and I think that would qualify to answer that question. With respect to waivers, it's pure speculation. As I said before, this is not a condition of eligibility, but once you're into the program, you should be required to take a physical, and that physical should include drug screening. If you don't, then people continue to get services while they're abusing the drugs, the very thing we're trying to help get them off of. And so for that reason I would ask you to please support my amendment.

(The Chair recognized Senator Woodburn for a question of Senator Giuda.)

SENATOR WOODBURN: Thank you, Senator for your comments and your amendment here. Just help me understand, I'm concerned about marijuana, medical and legal which is all the states around us including soon to be Canada to the north, as to whether, how you deal with that difference from state to state as well as those who can medically, who can use marijuana but on a federal level it's still remains to be an illegal substance. How would that be addressed here?

SENATOR GIUDA: I think that's an excellent question that does need to be addressed here. Before presenting a law that violates federal law, perhaps that's a question we need to answer, okay? Until the federal does change that law then we have a problem, and so we would come back and say we're just going to give a bye to that whole issue. Instead of addressing it and maybe asserting our rights as a state, and saying we're going to do this because we're spending taxpayer's money to help people and that loophole enables them to not get the help they might need.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Giuda, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Innis, Morse.

Roll Call, Yeas: 7 - Nays: 17. Failed.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
Sen. D'Allesandro, Dist 20
March 8, 2018
2018-1022s
01/03

Floor Amendment to SB 313-FN

Amend the bill by replacing section 10 with the following:

10 Plan of Operation for the High Risk Pool. Amend RSA 404-G:5-a, IV(d) to read as follows:

(d) [~~For the period of January 1, 2017 through December 31, 2018,~~] An amount not to exceed [~~50 percent of the remainder amount, as defined in RSA 126-A:5-c, I(b), less the amount made available to the program pursuant to RSA 404-G:11, VI. The association shall transfer all amounts collected pursuant to this subparagraph and the amount made available to the program pursuant to RSA 404-G:11, VI to the New Hampshire health protection trust fund, established pursuant to RSA 126-A:5-b~~] ***the lesser of the remainder amount or the amount of revenue transferred from the alcohol abuse prevention and treatment fund pursuant to RSA 176-A:1, IV and taxes attributable to premiums written for medical and other medical-related services for the newly eligible Medicaid population, as defined in RSA 126-AA:1, V. The association shall transfer all amounts collected pursuant to this subparagraph to the New Hampshire granite advantage health care trust fund established pursuant to RSA 126-AA:3.***

SENATOR BRADLEY: Thank you very much, I appreciate the support of my friend from Manchester on this amendment. In the drafting of section 10 which is on page 17 of the calendar, the last sentence was inadvertently left out which speaks to the transfer of all amounts collected pursuant to this sub-paragraph. We need to correct this drafting error and re-insert this sentence into section 10. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in support of Senate Bill 313 as amended. First of all, I want to thank the President of the Senate, the Majority Leader, Senator Feltes and everyone who had a hand in crafting this piece of legislation. Like any piece of legislation it's not perfect, but it's something that's needed and something that the people of the state of New Hampshire will appreciate. And every time we talk about one of these hot contested bills, I like to recall some things that affect me and my family and where I came from.

I am the son of two first generation Americans. My father's parents were born in Italy, my mother's parents were born in Italy. When they came to this country they had nothing, never mind insurance; insurance wasn't even a thing that they thought about. But they brought up a family and I believe I'm a product of the American dream. Had an incident when I was a kid, I was probably seven years of age, we didn't have any insurance. I had a terrible infection in my throat. That infection required surgery. But we didn't have any money, so where did I get that surgery? I got it on the

kitchen table in our house, where they came and extracted my tonsils. Had a doctor who was a family doctor, Doctor Costanza, God rest his soul, took my tonsils out. There was no thing about hospital, there was no thing about insurance. I don't know how my father paid him. I really don't to this day. But I recognize the need that people have, and I recognize in my community where 7,000 people's lives were made better because this legislature and this Senate had the courage to come forward and create the New Hampshire Health Protection Act. They had the courage and fortitude to do that, 7,000 people in my district are helped, 53,000 people in the state of New Hampshire are helped, 130,000 people went through the process. The importance of this piece of legislation is so meaningful to every one of us and the people that we represent. So meaningful. We have crafted a way to deliver this service. It's innovative, it's creative and it's going to make a difference.

When we crafted the first piece of legislation, we had Peggy Gilmour and Bob Odell along with Senator Morse and Bradley, and put this thing together. It was not easy, it's not easy this time, but it's the right thing to do. And there is a time in your life when you have to say, what's the right thing to do and you take a risk when you do the right thing. But you do it for all of the right reasons. You know, as I say, I am the product of the American dream here. I never thought I'd be standing in the New Hampshire State Senate. I used to pinch myself on the ride home and say, Jeez, I'm a Senator. I'm a Senator, God, Jesus, how did I do it? Sister Nathaniel said I'd never get out of the eighth grade. But I'm a Senator, I represent the people of my district and I go home at night and my wife always wants more out of me, Mister President, she wants more. Why aren't I more concerned? I say I'm a little bit conservative at times, but we all try to do the right thing. And this is the right thing at the right time. And when you leave this place as we're all going to do some day, we're going to say oh listen we did some things that made the lives of people better. And as Senator Bradley says over and over again, perfection is something we strive for, but reasonableness is what we get. And that's what we have here, a reasonable piece of legislation that makes sense and is good for the people that we represent.

As I say, I'm a lucky, lucky guy. You know I'm a lucky guy. A lot of great things have happened in my life because people cared for me, people were concerned about me and people helped me, you know they helped me. They reached out and provided me with assistance that I think has made me a better person. So I ask my colleagues, let's votes for this piece of legislation and let's walk out of here tonight with a good feeling in our hearts in that we have done the right thing. We have done the right thing for people and that's what we're here for, to do good things for people. And as I say, the President's taking a risk. Did it four years ago, doing it again now. I commend you for that, alright? It's courage. Bradley, taking a risk, Feltes, taking a risk. But we all take risks. That's what life's all about and if you're not willing to do that, you can't make that next step forward.

So as I said, Ray Burton, God rest his soul, created the Committee to Do the Right Thing. I was a member of that committee. He brought me on as a baby, really back in the 1970s. I was a member of the Committee to Do the Right Thing. I ask each and every one of you tonight to join the Committee to Do the Right Thing and vote for this legislation. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I think this what the third time we've had this debate or fourth time, third time, I think? And only in a room like this, only in a room like this, can we burn $1 billion to save 100 million. Only in politics do people slap backs and shake hands and talk about what a great job we did to spend $1 billion for the celebration of saving $100 million. I don't think that dog hunts. I mean, look every single one of us, every single one of us I know and recognize wants to do the best thing we can for the people we represent. But we have to recognize we represent more than one people. We're supposed to represent everybody, not just the special interests, that show up with their hand out and in the government pocket.

Mister President, I am frustrated. I am frustrated that for the third time I've watched a bill that spends $400 million a year in a non-public hidden trust account that's never been disclosed to the people; that never allowed the opposite viewpoint to show up and participate. The only people that have been here are the people that get something from it or support it. That's how it's always been. That's not supposed to be how we do business here. Dozens and dozens and dozens of meetings year after year after year, third product in a row that only the people that support it showed up for, were invited to it or knew about it. And I can tell you why because I sit by the office where it happens.

Six people in this room have consistently voted against this legislation. All the groups, all this hard working middle class families that have seen their insurance go up by 50 percent. You know there's a very interesting article that came out last week in the *New York Times*, and I should have sent it to all of you to read. It was very interesting. A young woman named Gwen with her husband and their little baby and another young lady named Amelia. The *New York Times* article was very descriptive about how Gwen, her husband and their little baby lost their insurance. Each of them working full time jobs, busting their hump as hard as they possibly can only to lose their insurance that they were paying for. And all of the trials and tribulations and struggles that they went through as people who are actually trying to live independent lives in New Hampshire as middle class families, and they couldn't afford their insurance anymore. And then we had Amelia, the opera singer, knew full well how many hours she can work and stay on Medicaid expansion. Talks about in the article how she lives at home today, only works so many hours to make sure she's right on the cusp, to make sure she gets free insurance. It's not what we're supposed to be doing. That's not how this program is supposed to work but that's how this program does work. Because everyone's taking advantage of it to the best of their ability.

You know we talk on a regular basis, I hear people say throughout this entire debate, we're helping people, we're helping people, this is good for our society, this is good for the people of the state. But why is it we've never heard whether or not it's actually working? The number of people on a social program does not dictate its success. Is our society healthier? Have we spent less money for medical care? Have we done some sort of analysis of the 50,000 people to say they are healthier? Are they all getting physicals that my friend that Senate District 2 suggests that at some level some people should get? Are there less people addicted to opioids? Have we solved our opioid problem? The same thing I hear day after day after day and frankly many of us are frustrated. For those who sit there and advocate that only Medicaid expansion can solve our opioid problem. Only Medicaid expansion. The last time I checked it's

been four years. We've now spent $2 billion and it doesn't look like it's winning. So maybe we need to start questioning, is this our response to it? Because I really question whether or not it is, because there's a lot of other things we can do.

You know we can't forget the fact that when all of this started, or likely maybe need to remind ourselves, that no one was without health care. The Federal Government is very clear, no one can be denied health care. If you are sick, if you get hurt, you show up to the emergency room and you get care. So when this thing first came up, we talked about the fact that, hey look, we think too many people are going to the emergency room, there's too much charitable and bad debt, too much uncompensated care which as many of us know how the state of New Hampshire taxpayers reimburse the medical community for giving away free care. But again we spend $450 million a year roughly, so about $1 billon on this program and uncompensated care went down like $100 million. That dog don't hunt.

This program has turned into a feel good legislation that doesn't have the teeth in it or the results that people expect that they're saving money. What it's done is virtually bankrupt the middle class that has to buy their own health insurance. What have we done for them? Nothing. If we spent half the amount of time trying to help the middle class, the real middle class, then ladies and gentlemen the real middle class works for a living, struggling every single day; 30, 40, 50, 60, $70,000 a year for a family of four and all we see is the cost of their health insurance go up, and we haven't done a lot about it. Look, we knew a year ago, a year ago this week I think, that health insurance costs were going to go up 50 percent. Now I am appreciative that this piece of legislation does look to go back and finally separate the two pools but we're already hearing that because it went up, it's not going to come back down any significant amount. So again we're leaving the middle class in this state left out to dry.

I want people to have access to health care. I want everyone to know that if they are sick, or they get hurt they can get the care to make them better. So much of this argument today is about you know if you're against Medicaid expansion you don't like people or you don't care about them, and I reject that. The problem is this is not a solution. This is not a solution that helps everybody. This is a political solution to help some. We have done precious little in eight years, or the four years we've been talking about this specific piece of legislation, to actually increase access and cut costs. Now I am very thankful the Senator from District 3 has joined me year after year after year to try and do things like making insurance available across state lines and I'm very thankful for his support, but as a body between this one and the one across the house, we continue not to get it done.

I'm someone that always says what's the problem? Can't we define the problem and if we know what the problem is, what are our potential solutions? As I mentioned before, the problem was never people did not have access to care if they needed it, because we know that existed. The problem for others is people want to have the security of insurance because they feel that getting care isn't the right thing. But have we sacrificed so much to the middle class that we've ended up hurting one group of people so much more than the other? Is this a win? Is this a win for Gwen and her husband and their kid? That they can't afford insurance anymore so we can give free health insurance to able bodied adults from eighteen to sixty-four who are not sick and don't have kids? We have to

remember this is a program for able-bodied adults from eighteen to sixty-four who are not sick. And of course we have a program if you're sick. We have a program if you're poor. The qualification to get this program only means you're not working full-time. And last time I checked, we have the lowest unemployment rate in America. I don't know a single employee out there who isn't looking for someone to help. And the argument that well, they're not trained for the right job doesn't hold water as an employer because I know landscapers and plowers and shovelers and dishwashers and grocery stores are trying to find employees. But yet the rolls here have never come down. Four years in this program, we don't have any less people on it today than we started. Thirty-seven thousand people out of the 50,000 people actually had insurance when the program started. And yet they had the ability here to give up their current insurance to go get free insurance. And Mister President, I'm not sure that's what the American dream was supposed to be about.

Our job is to help people be everything they actually can be, our job is to create trampolines and not hammocks. If this program was truly a trampoline, why is it and the economy going like it's going today, that we still have in fact some would suggest, more people on today than we had two years ago? That by itself should tell us it's not working right. Now Mister President, I will give you credit and I always try to give you as much credit as I can, the fact that you guys are moving this over to traditional Medicaid should save us $400 million in the next budget. Because we're paying $661 per bellybutton per month for 50,000 people it was costing us just of $400 million. We move to managed care at $330 something per bellybutton per person for 50,000 people it's $200 million. So it is going to save money, and I'm thankful for that, because at the end of the day we have an obligation here to be, or at least to try to be conscious of how much money we're spending. But as my friend from District 11 talked about, this program has failed. It hasn't provided us the outcomes that we expect for it to have. It hasn't solved the problem that we're saying that it's going to solve. And how many more years, I think the number today is five more years we're going to spend trying to justify a program and its success with no benchmarks of how we get there. If this program's only going to lift people up, if this program's going to get people back on their feet, shouldn't there be some requirement that no one should be on it in five years? What is our measurement of success? That the same number of people are on it today that were on it five years ago? I wouldn't call that success.

Senators, we can do better than this and we do not have to do this program, because we know that not every state in America has done it. But yet we continue to have one of the worst opioid crises in America. We continue to have the highest cost of health insurance in America. We continue to have the highest cost of health care in America. So at what point do we have to ask ourselves, is what we're doing not working? So because of all of those reasons and more Mister President, I cannot support this legislation, because I do not think it solves the problem that others think that it does. I think there are other things we can do and should do that actually work for everybody and not just some. Thank you very much, Mister President.

(The Chair recognized Senator Hennessey for a question of Senator Feltes.)

SENATOR HENNESSEY: My question refers to the amendment at the very bottom of the first page, which and I'm wondering if you can give us

a little more information about the conversations within the committee and with Commissioner Meyers about the ninety day retroactive coverage mentioned in that section, and why it's in the amendment?

SENATOR FELTES: Thank you very much, Senator Hennessey. You're correct that the amendment says that the commissioner shall include in an application for necessary waivers submitted to the Center for Medicare and Medicaid Services, CMS, waiver of the requirements provide ninety day retroactive coverage, unquote. That is in the amendment it was a subject of conversation and discussion at the public hearing and at one of our committees it was represented by Commissioner Meyers that this would cost approximately $2 million to the Department of Corrections, however we would save as a state approximately 2.4 million on our state share so there would be a net at the state level of $400,000 annually in benefits. Now I should note that that doesn't factor in county calculations.

SENATOR HENNESSEY: At the bottom of that page 2, line 30 to 33, my understanding is that a key recommendation of the MCOs and other care providers was prior authorization, and my question is whether ninety days is a reasonable time limit?

SENATOR FELTES: Thank you very much, Senator Hennessey. The bipartisan unanimous vote of the Medicaid expansion commission, chaired by the chair who's now the chair here too, part of the conditions of going to Medicaid managed care that was part of the recommendations of that commission was to have the MCOs honor prior authorizations and care plans so you take people in and take them as they are and honor for a reasonable period of time. The commission did not specify what would be the amount of time for the honoring the prior authorization and care plans. Obviously there are issues that may bubble up, surgeries may be scheduled out four or five months and we have auto-assignment in this bill and sometimes people may not know that they've been transferred over to an MCO and they may get hit potentially with paperwork about the prior authorization for that surgery or maybe another care plan or prescription plan, so this was a subject of debate and conversation and some concern in terms of continuity of care. However when this came up, Commissioner Meyers specifically noted on line 33 of page 2 of the amendment, that the words not less than ninety days, coupled with existing law authorize him, on a case by case basis, to extend those authorizations longer. If there are compelling circumstances and I think certainly a surgery scheduled out several months that has been priorly approved is one of them I think, some prescription drug plans and certainly opioid and substance misuse treatment programs are others. And I think the commissioner expressed that he will look carefully at that and extend those prior authorizations and care plans where it's needed and use his discretion to promote continuity of care. So with that representation from Commissioner Meyers, I am comfortable with that provision.

SENATOR HENNESSEY: Thank you.

(The Chair recognized Senator Fuller Clark for a question of Senator Feltes.)

SENATOR FULLER CLARK: Senator Feltes, I'm here to ask you with regard to the issue of the total package of this legislation, given how hard you and so many others have worked on it and brought it to where it is today, there still is the underlying concern that it could be punitive, and I would like you to answer that question to the best of your ability and also to explain with that concern why you came to the point where you felt that you could support it?

SENATOR FELTES: Thank you, Senator Fuller Clark. I came to the point of supporting this amendment in part based on the representations from the Majority Leader, the Senate President and Commissioner Meyers that this is not punitive, that it's not intended to kick people off of health insurance, that no one would lose health insurance through no fault of their own. That coupled with the provisions of the bill led me to a conclusion that I am comfortable with this amendment. I would add to that certainly the Senate President and the Senate Majority Leader have been leaders in talking about this and certainly in this context too, to the extent that anyone is kicked off of their health insurance, that just drives up uncompensated care. And that's not good for anyone, and certainly the Senate President has been a leader on that and made those comments in committee and certainly Commissioner Meyers has made representations to the effect that no one's going to lose coverage through no fault of their own, that's why we have those good cause exemptions and he's going to exercise his discretion wisely in light of the intent of this not to be punitive. Thank you, Senator Fuller Clark.

SENATOR FULLER CLARK: I'd also like you to answer the question which was raised during the committee hearings as to what happens if someone is found ineligible or are dropped from the program. What mechanisms are in place, what procedures exist so that those individuals at least have the right of appeal?

SENATOR FELTES: Thank you very much, Senator Fuller Clark for asking this question concerning appeals. There is language on the amendment on page 6, line 9 concerning the commissioner promulgating rules on enrollment, suspension and disenrollment procedures in the program. And you're right, we had a conversation in committee about this specifically and including potential due process concerns and we asked the commissioner would that rule-making process include rules for grievance procedures and appeals, and the continuation of benefits pending an appeal decision. And Commissioner Meyers said yes to all of those questions.

SENATOR FULLER CLARK: Thank you.

(The Chair recognized Senator Sanborn for a question of Senator Daniels.)

SENATOR SANBORN: Senator, thank you so much for taking my call I may have two if the President would allow. The first is knowing that nothing is free, this program at $330 some odd per member for among 50,000 people, 200 to $300 million a year. The Federal Government alternately requires us to pay $30 million of it. Now we've heard that we're to increase the take from the liquor fund from 3.7 to 5 percent; that clearly doesn't get us there. So on one hand I see that we're no longer going to use the money from the liquor fund for what we're using it for today, so we have to find some supplement to the budget there, but the same token requires more money than I've heard allocated. So if it does as the sponsor says, doesn't raise taxes, doesn't spend general fund money, doesn't raise fees, where's the money coming from?

SENATOR DANIELS: My understanding is the money will be coming from the alcohol fund, the high risk pool and the insurance premium tax.

SENATOR SANBORN: But aren't we already spending that money, today?

SENATOR DANIELS: I further understand that we would be requesting money from the Federal Government to replace what we're spending out of the liquor fund.

SENATOR SANBORN: Thank you. Has that been confirmed?

SENATOR DANIELS: I don't think anything's definite.

SENATOR SANBORN. Thank you very much, Sir. So under part of the work requirements, so of what would be an allowable twenty-five hours per week in work requirements, it says specifically in the legislation that what would qualify as work requirements is subsidized public sector employment. Is that to mean that we're going to create or have a government program where we're paying people twenty-five hours a week and we're to give them free insurance, because that's what it sounds like to me?

SENATOR DANIELS: I'd say that that was not discussed and maybe that will be defined by the commissioner just like some of the others.

SENATOR SANBORN: In addition to that, there's also provision here that talks about the fact that in order to get twenty-five hours a week, it would also be subsidized private sector employment. Is that meant to mean that we're creating another government program we're actually going to pay 50,000 people subsidized through private employers to give them twenty-five hours a week so we can give them free insurance?

SENATOR DANIELS: I do not know how that will work.

SENATOR SANBORN: Thank you, Sir. Thank you, Mister President.

(The Chair recognized Senator Kahn for a question of Senator Feltes.)

SENATOR KAHN: If, so I'm pleased to see on page 2, item e, that one of the things that I'm most concerned about is the workforce shortage, that there is for mental health delivery in the state. And this provision says that in order to combat the crisis facing New Hampshire, the department shall establish behavioral health rates sufficient to ensure access to and provider capacity for all behavioral health services. So given that we are recognizing a goal, I'm wondering in your deliberations, what the assurances were that we'll be able to monitor this, in fact improve the delivery of the services so that people needing care get it?

SENATOR FELTES: Thank you, Senator Kahn and Senator Kahn I know that you have been an advocate on making sure that we have the workforce there in mental health capacity, working on issues related to mental health along with everybody in this chamber, some of the issues as Senate Majority Leader mentioned, haven't gotten turned out quite how we would like, but this is an important component. And on the commission that released its report November 17, 2017, a bipartisan unanimous vote on that commission, part of the condition to move to Medicaid managed care was to make sure that we take care of behavioral health service rates. And certainly that's why this language was included. You're right the language says, sufficient to ensure access to and provider capacity for behavioral health services. Behavioral health services include not just substance misuse disorder but also mental health. That captures that, and I think it's also safe to assume based on the notion that the legislature doesn't pass superfluous words, that if we say behavioral health rates sufficient to ensure access to and provider capacity for all behavioral health services, that we need that, right now it's not sufficient to ensure to access to and provider capacity for all behavioral health services. And that recommendation on behavioral health, especially in light of the epidemic that we're in, and all the good work that people in this chamber, Senate President, Senate Majority Leader, everybody is trying to do, that was a key component of why a number of people on that commission voted for that recommendation to go to Medicaid managed care.

SENATOR KAHN: Thank you. In line with that, there is, and this has to do with the alcohol treatment fund and that is number 9 in the amendment and now the bill, I'm sorry, it's number 13. But that we are applying the alcohol and drug treatment fund to our Medicaid program and the justification for that has been made well by others, but if we're going to address mental health and substance use treatment, it's got to be as the Department of Health and Human Services has described, a community-based treatment. Community-based treatment is largely funded and initiated stimulated with the alcohol and drug treatment fund. Do we have some mechanism that's been suggested that's going to enable us to continue to stimulate those kinds of programs at the community level?

SENATOR FELTES: Thank you very much, Senator Kahn. I do agree with the Majority Leader that the use of the alcohol fund is a logical and reasonable nexus to Medicaid expansion in light of the fact that that fund helps so much with reducing and treatment, prevention and recovery efforts with respect to our substance misuse crisis in the state and the fact that Medicaid expansion is the single most effective way to combat that crisis as well. So yes, I believe it's a logical and reasonable nexus. To the second part of your question is, we have had in my view reasonable assurance from Commissioner Meyers that the alcohol fund will be back filled at 3.4 percent FY '19 and '20 and I'm comfortable with those assurances and I think as you know, Senator, the work of the commission is so important and so those back fills are so important for the work of the commission and I think the commissioner has testified at the public hearing and then has also testified in committee of the omnibus finance HHS committee about that plan and I'm comfortable with those level of assurances from the commissioner.

SENATOR KAHN: Thank you, Senator. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I don't want to stand in front of all that great food that's out there getting cold, and so I'll be a model of brevity. One being from the North Country I know how this program works and how it helps people. I thank you Mister President, and the Majority Leader, all the people who were involved in that and by saying food I think I'm losing my crowd. But that being said, being in the minority is not always easy, but I think on this issue I'm very, very proud of my ten minority colleagues. And we sent a letter at the beginning of this process setting some ideals and willing to be flexible and reasonable to work with the majority to get this done. And to put politics aside, focus on practical not ideological issues and to stand firm around our oath to be impartial and faithfully serve our constituencies. And in that letter that we sent to the Governor and to the leadership, we set forth the ideals that no eligible person should lose coverage and we're very proud that has happened. We wanted to make sure that we do not wreck the Medicaid and health care system that currently exists and I'm proud that this program does not do that. And third and final that this is a reliable funding source that will ensure that we will be able to do this in a way that's financially stable and we can look to the future. Thank you, Mister President. Look forward to voting on this and enjoying some dinner.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I rise in opposition of this bill. My vote will not say that I do not believe the 4 percent of

the population that this helps don't need it. My daughter will be part of that 4 percent who will be taking advantage of this. But the individual marketplace has gone up so much that I have another group of friends that for the first time in their lives cannot afford health insurance and this year are going without it. These people, Laura, Charlie, Pearl, there's thousands of these people who no longer can afford health coverage that always had it. And it's directly related to bills like this that have driven up health care insurance costs. So that is why I will be a voice of protest when I vote no on this legislation. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Just briefly, folks had mentioned, colleague from Bedford had mentioned that everybody had access to health care before Medicaid expansion, but not everybody has. Everybody gets access to health care simply in an emergency room and that's not a cost effective way to provide health care. It drives up uncompensated care, hidden tax on everyone. I just want to tell briefly a story of someone named Nancy who lives here in Concord, has shown up at a number of the roundtables on this and wasn't at the public hearing, but told the story of her son who suffering from addiction, ended up losing his job and couldn't get help because he didn't have health insurance coverage. Can't get that kind of treatment in an emergency room. He got Medicaid expansion, he got treatment and he got better. And Nancy says it was a lifesaver for her son. Literally, a lifesaver. And now her son got well and he's got a job, and he's not on Medicaid expansion. That's one example of thousands of examples of how important this is. And the legislation, certainly not close to what I would have drafted on my own, but it is a reasonable piece of legislation, and I think it's time that we move it forward for the 50,000 Granite Stater's that need it and for people like Nancy and her son. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I realize time is of a great deal of importance and people are getting sick and tired of the nonsense that sometimes this happens and let me just say three things. If it weren't for the courage of legislators, we wouldn't have had civil rights. If it weren't for the courage of legislators, we wouldn't have had Medicaid. If it weren't for the courage of legislators, we wouldn't have had Medicare. Those turned this country around. If it weren't for the courage of legislators, we wouldn't have had social security, and people demeaned it in terms of discussions, but as a result of that we're better people, we're a better country and we're in better shape. This debate continues but let me just say, this is the ending of my iteration. It's the courage of your convictions that makes this country what it is. You've got to stand for something. No piece of legislation is perfect, but we as human beings do the best that we can. We know there are people in need, we live in the richest state in the United States; median family income is the highest in the country, the highest in the country. We have de minimis unemployment now, we have many, many positive things. This just helps us move that barrier a little further. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I'll rise quickly to and then speak directly to child welfare. As I've talked with the medical professionals in my region as to who is accessing health care through

our Medicaid expansion program. They say over half are kids. I've heard HHS tell us that about half of our total served population is kids. I heard my colleague from District 7 say it's only 4 percent of our population but if it is half our kids, it is 15 percent of our youth population in the state. That's really significant. Kids without health care, kids without meals, kids need to be prepared for life. This is something that puts them on that path. Keeps them on that path. We need to help support our families. We've done a lot of things to do that. This bill also does that, this isn't just about mental health and wellness, this is about kids' welfare and our down streaming costs throughout their lifetime. This is a worthwhile investment in the name of families and children in this state. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I hadn't intended to speak but some of the comments that have been made I feel the need to respond to. I think that this is a very important piece of legislation, I think it is significant in terms of the different ways that it is addressing the issue of accountability for those individuals who are in need of the support of Medicaid expansion. I do not believe that Medicaid expansion that we passed two years ago was a failure. I think it's important to understand, that we heard the question is our society healthier? We know that those individuals who went through the Medicaid expansion program are healthier. We have heard by providing them with direct access to health care rather than having to wait to go to the emergency room, that they are doing much better, that they are now able to hold a job. And we also heard that a significant number of those individuals have moved off needing this program.

Are we saving money? Yes, we are saving money. We are saving money at hospitals by reducing the number of individuals that are no longer having to just choose the emergency room. We are reducing the cost of uncompensated care. And we are able to access federal dollars that we have already sent to Washington, that we deserve to be able to take advantage of to make sure that we have the healthiest population possible.

Are there less people on opiates? No, we're still struggling with that addiction, we are not alone, it is a national crisis. But I can say that we know that treatment for opioid addiction is very long time acting and very expensive and, in some cases, as you'll see with legislation coming forward later, we need to do more outside of just passing this program to solve the problem of opioid addiction. And I think to blame the cost of health care in this state on this bill is a failed condemnation.

We have a very challenged and troubled health care system. But what is driving those costs goes way beyond what we're talking about tonight. It has to do with the outrageous increase in pharmaceutical drugs. It has to do, and in this state particularly given that we have such high insurance, that we have hospitals that have been allowed to over-expand to create expensive amenities and perhaps to have too many hospitals in certain areas of the state. We need to look at how those hospitals have driven up costs and that we haven't been vigilant enough in examining those costs and how to control them.

We need to look at the fact that there have been excessive profits in the health insurance industry across this country. With the Affordable Care Act we lowered the percentage of monies that could be taken out of health care costs that were attributed to both profits and operating

costs. It used to be that many of our health insurance companies were taking as much as 37 percent off the cost of health care to cover those operational costs and profits. Now, they're only allowed to take 20 percent. We should continue to monitor that.

So those are other key areas that are driving up our health care costs. I just wanted to respond to some of the comments have been made and to come back and say that again, even if we're concerned about what's happening to the individual health insurance market, it's not just related to this bill. And if you were able, and many of us were there, for the public hearing to hear both from individuals who have been served by this program to hear from the health insurance industry, to hear from the hospitals, to hear from businesses how this program had made a positive and significant difference. And that is why we should continue this program with the legislation that we have before us today and the amendment to Senate Bill 313. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, I just want to hit on a couple of things quickly. It was described that Medicaid expansion was a failure, that it didn't work. Well to me, the definition of failure is the people that didn't qualify for Medicaid and didn't qualify for insurance on the exchanges had to go to the emergency room. The emergency room lurching from crisis to crisis at the highest cost possible, that's a failure. What we have done has definitely mitigated that. We have to admit that health care costs are rising. It is prescription drugs, it's less of the subsidies called CSRs from Washington, it's insurance company losses, it's medical inflation and it is also the cost of the acuity level in Medicaid expansion. Remember we're solving that, or at least substantially mitigating it in this bill. I have to agree with our friend from Bedford, he must be enjoying the dinner, our country ought to look at some other reforms that would lower the cost of health care, associated health plans, cross state border purchases, full deductibility of all health care expenses. I happen to think they would make sense but guess what; hasn't passed in Washington. I was there for those debates and it hasn't passed here. So that leaves us with Senator D'Allesandro talking about one of my favorite expressions in life; don't make the perfect the enemy of the good. We haven't been able to drive those reforms that lower health care costs, but we are in the middle of a health care crisis, especially if you have mental health or substance abuse issues. Medicaid expansion's probably the single most important thing, if you talk to the advocates that we can do to alleviate our drug crisis. And yes, it's not resolved, there's still a long ways to go. And a lot of other strategies beyond Medicaid expansion. We've protected taxpayers, we've stabilized the individual markets, there's a lot of good reform in this bill. Let's vote, and let's take a break for dinner. 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 Bradley, seconded by Senator French.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, French, Sanborn, Daniels, Avard, Carson, Birdsell.

Roll Call, Yeas: 17 - Nays: 7. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

COMMERCE
SB 423, relative to noncompete clauses for low-wage employees. Inexpedient to Legislate, Vote 3-1. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. Mister President, I move Inexpedient to Legislate on Senate Bill 423. While I applaud the sponsor in his desire to put this bill in, what the bill does is prohibit an employer from requiring an employee to enter into a non-compete agreement, but only for low wage workers. As some of you in this body might know over the past few years, almost every year I think, I have sponsored legislation to prohibit non-competes and while I also have not been able to get it passed for everybody, we have been able to pass it for MDs, people in the medical community and we're hoping to continue to expand that. It is something I personally believe in, I know the sponsor I think believes in it and I remind to the body that the most successful place on earth for economic development, Silicon Valley, prohibits non-competes. But our challenge is with the premise of this bill is it should only apply to everyone, not just a select few based solely on their wages. So please join the Commerce Committee and vote SB 423 Inexpedient to Legislate. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President and colleagues. I rise in opposition to the ITL recommendation and hope we can vote it down so we can consider passing this bill. I guess sometimes I feel like it's *A Funny Thing Happened on the Way to the Forum*, we had a great hearing on this, many expressions of support and no opposition in the hearing a suggestion for an amendment to determine just how tip waged people would be included and so forth. But I would hope to just take a couple minutes and say what I was trying to do with this bill and it starts from a very conservative principle; every individual possesses as a form of property, the right to pursue any calling, business or profession he or she may choose. I mean that's the fundamental principle of free labor, I mean that's what serfdom was about, that's why we had a war against slavery. Everybody has a right to possession of their own free labor.

And so what the bill suggests is that for people who are making low wages, under $15 an hour, that they ought not to be required to sign a non-compete that says they can't work for another employer for a specified period of time, maybe a year or two. Or that they can't work in a particular geographical area or that they can't work for an employer that does some of the same kind of work that they had previously done. Now, there are a lot of bills that have been passed in other parts of the country as the Senator from District 9 said; California got rid of them all. Down in Massachusetts there's a kind of a hybrid that's being done, getting rid of some employment looking at low income folks. A couple of other states have done anybody making anything under $50,000. And you know I think that the principle of it is pretty clear that perhaps the advantages of non-compete sometimes is that somebody has trade secrets you know, or they have been, a lot of money has been put into their training or setting up a lab for them, or a client list or other kinds of proprietary information that is to a business. But on the other hand, the other side of it, it's a restraint of individuals' freedoms, but also, it's a restraint on the free movement of labor, people should be able to go to get other jobs.

So I put the bill in for people making under $15 an hour. And there are examples of why we need to do this. I'll give you just one; Jimmy John's, which I'm sure several of you know was brought up by the New York attorney general for violating non-compete provisions. And they said that if you've been making sandwiches at Jimmy John's you couldn't work anyplace else for six months within the same geographical area. Now what's the trade secret there, where to put the baloney, on the sandwich? And you're telling somebody that's making minimum wage that they can't go to work for another sandwich shop for six months or a year and the attorney general of New York said that non-compete agreements for low wage workers are unconscionable. They limit mobility and opportunity for vulnerable workers and bully them into staying with the threat of being sued. So that's what it's about, the language of the bill is pretty clear. If it seems appropriate to instead of just saying $15 an hour to tie the 200 percent of the minimum wage and 200 percent of the tipped minimum wage you've got about 14.50 and about 7.25, I have a Floor Amendment that would do that. Now to the point that the Senator from District 9 has made; you know I don't like non-competes and we voted a few weeks ago, and we voted last year about medical professions, right? So we're going to do it for doctors and we're not going to do it for someone making $7.25 an hour. Now let's get started somewhere. Let's get started someplace. Let's do this and you know if we, I will support other bills as well but this is a good place to start and I do hope that we'll vote no on ITL and I can bring out the amendment and we'll pass the bill. 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 Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Carson, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Daniels, Avard, Lasky, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon.

The following Senators were excused: Reagan.

Roll Call, Yeas: 9 - Nays: 14. Failed.

Senator Watters moved Ought to Pass.

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4
March 7, 2018
2018-1018s
04/06

Floor Amendment to SB 423

Amend the bill by replacing section 1 with the following:

1 New Section; Protective Legislation; Noncompete Agreements for Low-Wage Employees. Amend RSA 275 by inserting after section 70 the following new section:

275:70-a Noncompete Agreements for Low-Wage Employees.

I. In this section:

(a) "Employer" shall have the same meaning as in RSA 279:1, X. "Employer" shall not include employees of governmental or quasi-governmental bodies.

(b) "Low-wage employee" means an employee who earns:

(1) An hourly rate equal to 200 percent of the federal minimum wage; or

(2) An hourly rate equal to 200 percent of the tipped minimum wage pursuant to RSA 279:21.

(c) "Noncompete agreement" means an agreement between an employer and a low-wage employee that restricts such low-wage employee from performing:

(1) Work for another employer for a specified period of time;

(2) Work in a specified geographical area; or

(3) Work for another employer that is similar to such low-wage employee's work for the employer who is a party to the agreement; and that is entered into after the effective date of this section.

II.(a) No employer shall require a low-wage employee to enter into a noncompete agreement.

(b) A noncompete agreement entered into between an employer and a low-wage employee shall be void and unenforceable.

2018-1018s

AMENDED ANALYSIS

This bill prohibits an employer from requiring a low-wage employee to enter into a noncompete agreement.

SENATOR WATTERS: Thank you, Mister President and colleagues. As I mentioned before it basically is the bill that offers some definitions of low wage employee and employer and it offers some definitions of noncompetes. In this case working for another employer for a specified period of time, working in a specified geographical area work for an employer that is similar to low wage employees work. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Watters.)

SENATOR GIUDA: When I look at quasi-governmental bodies, can you put some definition to that and also line number 8 so employer should not include employees of governmental or quasi-governmental bodies?

SENATOR WATTERS: Thank you for the question. I'm not sure and perhaps Mister Lehmann could tell me, whisper it to me? These are quasi-governmental bodies that are like the Pease Development Authority, so that's the kind of thing they do.

SENATOR GIUDA: Thank you.

(The Chair recognized Senator Gray for a question of Senator Watters.)

SENATOR GRAY: I'm reading line 10 and line 11; an hourly rate equal to 200 percent of the federal minimum wage. What happens if they earn more or less than 200 percent?

SENATOR WATTERS: This is…

SENATOR GRAY: I've gotten my answer, thank you.

SENATOR WATTERS: If I may answer your question, I believe that this models the federal statute that would be under that amount so that you cannot have a non-compete for.

SENATOR GRAY: But the language says equal to. It doesn't say equal to or less.

Recess. Out of recess.

PRESIDENT MORSE: There will be several bills today that end up getting special ordered because we have thirty–eight left. But as we do that,

I haven't met with Senator Woodburn, but my guess is the Senate will be in session next Wednesday afternoon, depending on how many other bills we have. But I haven't met with him yet to go over that. I did anticipate that we're not going to midnight, but right now in the Committee on Commerce we are debating Senate Bill 423 and SB 553 to the next Calendar. Smile Senator Soucy.

SPECIAL ORDER

Without objection, the following bills are special ordered to the next session. Adopted.

COMMERCE
SB 423, relative to noncompete clauses for low-wage employees.
SB 553-FN, relative to mental health parity for workers' compensation.

SB 426, relative to the commission on primary care workforce issues. Inexpedient to Legislate, Vote 3-1. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. Mister President, I move Inexpedient to Legislate on Senate Bill 426. This was a commission that was started in 2010 to look at workforce development issues and being it's 2018 the bill came in to essentially change the dates and keep it going and the committee felt that if there was a problem that we didn't address in 2010 it's been eight years and anything we can do to try and find a way to start cutting down the number of commissions that we have and look to solve problems versus just have meetings would be a great thing, so the members of the Senate Committee on Commerce would ask you to support the motion of Inexpedient to Legislate.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Just very quickly I promise. But this is, I was stunned frankly that it went this direction because this is a commission that is operating beautifully, getting lots of very important work done and I don't think we've ever established if there's some cut-off date for the number of years it can go on. All it did was to add a couple of members to it and extend its timing and this is, this was, I was asked to put this forward by Laurie Harding for those of you who may have known her from the House. Who's very, very active and very successful in her medical field as a nurse in the Upper Valley, and has made huge differences in people's lives. This is a commission that's doing good work, so it doesn't make any sense to me why it would just be turned down because of the number of years. They're continuing to work, adding two people and having it go for another, for an extended time just will produce even more good work, so I really am having trouble understanding and I recommend that you overturn the ITL. Thank you.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the committee motion. I was there for the hearing; I was not able to participate in the exec session but what was most important to this commission was the addition of members particularly from the New Hampshire Alcohol and Drug Abuse Councilors Association. This commission is very experienced in workforce issues, has made numerous recommendations, many of which have turned into legislation, been enacted and at a time when we have workforce issues during an opioid crisis, it makes it all the more important to let an experienced group of people continue to do this good work. So I would ask my colleagues to overturn

this recommendation, this is a simple ask of adding a couple members and extending a commission that's already functioning well. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Sanborn.)

SENATOR GIUDA: Thank you, Mister President. Thank you, Chairman. Why are we looking at the 2020 final report? That's two and a half years. We already have 14, 13 workforce education and so forth programs in place?

SENATOR SANBORN: Senator, thank you so much for the question. Part of the reason that we have recommended Inexpedient to Legislate is that in general we have committees and committees and commissions and commissions that have reports that no one ever reads or keeps up on. And here's a case that the committee although well-intended, Representative Harding is one of my dearest loves of the people who have ever been in this building, but for us we need to start considering, is there a problem we're trying to solve, what is the problem and how do we solve it, put legislation in for it. In this case it's a commission that's just kicking the can down the road for two and a half years, for a report in 2020. And if they come forth with a problem next year, I'm sure we'll all be more than willing to listen to a piece of legislation to solve a problem.

SENATOR GIUDA: Thank you.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Fuller Clark, seconded by Senator Soucy.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Reagan.

Roll Call, Yeas: 13 - Nays: 10. Adopted.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider SB 426, the bill having previously been found Inexpedient to Legislate. Adopted.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Soucy, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Reagan.

Roll Call, Yeas: 12 - Nays: 11. Adopted.

SB 427, limiting the liability of successor corporations for asbestos-related claims.
Ought to Pass, Vote 4-0. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on Senate Bill 427. This bill limits the liability to certain successors to the

amount of the predecessor's total gross assets at the time of the merger, plus any upward adjustment to reflect what those assets would be worth in today's dollars after inflation. The bill applies only when the original transfer successor asbestos related liability occurred before the Federal Government regulation in 1972. In the merger consolidation the successor must not have continued in the selling, manufacturing, distribution of, removing or installing asbestos containing products. Any successor that engages in wrongdoing before or after the merger would remain liable for any harm. And because of these restrictions, the impact of the bill is very limited. This bill does not leave those who have suffered asbestos related injury without recourse. Claimants will continue to have the ability to file for specific damages as well as file a claim with one of the established trusts. Please join me in voting Senate Bill 427 as Ought to Pass. Thank you, Mister President.

Senator Gannon offered a Floor Amendment.

Sen. Gannon, Dist 23
March 7, 2018
2018-1015s
06/10

Floor Amendment to SB 427

Amend RSA 507-H:5, IV as inserted by section 2 of the bill by replacing it with the following:

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.

Amend the section heading of RSA 507-H:7 as inserted by section 2 of the bill by replacing it with the following:

507-H:6 Scope of Act; Application.

SENATOR GANNON: It really isn't a substantive thing so it's just two drafting errors. On page 4 line 9 it should have been a 3 instead of a 2 and a similar thing it should have been a 6 instead of a 7. They were just numbering errors. And then I'd like to speak on the bill itself.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I heard earlier tonight from the good Senators from District 20 and District 9. They were talking about the American dream. That's one of the things our Governor and all of us send out; that New Hampshire is open for business. And how do we let the other states know we're open for business? It's fairness. We have to treat all our business laws in a fair manner. This is a quick story. I'll be, I promise I'll be under two minutes and I'll be done. New Hampshire, little company called Crown and Cork, the Senator from District 20 probably remember the little grape Nehis when you were a kid on a nice cold day, and they had cork on the inside of the bottle cap. Well that was what this company did. It was a nice mom and pop little company that grew, American success story and they wanted to acquire one of their competitors, which they did. Ninety-three days later there was a little subsidiary company was closed and they weren't really interested in it, but they were buying from a widow, she just wanted to sell the whole package, they got stuck into buying that. So they did. It was called Mundet. They sold it off ninety-three days later, it was an

insulation division, idle machinery, left over inventory, they never used it, hardly owned it. Nine years later, 1972 OSHA regulations banned the use of asbestos and then if you acquired henceforth after that you acquired business and you were aware of the dangers to asbestos, you took on the liability. Crown paid $7 million for this Mundet stock. Today that would be worth $65 million. Crown has paid out over 800 million to date. They're credit rating has been reduced to junk bonds. Any time they borrowed money in the last forty years, they've spent an extra billion dollars in interest on top of the 800 million. Crown never manufactured, they never sold, they never installed asbestos containing products. Now they've settled more than 70,000 asbestos related claims, spent close to $2 billion because of it. The company that made Mundet's insulation eventually went bankrupt. Court lawyers in several states turned to Crown because they've run out the thousand businesses that became part of the asbestos liability suit. They're gone so now the lawyers are looking to see who they can feed off of.

What does this bill do? Twenty-five other states have passed this bill or an almost identical version of this bill. The bill only applies where original transfers of successor asbestos related liabilities occurred before the Federal Government began regulating asbestos in 1972. Again, '72 is important because that was the year OSHA enacted the regs banning the use of asbestos and acquiring businesses and other businesses became aware of the asbestos danger. Additionally after the merger and consolidation of successor now must not have continued in the business of selling, manufacturing, distributing, removing or installing asbestos products. Any successor that independently engaged in wrongdoing whether before or after merger remains liable for any harm it causes. Because of these restrictions the impact of the bill is very limited. This bill is not going to leave people who have suffered horrible asbestos related injuries without recourse. There's 25 to $30 billion still in the asbestos compensation fund that they can go after. Also clients can continue to have the ability to file for civil damages as well with one of the established trusts as I said. Time trends indicate there's no end in sight for asbestos litigation. Litigants will potentially look to states like New Hampshire as they seek to avoid states that have adopted the very reforms contained in this legislation. Litigation continues to move to less palpable companies outside of the asbestos in building materials industries and threatens the continued viability of uniquely situated U.S. companies. Adoption of SB 427 will send a strong message that New Hampshire business laws are based on fairness and that New Hampshire is open for business. Thank you, Mister President.

PRESIDENT MORSE: That was a long two minutes.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I rise in opposition to the pending motion, and I just want to clarify a couple things. First of all, in 1963 when Crown acquired a small $7 million competitor whose owner had recently died, and his wife was a widow. Contrary to the assertions, the FTC documents confirm, Crown did not acquire Mundet Corp. as a failing company. The company was not on the verge of going out of business or facing involuntary liquidation. Rather Crown's main purpose in acquiring this company was to control their large sales volume business, gain access to their list of long-term customers and to create a monopoly in the manufacture and sale of metal crowns. Prior to the acquisition, Mundet Corp. was one of the top metal crown manufacturers in

the U.S. Hardly two little mom and pop companies, so we need to clarify that. Crown Cork is also a thriving company. It's a large publicly traded multi-national company with net sales over $8 billion, and over $390 million in after-tax profits in 2015 alone. According to its own website, it employs 23,000 people at 149 plants in forty countries. Jeez if that's a mom and pop, I want them to be my parents, I'll tell you.

But the problem with this legislation Mister President, and my colleagues, is that the legislation creates a special exclusion from liability and would insulate asbestos corporations against all pending and future claims from asbestos victims dying of cancer. By arbitrarily limiting the liability of some asbestos corporations, the bills shifts the cost of asbestos disease onto asbestos victims and most importantly onto taxpayers. This bill sets a very bad precedent and it's clear that at the time of the acquisition, this was a sophisticated company. It knew what it was doing. It did its due diligence and you know, in life when you acquire something, you acquire liabilities but you acquire the assets, if they had found some precious metal, if they had found oil on the property, they would reap the benefit of that. At the time they had the opportunity to examine this company and determine what it really was all about. The fact that this legislation has passed in some other states, yes that's true; it's also been rejected in states like Maine and Kentucky and in the two states where it was challenged, it was found to be unconstitutional. Most importantly though, what all of us should consider is that ultimately New Hampshire employers are the ones who are going to bear the cost. Because employees are suffering from asbestos disease and they're going to see workers' compensation to substitute for their tort recovery. This is a corporate bail out and it will be at the expense of taxpayers. And for those reasons Mister President, I would encourage my colleagues to vote down this motion. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise on behalf of the Commerce Committee and ask the body to continue to support the motion of Ought to Pass. While I appreciate the comments from my Senator of District 18, there's a couple things that remain very important here; This company, Crown, never sold products in the asbestos industry. They never manufactured it, they never distributed it, they never sold it. They bought a competitor that had an ancillary business that did it. In the ninety some odd days that they had possession of these assets they never operated it, they never sold it. But yet today we see trial attorneys on top of the fact there's a $50 billion asbestos fund that still has $25 billion in it, it's never enough. Try to find every single potential liable person that they possibly can. As we heard in testimony, this company, Crown, has paid out $800 million in claims on a company they paid $7 million for and never sold any of it. When we think about what the word liability should mean, they were never driving the car, they never gave the drinks, they never held the gun, they never did anything, anything other than buy a company and for ninety days have the assets before they sold them off. Eight hundred million dollars for that event. If this company was a manufacturer, was selling, was liable for doing something wrong, I think all of us in this room would support the concept that if you make that decision there's some level of liability. In this case these people were not guilty of doing anything, so we ask the body to continue to support the Committee of Commerce recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator Soucy.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, Fuller Clark.

The following Senators were excused: Reagan.

Roll Call, Yeas: 14 - Nays: 9. Adopted, bill ordered to Third Reading.

SB 566-FN, relative to unemployment compensation for school bus drivers and monitors.
Ought to Pass with Amendment, Vote 3-1. Senator Lasky for the committee.

Commerce
March 6, 2018
2018-0982s
08/03

Amendment to SB 566-FN

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the school bus driver shortage.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Commission to Study the School Bus Driver Shortage. Amend RSA 189 by inserting after section 6-c the following new section:

189:6-d Commission to Study the School Bus Driver Shortage.

I. The general court finds that the shortage of school bus drivers in places like Northwood creates a significant burden on our school districts and our families. Later school start times and an inability to transport students to extracurricular activities adversely effect the education of our students. There is hereby established a commission to study the school bus driver shortage.

II. The members of the commission shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) Two members of the house of representatives, one of whom shall be from the labor, industrial and rehabilitative services committee and one of whom shall be from the education committee, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of employment security, or designee.

(d) The director of division of motor vehicles, department of safety, or designee.

(e) The commissioner of the department of education, or designee.

(f) Two members of the New Hampshire School Transportation Association, appointed by the association.

(g) Two school bus drivers who are affiliated members of a labor organization, appointed by the labor organization's local union.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study the effect of bus driver shortages on school districts, the effect of search for work requirements for bus drivers collecting unemployment, and the effect of search for work requirements on seasonal employees.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2018.

2 Repeal. RSA 189:6-d, relative to the commission to study the school bus driver shortage, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

II. The remainder of this act shall take effect upon its passage.

2018-0982s

AMENDED ANALYSIS

This bill establishes a commission to study the shortage of school bus drivers.

SENATOR LASKY: Thank you, Mister President. I move Senate Bill 566 Ought to Pass with Amendment. This school year in the town of Northwood they had an extreme shortage of bus drivers which caused them to alter school schedules. This of course disrupted the school personnel, bus drivers and families. Bus drivers are essentially seasonal and are eligible to collect unemployment during the periods of time they are not working. This legislation sought to allow bus drivers and monitors to be able to apply for unemployment and provide proof of a specific return to work date, which would eliminate the requirement for a job search. Currently bus drivers who collect unemployment in the summer are required to search for work. If they find a job, they are required to accept it. If they don't, they lose their unemployment. The problem is, if the bus companies are not notified it can take anywhere from four to eight weeks to hire and train a bus driver because of CDL requirements, background checks and etcetera. After the prime sponsor met with the Department of Employment Security, the committee was informed there would be a problem with the Federal Department of Labor because we are specifying a specific profession. If we narrow it down to include solely bus drivers as much as we have it may impact all of the unemployment compensation. For this reason, the committee amendment, which establishes a commission to study and resolve this important issue, was put in place by the committee. So I ask you to join the committee in voting Senate Bill 566 Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 567-FN, relative to workforce development and job training.
Interim Study, Vote 3-1. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move refer to Interim Study on Senate Bill 567. This bill would increase the unemploy-

ment compensation administrative contribution, paid by employers from the current rate of .2 percent to .4 percent, doubling that rate. The rate increase would provide an additional 4 million to the Department of Business and Economic Affairs to supplement and expand workforce development and job training programs funded by the training. Currently 2 million of the administrative contribution is deposited in the training fund, and the remainder is reserved to pay for administrative costs of the department. This bill would increase the amount by $4 million to $6 million. The Department of Employment Security indicated there could be an indirect impact on employers tax rates because annual revenue to the unemployment trust fund would decrease by 4 million, equal to the increase to the training fund. As a result, employers would pay 9.13 million in unemployment taxes in the second and third quarters of 2019. The tax rates are dependent on the balance in the trust fund and future rates would be impacted by revenue going into the fund which is the reason the majority of the Senate Commerce Committee wisely voted SB 567 to Interim Study. Thank you, Mister President.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. I'm in opposition to Interim Study. I've spoken to many business owners that look forward to this and think this will help them. Major manufacturing in Manchester thinks they can get qualified applicants to employ. Last year there were 6,000 jobs lost in New Hampshire, the most in all of New England. This bill would help recruitment and to help skill up our current workforce. People in recovery right now, one of their barriers is employment. They need a job to keep in recovery and to be successful. This would help them a pathway for employment. Later tonight, hopefully not early tomorrow morning, we will be listening to a bill that gives tax exemptions to new innovative businesses and I support that. But why wouldn't we be also helping companies with workforce development as well. We talk about the aging of New Hampshire and we want to keep young people graduating high school and graduating college in New Hampshire and when I talk about that I think of my three kids and how different they are to make it a four years school and a tech school. And my younger son, fifteen, who's saving for a truck and he wants to buy his own truck and start his own business at sixteen. His work ethic is incredible, and I don't doubt that'll happen for him. This bill will also help high schools with apprenticeship programs and kids can come out of high school if they want to do that, they'll have a leg up and they will help employers that want to employ them. So I ask you to please vote no on the Interim Study and support the original bill as presented. Thank you, Mister President.

(The Chair recognized Senator Daniels for a question of Senator Cavanaugh.)

SENATOR DANIELS: Could you please tell me; we have thirteen existing job training programs. What can't be accomplished in those thirteen programs that we must have this one?

SENATOR CAVANAUGH: Well I think this will expand that. I know the high schools I'm thinking of they don't have that apprenticeship program, that can expand and have kids that want to either go to a trade school. If they can get that help through high school, I think it'll give them way to firefighting, any kind of trade school. So I don't know what specific thirteen groups you're talking about, but I think if we expand that, help our children in high school, I think that's a positive.

SENATOR DANIELS: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. This is a bill that is well-intended but utterly unnecessary. In conversations with Chancellor Gittell, our community college system is working to great lengths to integrate with our schools, at both community college and high school level to produce programs where they pipeline students through internships and through training right into corporations. So we don't need to study it, we don't need to put another program in place. What we have in place is working just fine. I would vote against this bill. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition to this motion and I'm looking at the report here, and not a single person turned up and spoke against this at committee, not one single person. One that did, Commissioner Taylor Caswell of the Business and Economic Affairs Commission, our new DRED commission, testified in support and told the committee that there are 16,000 open jobs in the state of New Hampshire. And we also learned that there are over 6,000 jobs lost since 2017, and that we are the only state, New Hampshire is the only state in New England to actually lose jobs. We have some challenges and we're not investing in the areas that we need to be. It's time for us to make the smart sensible investments and move forward and get to work. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I've got two words Mister President, for you tonight. And I'm going to say it three times; tax increase, tax increase, tax increase. That's what this bill looks to do. To my good friend up in Senate District number 1, the reason that no one showed up in opposition to it is because the business community has to work every day nine to five my good friend. The business community works. They count on some of us to protect them from the constant barrage of new tax increases, slipped in the unemployment compensation trust fund and all the other ways. As my friend from District 11 said, and in fact I'd have to correct him although I rarely correct my friend from District 11, after your vote tonight we now have 14 individual work training programs in the state of New Hampshire, it was thirteen under the Medicaid Expansion Bill you passed Thursday, fourteen. In fact I think actually there was a fifteenth that was voted on tonight as well. How many do we need? If the fourteen of them are not working, do we need another one? Or maybe we need to fix the ones that we have. So based upon the fact that this would be a tax increase, we have one of the highest workers compensation expenses in America. Raising the rate again tells the business community a very specific thing; lowest unemployment in America, highest cost of unemployment workers' comp we have in America. It's an imbalance. Last thing we need to be doing right now is raising taxes. So again I ask the body to support the Interim Study. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Continued misstatements, continued misstatements, continued misstatements. Those are my two words. This isn't even workers' comp, number one, and the testimony of Deputy Commissioner Laver says we didn't forecast there would

be any impact in changing the trigger one way or another in 2019. The fiscal note said something different. They had updated projections. No tax impact whatsoever 2018 and 2019, 2020 potential tax impact but they can't forecast out that long. They've testified to that; they've made it clear that the forecasting can't go beyond that. So the forecast, the reliable forecast says no tax increases, no fee increases, and this is an opportunity to invest in our workforce, skill up our workforce and continue what we're supposed to do, and you know what? In last year's budget we had zero going to workforce development and job training, zero dollars. As the Senator from District 1 noted, we lost over 6,000 jobs last year in 2017. The only state in New England to lose jobs. And though the budget, Governor Sununu's budget does give more tax breaks to big corporations, many of which were headquarters out of state but that didn't result in job growth, we've lost 6,000 jobs. What can we do? Well we can do what Taylor Caswell said, try to fill these jobs. The last thing I'll note, this notion of thirteen job training programs, that's not accurate. We have the job training fund that Senator Cavanaugh talked about, we have WIOA funds, Workforce Investment Opportunity Act money, we used to have Trade Investment Act money, that dried up and we have the soft skills work ready. There are different initiatives including the sector strategies partnerships, but we only have basically one housed program over in Commissioner Caswell's Department that works with those three programs. So we have three under one umbrella, and what this will meet is a major gap in the system for employers that need to hire people who don't have the skills right now, but can get these skills up, attracted and retained and meet those open jobs. So if we're serious about workforce development and job training, we ought to vote no on Interim Study. Let's stop studying something that we know is a problem and start acting. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. I like this bill. I think it does some things that are good. What I don't like is the way that we tax our businesses with unemployment taxes. And I've said this before, when the economy is going great and you're full up with employees, you're not paying much in unemployment tax at all. At the time that your business is most profitable we're not taxing you at a very high rate for unemployment. As you start laying people off as the economy begins to go down, your unemployment tax rate goes up, as your company is making less money. So what do you do? You lay off more people and your tax goes up higher and more people and it goes higher. We have a fundamental flaw in the way that we collect unemployment tax in this state. If we can fix that and do something with this bill at the same time, we might have something worthwhile. And I will commit to Senator Feltes that I will help him work on that if he will make the same commitment to me because two Dan's are better than one. But we do have a real problem with our unemployment taxes in the state and we must correct that. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to speak against the Interim Study motion. As a House member I actually served on a commission that was allocated $1 million for workforce development and job training. And we would meet once a month and businesses would come in and they would ask for money to train their workforce. Usually it was in computer skills or in lean manufacturing techniques, which is

what they desperately needed at the time. The employees were given a certificate for their education, something that was portable, they could take with them for whatever job they wanted. I think it is a good investment. We're not talking about college age students that are going from college to the workforce, we're talking about people that perhaps did not graduate from high school or maybe they did graduate but they've been out of the workforce for a long time. This is working together with businesses to get them employees that are trained, and those folks are learning skill that they can take with them wherever they go. I think it is a worthwhile investment in our workers here in the state of New Hampshire. Thank you very much, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I think a lot's been said that I would have as well but relative to the thirteen agencies, last time I heard that, I went to the office of Senate Research. We've got to circulate that memo that it's based on because as my colleague from District 15 has said, it is not thirteen programs. It is a very narrow set that get repeated a couple of times because they got different sections that they apply different dollars to just as this is suggesting here. You may say this is six different programs, but this is one effort to try to address what in my district manufacturers, people who are struggling to stay active and growing, thriving because they need workforce. It's the number one priority that they have. I hope that we can do the right thing here and move forward to pass this bill. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I would offer that the 6,000 jobs that were lost were not lost through the lack of workforce training programs. They were lost for other reasons. I've lost 2,000 in my own district, okay? It had nothing to do with whether we had workforce training because we had workforce training, and we have workforce training for adults in the community college system as well. So the point is this is not a necessary function, we already have it covered in the community college and already existing workforce programs and I would ask you to please vote the committee recommendation.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. Thank you, Colleagues. I just wanted to point out very quickly that there is something new here, that we really need and will have an immediate impact. And that is to bring work ready New Hampshire into the high schools. On the career and technical education commission we have work ready came in, they said they want to go into the high schools, the high schools really need it, particularly the career and technical education folks, $500,000 means they can get in there and have a pilot program for the tenth through twelfth graders. We desperately need it; this bill would do it. Thank you.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: I just wanted to point out that the Community College System of New Hampshire does support this bill as well. 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 Soucy.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Reagan.

Roll Call, Yeas: 12 - Nays: 11. Adopted.

EDUCATION
SB 526-FN, relative to school breakfast programs.
Ought to Pass with Amendment, Vote 4-1. Senator Kahn for the committee.

Senate Education
March 6, 2018
2018-0962s
05/06

Amendment to SB 526-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to school food and nutrition programs.

Amend the bill by replacing all after the enacting clause with the following:

1 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

I. Each school board shall make [~~a~~] ***at least one*** meal available during school hours to every pupil under its jurisdiction. Such meals shall be served without cost or at a reduced cost to any [~~needy~~] child who [~~is unable to pay the full cost of said meals~~] ***meets federal income eligibility guidelines***. The state board of education shall insure compliance with this section and shall establish minimum nutritional standards for such meals and shall further establish income guidelines setting forth the minimum family size annual income levels to be used in determining eligibility for free and reduced price meals. Nothing in this section shall prohibit the operation of both a breakfast and lunch program in the same school. Further any requirement of this section which conflicts with any federal statute or regulation may be waived by the state board of education.

2 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to read as follows:

(b) Such school which demonstrates to the department of education that an approved school wellness policy, as required under the Child Nutrition and WIC Reauthorization Act of 2004, is in effect, and that such school is providing breakfast meals to pupils that meet or exceed the United States Department of Agriculture's child nutrition criteria may apply for and receive a 3 cent reimbursement for each breakfast meal served to a pupil. The department of education shall request biennial appropriations in an amount sufficient to meet projected school breakfast reimbursements. The department of education shall prescribe forms as necessary under this paragraph. ***In addition to the $.03 state reimbursement for each breakfast served to all pupils, the department of education shall request biennial appropriations equal to the difference between the reduced and free federal reimbursement rate for breakfast so that pupils otherwise eligible for reduced price meals have access to breakfast at no cost.***

3 Applicability. For the fiscal year ending June 30, 2019, the amount required under section 2 of this act to provide breakfast at no cost to pupils otherwise eligible for reduced price meals shall be drawn from funds appropriated to the department of education in 2017, 155.

4 Effective Date. This act shall take effect July 1, 2018.

2018-0962s

AMENDED ANALYSIS

This bill requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines. The bill also directs the department of education to request an appropriation sufficient to provide a free breakfast to students eligible for reduced cost meals.

SENATOR KAHN: Thank you, Mister President. I move Senate Bill 526-FN Ought to Pass with Amendment. As amended this bill requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines. The bill also directs the Department of Education to request an appropriation sufficient to provide a free breakfast to students eligible for reduced cost meals. With and additional $.27 per student per day New Hampshire public schools will be able to provide a breakfast meal to 7,100 students eligible for free and reduced cost breakfast reimbursements. Based on these figures, the new total fiscal impact will be $345,000 a year. This legislation is important in order to ensure that all children are fed a breakfast and are therefore equivalently prepared to learn every school day. Therefore the majority of the Education Committee asks for your support of the motion Ought to Pass with Amendment on Senate Bill 526-FN. Thank you, Mister President. I'd like to speak to the motion.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Actually I'd rather address the whole bill and leave to Senate colleague from 21 an amendment that she's going to need to offer after we pass this one. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Fuller Clark offered a Floor Amendment.

Sen. Fuller Clark, Dist 21
March 8, 2018
2018-1028s
06/03

Floor Amendment to SB 526-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to school food and nutrition programs.

Amend the bill by replacing all after the enacting clause with the following:

1 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

I. Each school board shall make [~~a~~] ***at least one*** meal available during school hours to every pupil under its jurisdiction. Such meals shall be served without cost or at a reduced cost to any [~~needy~~] child who [~~is unable to pay the full cost of said meals~~] ***meets federal income eligibility guidelines***. The state board of education shall insure compliance with this section and shall establish minimum nutritional standards for such meals and shall further establish income guidelines setting forth

the minimum family size annual income levels to be used in determining eligibility for free and reduced price meals. Nothing in this section shall prohibit the operation of both a breakfast and lunch program in the same school. Further any requirement of this section which conflicts with any federal statute or regulation may be waived by the state board of education.

2 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to read as follows:

(b) Such school which demonstrates to the department of education that an approved school wellness policy, as required under the [~~Child Nutrition and WIC Reauthorization Act of 2004~~], ***Richard B. Russell National School Lunch Act 42, U.S.C. section 1758b*** is in effect, and that such school is providing breakfast meals to pupils that meet or exceed the United States Department of Agriculture's child nutrition criteria may apply for and receive a 3 cent reimbursement for each breakfast meal served to a pupil. The department of education shall request biennial appropriations in an amount sufficient to meet projected school breakfast reimbursements. The department of education shall prescribe forms as necessary under this paragraph. ***In addition to the $.03 state reimbursement for each breakfast served to all pupils, the department of education shall request biennial appropriations equal to the difference between the reduced and free federal reimbursement rates for breakfast so that pupils eligible for reduced price meals are offered breakfast at no cost.***

3 Effective Date. This act shall take effect July 1, 2018.

2018-1028s

AMENDED ANALYSIS

This bill requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines. The bill also directs the department of education to request an appropriation sufficient to provide a free breakfast to students eligible for reduced cost meals.

SENATOR FULLER CLARK: And while this amendment replaces the entire bill, it only makes two significant changes to the bill that was already presented. And those are basically technical changes, but it was just simpler to provide it to you all in one entity. So you'll notice in line 21, you now have new language. It says the Richard B. Russell National School Lunch Act 42, USC section 1758B. This is now the federal legislation under which the breakfast, or free and reduced lunch program exists. Yesterday the New Hampshire Hunger Association came to me and requested that we make this amendment. The other amendment that is made is at the very end of the bill where actually section 3 was dropped which was applicability language that is no longer necessary because in line 28 it makes clear that it is the responsibility of the Department of Education to request a biennial appropriation equal to the difference between the reduced and free lunch reimbursement programs for breakfast. So that people eligible for reduced price meals are now going to be offered breakfast at no cost. And then obviously what was for the effective date became 3. So I would ask you to adopt this amendment and then I would like the opportunity to speak to the bill as amended.

(The Chair recognized Senator French for a question of Senator Fuller Clark.)

SENATOR FRENCH: On line 27 it says the state reimbursement amount is $.03 per breakfast. Is that accurate?

SENATOR FULLER CLARK: Yes.

SENATOR FRENCH: Great. Thank you.

(The Chair recognized Senator Daniels for a question of Senator Fuller Clark.)

SENATOR DANIELS: What is the fiscal impact of your amendment?

SENATOR FULLER CLARK: The fiscal impact starting next year would be $345,000 annually but as you heard would make it possible to provide a free breakfast to 7,100 additional students in New Hampshire.

SENATOR DANIELS: I understood that the previous speaker had talked about the bill being 345,000. I noticed on yours that it makes a change from one meal to at least one meal. So I would think that there would be an increase in the fiscal impact if you're offering more than one meal, where the previous one was offering one meal?

SENATOR FULLER CLARK: Let me explain to you as I understand it that under federal guidelines you are required to provide at least one meal at reduced and free, whether it's lunch or breakfast. What has happened has been that in most places, both breakfast and lunch are offered at free and reduced. In this case it would change that requirements so that if a breakfast which we all know is the most important meal of the day, but no longer would students be charged at the reduced level. There are qualifications that are put in place by the Federal Government to determine the level at which you are eligible for either free or reduced lunch. But in this case, we would remove the one component of that program for breakfast so that there is either a breakfast that's paid for or a breakfast that's free. The reduced cost would go away and that would account for the additional $345,000 annually.

SENATOR DANIELS: Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I just want to explain to our colleagues what the fiscal note is on this. We currently provide breakfast to 37,000 students who have a free breakfast at a federally reimbursed rate. That federally reimbursed rate is $1.75 for that meal. The reduced program, the reduced breakfast program provides a federal reimbursement of $1.45. So it leaves this $0.30 difference. That's what 7,100 plus students face. We've already got on the books, by virtue of Senator Nancy Stiles, a $0.03 match which the Department of Education provides for each reduced breakfast program as a reimbursement to each of the districts. This would move that to by another $.27 for that 7,106 students. So that's where we end up is taking all those students who are qualified for free and reduced meals having a breakfast. That's the fiscal side to this. Think of the learning side of this. That's what's important here. You got kids who are coming to school, if they have not had breakfast, they are not prepared to learn. That's what the testimony was before the committee. That's why the committee voted to pass this and ask the Senate's support. I ask that we make this technical amendment. Let's get that through and then let's pass this so that we don't have confusion. Any student who has the need for a free or reduced breakfast is getting that meal, schools don't have to do checks of students going through lines. This is going to; we need to do this in order for students to have a fair opportunity to learn and succeed. This is how we break the chain and the cycle of poverty and deficiencies in our population. If we

can't do this I don't know where we're going on trying to lift students, lift youth in the state to try to have an equal opportunity. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Fuller Clark, seconded by Senator Kahn.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, Sanborn, Daniels, Avard.

The following Senators were excused: Reagan.

Roll Call, Yeas: 19 - Nays: 4. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

EDUCATION
SB 568-FN, relative to criminal history record checks for school employees and certain volunteers.

ENERGY AND NATURAL RESOURCES
SB 309-FN, relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.
Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

Energy and Natural Resources
March 6, 2018
2018-0973s
08/03

Amendment to SB 309-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Contaminants in Drinking Water. Amend RSA 485 by inserting after section 16-d the following new subdivision:

Perfluorochemicals

485:16-e Perfluorochemicals. The commissioner shall, in consultation with the commissioner of the department of health and human services and stakeholders, and no later than January 1, 2019, initiate rulemaking to adopt a maximum contaminant limit (MCL) for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) for public water systems regulated by this chapter. The commissioner shall consider the standards of other states, including the science considered by states with standards lower than those contained in health advisories from the United States Environmental Protection Agency. The commissioner shall adopt MCLs that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer reviewed science and independent or government agency studies, pro-

vided no MCL shall exceed that contained in any MCL promulgated by the United States Environmental Protection Agency. The commissioner shall annually review the newest peer reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

2 New Paragraph; Ambient Groundwater Quality Standards. Amend RSA 485-C:6 by inserting after paragraph III the following new paragraph:

IV. The commissioner shall, in consultation with the commissioner of the department of health and human services and stakeholders, and no later than January 1, 2019, determine whether to revise the ambient groundwater quality standards for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) established in rule in order to comply with this paragraph and shall make public his or her determination. The commissioner shall consider the standards of other states, including the science considered by states with standards lower than those contained in the lifetime health advisory promulgated by the United States Environmental Protection Agency. The commissioner shall adopt standards that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer reviewed science and independent or government agency studies, provided no standard shall exceed that contained in any standard promulgated by the United States Environmental Protection Agency. If the commissioner determines that the standard should be changed, the commissioner shall initiate rulemaking within 60 days of making the determination. The commissioner shall annually review the newest peer reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

3 New Paragraph; Surface Water Quality Standards. Amend RSA 485-A:8 by inserting after paragraph II-a the following new paragraph:

II-b. The commissioner shall, in consultation with stakeholders, and no later than January 1, 2020, establish a surface water quality standard for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) in Class A and Class B waters, if scientifically feasible. The commissioner shall consider the standards of other states. The commissioner shall adopt standards that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer-reviewed science and independent or government agency studies, provided no standard shall exceed that contained in any standard promulgated by the United States Environmental Protection Agency. If the commissioner determines that the standard should be changed, the commissioner shall initiate rulemaking within 60 days of making the determination. The commissioner shall annually review the newest peer-reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

4 Effective Date. This act shall take effect 60 days after its passage.

SENATOR INNIS: Thank you, Mister President. I move Senate Bill 309-FN Ought to Pass with Amendment. This bill requires the Department of Environmental Services to adopt a state drinking water standard and ambient groundwater quality standard and a surface water quality standard relative to PFCs or perfluorochemicals. Water quality has been a persistent problem throughout our state affecting individuals,

families and businesses, especially in the Seacoast Region. Emerging contaminants like PFCs pose a potentially serious health threat to those in our state.

Senate Bill 309 compels the DES to adopt certain standards with regard to these chemicals in order to protect the public health. The DES will examine peer reviewed science and other methodologies undertaken by other states as well as the EPA to arrive at a set standard. The bill requires the DES to undertake an annual review of these standards to ensure that they are in line with recent scientific data. There are some differences in this bill versus last year's bill which was passed by this body. Senate Bill 309 includes a standard for surface water, something that was not included last year. In addition the amendment to the bill adds two new compounds that have been added to the list of emerging contaminants and those are PFNA and PFHXX. Do not ask me what that means, please. The bill also contains a fiscal note, which prepared in consultation with the DES. Finally the amendment adds specific dates for completion and the surface water standard deadline in 2020 if it is scientifically feasible to establish such a standard. The EPA does not have a surface water standard nor does any other state, so we want to give a little room there. It's vitally important that we set standards that protect the public health and that those standards be based on the latest peer reviewed science which is updated continuously. The Senate Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass with Amendment on Senate Bill 309-FN. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise also in support of this legislation, Senate Bill 309 as amended. As you heard this bill is needed in order to pursue greater protections for the public health for our constituents, particularly with regard to those inhabitants that are surrounding the Great Bay and the Coakley Landfill on the Seacoast. You may have heard a lot about a cancer cluster that has been identified in that area. There's questions as to whether or not it is the result of these emerging contaminants. These PFOs, PFAs and the other entities that you heard about that have been added to Senate Bill 309. For those of us who are not scientists, sometimes hard to pronounce but we do know that these are newly emerging contaminants that we're learning more about every single year and we're seeing that different states are putting into place different standards. What this bill does is it asks of the Department of Environmental Services on an annual basis, review standards from other states, review studies from other states in addition to the studies that are being done at the national level and make adjustments as necessary, but always making sure that these are based on scientific review. In addition, the fact that this legislation calls for a new standard that is the surface water quality standard. This is a standard which currently doesn't exist. It doesn't exist anywhere in the country, but we have heard from DES here in New Hampshire that they are anxious to establish the standard, but that they will need more time as they wait for critical scientifically proven reports to come from Washington. So I urge you to support this bill. Thank you very much.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 530-FN, relative to high voltage electric transmission lines in highway rights-of-ways.
Interim Study, Vote 4-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Thank you very much. Mister President, I move Senate Bill 530-FN be referred to Interim Study. This bill clarifies the authority for the erection, installation and maintenance of high voltage electric transmission lines and highway right of ways. This bill would have required large electric transmission projects in excess of ten miles in overall length and in excess of 150 kilovolts to be placed on four existing energy infrastructure corridors including I-89, I-93, I-95 and NH Route 101. The committee felt that this bill had many questions that needed to be answered and further examination of its effects need to be reviewed more thoroughly. The Senate Energy and Natural Resources Committee asks for your support for the motion of Interim Study on Senate Bill 530-FN. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.
Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration
February 12, 2018
2018-0552s
10/08

Amendment to SB 370-FN

Amend RSA 153-A:35 as inserted by section 1 of the bill by inserting after the section heading the following new introductory paragraph:

The emergency medical services compact is adopted and entered into with all other jurisdictions that legally join the compact, which is substantially as follows:

Amend RSA 153-A:35, X(e)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states, but New Hampshire shall not be assessed more than $6,000 annually. This limitation is not intended to suggest that such amount has been appropriated.

Amend RSA 153-A:35, X(f)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person

against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

Amend RSA 153-A:35, XV as inserted by section 1 of the bill by replacing it with the following:

XV. Construction and Severability.

(a) This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

(b) The director of the division of fire standards and training and emergency medical services shall review decisions of the interstate commission for EMS personnel practice established pursuant to paragraph X of this compact and, upon approval by the commission of any action that will have the result of increasing the cost to the state of New Hampshire of its membership in the compact, may recommend to the general court that the state withdraw from the compact.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 370-FN Ought to Pass with Amendment. This legislation would provide proper legal protection, standardized practices and accountability for licensed EMS personnel when crossing state lines under certain circumstances. The bill, as amended, seeks to remedy the inability of Emergency Medical Services personnel licensed by one state, to practice in any other state on an intermittent basis, without first having to obtain licensure. Presently, licensed personnel in New Hampshire have to maintain multiple licenses in order to provide care across state lines. The ED&A Committee voted 4-0, Ought to Pass with Amendment, and asks for your support in this recommendation. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 462-FN, relative to occupational licensure, certification, or registration for persons with criminal records, and relative to license applicants for barbering, cosmetology, esthetics, and manicuring.
Inexpedient to Legislate, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 462-FN Inexpedient to Legislate. SB 462-FN would modify procedures for a person with a criminal conviction to apply for a license, certificate, or registration with a board or commission. It would also require all occupational regulatory boards and commissions to revise administrative rules and statutory changes to comply with criminal conviction procedures. In addition, it would require changes to the qualifications for licensure for barbers, cosmetologists, manicurists and estheticians. The committee listened to testimony regarding these required changes and also testimony on developing some of these new programs within the Department of Corrections. There were many questions as to who would pay for the development and training within these programs, programs which are not developed to date. It was felt that this bill would create two separate categories; one which the state pays for, and one for those

outside of prison, who would pay for their own education. There were no concrete plans to support this legislation. It was also noted; these boards currently have procedures in place for those with criminal records. The ED&A Committee voted ITL on this legislation, and asks for your support in its recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 463-FN, establishing an architectural paint can recycling program.

SB 532-FN, relative to group II status of certain department of corrections officials.
Ought to Pass with Amendment, Vote 4-0. Senator Cavanaugh for the committee.

Senate Executive Departments and Administration
March 7, 2018
2018-0997s
10/08

Amendment to SB 532-FN

Amend the bill by replacing section 1 with the following:

1 New Section; Department of Corrections; Officials; Status in Retirement System. Amend RSA 21-H by inserting after section 8-a the following new section:

21-H:8-b Status in Retirement System. For purposes of classification under RSA 100-A, any person who is or becomes the director of professional standards, the director of community corrections, the director of security and training, the director of field services, or the director of medical and psychiatric services, shall be included in the definition of correctional line personnel, as defined in RSA 100-A:1, VII under the retirement system, if such person was a group II member for at least 10 years prior to appointment in his or her position and shall remain in group II status for the duration of service in that position with the department.

SENATOR CAVANAUGH: Thank you, Mister President. I move Senate Bill 532-FN Ought to Pass with Amendment. This legislation will allow those within the Department of Corrections to move up to an advanced position of director. Presently, the director positions are classified in the retirement system as being in Group I. If someone has, for example, 10 years of service in Group II retirement and moves up to an advanced position of director, they are presently not allowed to carry their Group II status forward. The amendment clarifies those who apply for specific director positions can retain Group II retirement status. The New Hampshire Retirement System weighed in on this legislation and stated that to continue membership in Group II retirement will not add to the retirement system's unfunded actuarial accrued liability. The ED&A Committee voted 4-0 Ought to Pass with Amendment and asks for your support in their recommendation. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise with a couple concerns and was not at the executive session so wasn't able to participate in the discussion, but two primary concerns with respect to the legislation. The first being that this is legislation to encourage promotion within in which I always think is very valuable. However the legislation doesn't state that. It simply states that somebody is a group II member. They could be a group II member from any other governmental entity. But the main concern that I have Mister President, is that this is the first time that I'm aware of where we are not reclassifying an actual position. Throughout our retirement system positions are classified as one group or the other, based on certain criteria, based on working conditions, based on the people that they work with. This would be the first time where we would take a person and the status of the person would travel so the position could revert back. I think that is a potential for creating some problems in budgeting and I as I said, have a great deal of concern with this precedent setting legislation and for that reason I am opposed to it. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 571-FN, requiring the department of health and human services to perform an efficiency audit.
Inexpedient to Legislate, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 571-FN Inexpedient to Legislate. This legislation requires the Department of Health and Human Services to perform an efficiency audit. The committee found the financial impact to the state was of great concern, and there is a performance audit process in place for this purpose. The committee believes there is no need to go outside of the current process. The ED&A Committee voted Inexpedient to Legislate and asks for your support in the recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

SB 588-FN, relative to inspections of laboratories.
Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration
March 7, 2018
2018-0994s
01/04

Amendment to SB 588-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to inspections of laboratories and relative to loans for lead hazard remediation projects.

Amend the bill by replacing all after section 1 with the following:

2 Loans for Lead Hazard Remediation Projects. RSA 130-A:15-a, IV is repealed and reenacted to read as follows:

IV. The department shall adopt rules, pursuant to RSA 541-A, to establish the eligibility criteria, application process, and maximum loan amounts pursuant to this section. The rules shall also include a require-

ment that the lender record a lien for the full amount of the loan at the time the loan is issued for any property under this section. The lien shall be in the name of the lender and the state of New Hampshire. The lender shall service the loan in accordance with its standard practices. If the borrower fails to pay the loan as required by the loan documents, the lender shall mail a written notice of default to the borrower at his or her last known address, with a copy to the department. If the default is not cured, the lender may foreclose the lien in accordance with terms of the loan documents and state law. To the extent that the foreclosure proceeds do not cover at least 80 percent of the unpaid principal balance plus interest and reasonable collection expenses as provided under RSA 130-A:15-a, I, the lender may apply to the state for payment of the guaranty for any such deficiency. The state shall pay the guaranty in accordance with the terms of the loan guaranty program.

3 Contingency. Section 2 of this act shall take effect at 12:01 a.m. on the effective date of RSA 130-A:15-a as inserted by section 7 of SB 247-FN-A of the 2018 regular legislative session. If SB 247-FN-A does not become law, section 2 of this act shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect July 1, 2018.

2018-0994s

AMENDED ANALYSIS

This bill declares that laboratories certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) shall be deemed licensed for purposes of the residential care and health facility license law.

This bill also clarifies the loan terms of the loans for lead hazard remediation projects.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 588-FN Ought to Pass with Amendment. This legislation, as introduced, was requested by the Department of Health and Human Services to simplify their laboratory inspection process. Currently, state laboratories require an annual inspection and a Clinical Laboratory Improvement Amendments of 1988 or a federal inspection every two years. This legislation would allow the Department to only conduct the CLIA inspection. The Department of Health and Human Services can assure that there are no health or safety issues by having inspections done this way. In addition, this will be a positive impact for the Department of Health and Human Services because it will allow their inspector to go out and complete other types of inspections for hospitals and their laboratories. The bill, as amended, addresses loans for the lead hazard remediation projects, outlines the process for how the loan guarantee would work, and better outlines what the process would be. The legislation has mechanisms in place to ensure lead hazard remediation projects are carefully monitored. The ED&A Committee voted Ought to Pass with Amendment and asks for your support in their recommendation. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 589-FN, relative to regulation of certified recovery support workers. Ought to Pass, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 589-FN Ought to Pass. This legislation establishes the Certification for Certified Recovery Support Workers in alcohol and drug use disorders and removes the regulation of such persons from the Board of Licensing for Alcohol and Drug Use Professionals. Under this legislation an advisory council will decide what the level of certification will be. Presently, CRSWs work under the LADC Board, but some have stated it was difficult trying to accomplish their certification, so difficult to attain that it was easier to give up on because of the process. The ED&A Committee voted Ought to Pass on SB 589-FN, and asks for your support in their recommendation. Thank you, Mister President.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: I rise to oppose the Ought to Pass recommendation from the committee. We had a lot of LADC professionals come before the committee and they said in the past there was a problem with the slow process of getting the license and they have worked with the board to correct it and it has been corrected and I just feel we're trying to fix a problem now that had already been fixed. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I also rise in opposition to the pending motion. Not only were all the professionals who came to testify aware of and familiar with all the problems that had existed with the LADC board but they felt that not only had many of those issues been resolved but that we'd create an even greater problem if we were to create a separate board. One of the issues was separating the disciplines is that it would be unclear the career track for the two separate organizations, and the certified recovery support workers, the CRSWs, have only been in effect for a very short period of time. So you would be creating a licensing board of people who have little to no experience in their given field. The other issue that seemed to have generated this legislation was a concern that there seemed to be a conflation of Medicaid building and classification versus licensing. They're two very separate issues creating another category and another board isn't going to improve that situation. I think in the end Mister President, it's only going to make it worse. Therefore I would oppose this legislation. Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. This bill is the result of a study committee that we passed last year, to look into this very problem. We in ED&A kept getting reports that it was very, very difficult for people to get licensed. And I would like to commend Senator Reagan who chaired this committee and there's some things here that even at the time of the testimony, that Senator Reagan claims that the LADC board wasn't performing at top speed. And so I find it kind of interesting that now they claim they are. And they didn't really produce any evidence that they were other than their testimony. So I think this is an alternate route. I think that it is something that's good because we're not talking about people that are LADCs, we're talking about recovery workers, people that don't have the same level of education as an LDAC but they do have some level of training and I think we all know that we have trouble attracting LDACs as well as MLADCs and we just need these folks. And the board has just really not been very good through this process. So I would ask again the members to please support the committee recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Sanborn, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Kahn, Daniels, Avard, Carson, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Sanborn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro.

The following Senators were excused: Reagan.

Roll Call, Yeas: 14 - Nays: 9. Adopted, bill ordered to Third Reading.

FINANCE
SB 301-FN, temporarily reducing the real estate transfer tax for first-time home buyers.
Ought to Pass, Vote 5-0. Senator Feltes for the committee.

SENATOR FELTES: Thank You, Mister President. I move Senate Bill 301-FN Ought To Pass. This bill reduces the Real Estate Transfer tax rate for first-time home buyers from $0.75 to $0.50 per $100 of the sale price, for prices not exceeding 300,000, for a period of two years applicable to transfers from January 1, 2018 through December 31, 2019. The Department of Revenue Administration would be required to report on the number of first-time buyers using the lower rate and whether first-time home buyers increased or decreased as a result of the reduced rate. The committee recommends passage of Senate Bill 301-FN, and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise surprisingly in opposition to this. I supported this in the first vote and so what happened? I check with our recorder of deeds and I read the fiscal note on this matter. Four percent of all the fees on real estate transfer taxes go to support our counties. That's $600,000 in Cheshire County. There's some loss of revenue as a result of this bill. The point is, every time we do this to a county, the county shifts back to property taxpayers. It's not a lot of money to be lost or a lot of gain to be had on this. I guess I feel like there's a part of this that we just didn't look at. I understand the incentive, it's a good idea to have incentives for entering workforce. I don't know that this is that meaningful and I think that our counties should have been further consulted on this to find out if they thought what the impact of this would be statewide. I don't know if DRA has rendered any thoughts on this. Maybe that would be relevant to my query but it's just another thought I wanted to convey, and it may shift my vote on this. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise against the Ought to Pass. We do a lot of things with taxation and we want to encourage first home buyers, that's a wonderful thing. But we couple a lot of these taxes. And this pointed out by Senator Kahn, the counties lose because of the 4 percent but indeed the treasury loses by about $4 million, which concerns me because that's $4 million worth of revenue that won't be offset unless we have a tremendous gain in revenue. Now we did talk about a way to mitigate this in the committee, but that amendment was rejected when you slow down the decrease in the Business Enterprise Tax and the Business Profits Tax so that it was a zero

sum gain. You didn't lose any money because you reduced the decrease in that tax so that it was a zero-sum gain. But indeed, looking at the average price of a home and this is how these calculations were made was around 200,000 and looked at the number of homes that were sold in the period of time and it came to a negative, a little over $4 million in revenue. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and I actually support this initiative that we have that we talk every single day about trying to encourage young kids to stay in our state. It seems like every week we have a discussion about how we going to get Senator Cavanaugh's fifteen-year-old kid to buy his house after he buys his pickup truck. What are we going do to try and encourage economic development, what are we going to do to try and encourage people to come here and stay here and anything we can do as de minimis as it is would help? Now Mister President, I understand respect and recognize that the average price of a home today at $200,000 there's going to be somewhat of a fiscal note. But we also have to remember that every time a house sells, the assessed value of the house goes to whatever the new asking price is and we know the cost of houses are appreciating significantly these days. So I contend that the increase that we would see on the taxes realized on appreciation during the sale will more than make up for any potential loss we'd see on a one-time transaction just to help a young family get in to start their house. This is a good piece of legislation that allows the people of New Hampshire to know that the Senate believes that we're trying to find younger families and get them to stay in New Hampshire or come back to New Hampshire and start and raise a family and be good members. So Mister President, I do believe that the juice is worth the squeeze and we should recommend this bill as Ought to Pass. Thank you very much.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Sanborn, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Sanborn, Daniels, Avard, Carson, Feltes, Cavanaugh, Soucy, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Ward, Kahn, Lasky, D'Allesandro.

The following Senators were excused: Reagan.

Roll Call, Yeas: 19 - Nays: 4. Adopted, bill ordered to Third Reading.

SB 408-FN, licensing historic racing.
Ought to Pass, Vote 5-0. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 408 Ought to Pass. This bill allows the installation of historic horse racing machines at simulcast and games of chance facilities. Historic horse racing shall be regulated in the same manner as other pari-mutuel games of chance. The committee recommends passage of Senate Bill 408 and asks for your support. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 432-FN-L, establishing a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective.
Inexpedient to Legislate, Vote 4-1. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 432-FN-LOCAL Inexpedient to Legislate. This bill sought to establish a study commission to determine whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective. As school boards throughout New Hampshire currently have the ability to offer such an elective course, the majority of the committee saw no need for the proposed study commission. The Senate Finance Committee recommends Senate Bill 432 be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. 03873, 03854, 03102. Okay maybe I've been up here too long tonight. But that isn't what's going on. These are different zip codes and it's an equality question. I want all our kids to have the same opportunities. Some schools have SAT preps during the day. Exeter would be one example, Milton's another, their principal and I talked about it and she said the three years since she's done it their scores have gone up between fifty and a hundred points. That is going to totally change your future and the college you get in if you have fifty to a hundred-point raise in the SAT. Other schools don't see it that way, they offer it after school, some don't offer anything, some offer it on a Saturday. They do find the after-school programs don't usually be successful, the kids have sports, the kids have student government, the kids are involved. The ones that seem to go up from my cursory examination; if you have it during the day and it's an elective and they get credit they take it seriously, their scores go up, the kids of New Hampshire will go up. I want the District 20 kids to have the same opportunities as the kids from Exeter. This is one way that we can help make that happen. I would ask you to overturn this motion and so I can make that more appropriate motion. Thank you.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Gannon, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Bradley, Gray, French, Ward, Kahn, Daniels, Avard, Birdsell, Morse.

The following Senators voted No: Giuda, Watters, Hennessey, Sanborn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators were excused: Reagan.

Roll Call, Yeas: 10 - Nays: 13. Failed.

Senator Gannon moved Ought to Pass.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 533-FN, relative to the composition and compensation of the personnel appeals board.
Ought to Pass with Amendment, Vote 6-0. Senator Feltes for the committee.

Senate Finance
March 6, 2018
2018-0979s
05/03

Amendment to SB 533-FN

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2019.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 533-FN Ought to Pass with Amendment. This bill increases the quorum requirement from two to three for the personnel appeals board and increases the compensation of such members. Board members currently are compensated $100 per day for each day devoted to the work of the board but not more than 5,000 each in any one year. Board members are also reimbursed for necessary expenses in connection with their official duties. Senate Bill 533-FN would increase the compensation to 400 for each day devoted to the work of the board and each member would receive a bi-weekly stipend of $200 plus reimbursement for travel, professional development and other business-related expenses. The amendment changes the effective date of the bill to coincide with the next budget cycle recognizing general fund expenditures. The Senate Finance Committee recommends passage of Senate Bill 533-FN as amended and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

FINANCE
SB 540-FN, relative to funding full day kindergarten.

SB 565-FN, relative to aircraft registration fees and airways tolls.
Ought to Pass, Vote 5-1. Senator Giuda for the committee.

SENATOR GIUDA: Thank You, Mister President. I move Senate Bill 565-FN Ought to Pass. This bill repeals aircraft registration fees under RSA 422:31, I and II, and replaces the existing aircraft operating fee. Under current law, registration fee revenue is credited to the general fund. Three quarters of the aircraft operating fee revenue is allocated to the general fund and one-quarter is distributed to the public-use airport where the aircraft is based. Note: Nearly all of these payments are made to municipalities. Senate Bill 565-FN sets the amount to be distributed to airports at $250,000 per year, and the remainder would be credited to the general fund. The committee recommends passage of Senate Bill 565-FN, and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Just briefly in opposition to this, we've debated it previously. This in my view is a giveaway to corporate jet owners that will gut the aeronautics division of DOT and result in job loss in DOT and will hamper our ability to do inspections and regulations at our airports. Some airports oppose it because of that. Thank you, Mister President.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I rise in support of this. I know Nashua really wants this, I think we're losing market share when it costs so much money to register our planes and yet down in Massachusetts, they're registering for less than a fraction. Let's help our industries. Let's bring industry back into New Hampshire and support our airports. Thank you very much, Mister President.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Feltes, Cavanaugh, Soucy, Fuller Clark.

The following Senators were excused: Reagan.

Roll Call, Yeas: 19 - Nays: 4. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection, the following bills are special ordered to the next session. Adopted.

HEALTH AND HUMAN SERVICES
SB 475, relative to testing for Lyme disease.
SB 546-FN, relative to purchasing alliances.
SB 582-FN, relative to caseload standards for child protective service workers in the department of health and human services.
SB 590-FN-A, making a supplemental appropriation to the state loan repayment program, relative to emergency involuntary admissions, and relative to the child protection act and making appropriations therefor.
SB 592-FN-A, relative to the child welfare system.

JUDICIARY
SB 499, relative to the applicability of certain DWI prohibitions.
HB 287, establishing a committee to study decriminalizing sex work.

WAYS AND MEANS
SB 410-FN, establishing a registration fee for canoes and kayaks.
Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

Senate Ways and Means
March 7, 2018
2018-1004s
04/10

Amendment to SB 410-FN

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study creating a boat safe card.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Commission to Study Creating a Boat Safe Card. Amend RSA 270-D by inserting after section 20 the following new subdivision:

Commission to Study Creating a Boat Safe Card

270-D:21 Commission Established.

I. There is established a commission to study creating a boat safe card. The commission shall be comprised of the following members:

(a) One member of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) One member representing the fish and game department, search and rescue program, appointed by the executive director of the fish and game department.

(d) One member representing the lakes management and protection program in the department of environmental services, appointed by the commissioner of the department of environmental services.

(e) The captain of marine patrol, department of safety, or designee.

(f) The chairperson of the exotic aquatic weeds and species committee established in RSA 487:30, or designee.

(g) A representative of the Appalachian Mountain Club-New Hampshire, appointed by the organization.

(h) A representative of American Whitewater, appointed by the organization.

(i) A representative of the New Hampshire Campground Owners' Association, appointed by the association.

(j) A representative of the New Hampshire Lakes Association, appointed by the association.

(k) A representative of the New Hampshire Rivers Council, appointed by the organization.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall:

(a) Evaluate potential mechanisms of funding for the search and rescue fund and the lake restoration and preservation fund, including equitability of charges or costs.

(b) Evaluate a target level of funding needed for the various programs.

(c) Explore the feasibility of a boat safe card using the hike safe card as a model, including:

(1) Studying the revenues of the hike safe card, its implementation, number of purchases per year, cost to implement, and measured benefits since implementation.

(2) Studying who would administer and implement a boat safe card program, how revenues would be split, and the possible costs and revenues of implementing such a program.

IV. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six 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 Repeal. RSA 270-D:21, relative to the commission to study creating a boat safe card, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

II. The remainder of this act shall take effect upon its passage.

2018-1004s

AMENDED ANALYSIS

This bill establishes a commission to study creating a boat safe card.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move Senate Bill 410-FN Ought to Pass with Amendment. The original bill sought to establish an annual registration fee for canoes and kayaks. The Committee Amendment replaces the original bill in its entirety and seeks to form a commission to study creating a boat safety card program. The commission

would be charged with evaluating potential funding mechanisms for the search and rescue fund and to the lake restoration and preservation fund. The commission would look into the potential revenue, benefits, and cost of the implementation of the hike safety card. The commission would also study who would administer and implement a boat safety card program and how the revenue produced by the program might be weighed in comparison to the cost. The Ways and Means Committee asks for your support of the motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9
March 7, 2018
2018-1019s
04/05

Floor Amendment to SB 410-FN

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study creating a boat safe card.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Commission to Study Creating a Boat Safe Card. Amend RSA 270-D by inserting after section 20 the following new subdivision:

Commission to Study Creating a Boat Safe Card

270-D:21 Commission Established.

I. There is established a commission to study creating a boat safe card. The commission shall be comprised of the following members:

(a) One member of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) One member representing the fish and game department, search and rescue program, appointed by the executive director of the fish and game department.

(d) One member representing the lakes management and protection program in the department of environmental services, appointed by the commissioner of the department of environmental services.

(e) The captain of marine patrol, department of safety, or designee.

(f) The chairperson of the exotic aquatic weeds and species committee established in RSA 487:30, or designee.

(g) A representative of the Appalachian Mountain Club-New Hampshire, appointed by the organization.

(h) A representative of American Whitewater, appointed by the organization.

(i) A representative of the New Hampshire Campground Owners' Association, appointed by the association.

(j) A representative of the New Hampshire Lakes Association, appointed by the association.

(k) A representative of the New Hampshire Rivers Council, appointed by the organization.

(l) A representative of a marine towing company, appointed by the governor.

(m) A representative of a marine trade association, 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. The commission shall:

(a) Evaluate potential mechanisms of funding for the search and rescue fund and the lake restoration and preservation fund, including equitability of charges or costs.

(b) Evaluate a target level of funding needed for the various programs.

(c) Explore the feasibility of a boat safe card using the hike safe card as a model, including:

(1) Studying the revenues of the hike safe card, its implementation, number of purchases per year, cost to implement, and measured benefits since implementation.

(2) Studying who would administer and implement a boat safe card program, how revenues would be split, and the possible costs and revenues of implementing such a program.

IV. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. 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 Repeal. RSA 270-D:21, relative to the commission to study creating a boat safe card, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

II. The remainder of this act shall take effect upon its passage.

2018-1019s

AMENDED ANALYSIS

This bill establishes a commission to study creating a boat safe card.

SENATOR SANBORN: Thank you, Mister President. Mister President, first and foremost, there should have been Senator Feltes and Senator D'Allesandro on this amendment as well. As part of the discussion that we had relative to what we're going to do about milfoil and water challenges within the state of New Hampshire. While I commend the Senator from District number 20 to bring in the bill to create a potential new tax which I struggled with, I do recognize and support the fact that we do have a water problem. And in discussions we gave a nod to the good Senator for Senate District number 3 when he created the Hike Safe Card which would help pull people out of the woods when they've tripped over their flip-flops and couldn't get out while ask the same question from us as to whether or not as opposed to creating a tax on canoes or kayaks, would there or could there be a way that we could extend or create a card or sister card to the hike safe card and make it a boat safe card. Because there are people that trip on their flip-flops on their boats. If there's a way that we cloud also use that to generate some money and which to also address the issue we're having with milfoil and other problems. So this is a replace all amendment that the fine Senators from 15 and 20 put together to turn this into a commission to see if there's a way that we can raise some funds without raising a tax to attack our milfoil problem. 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.

SB 411-FN-A, eliminating the cap on the research and development tax credit.
Ought to Pass with Amendment, Vote 5-0. Senator Feltes for the committee.

Senate Ways and Means
March 7, 2018
2018-1006s
10/05

Amendment to SB 411-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT relative to the research and development tax credit.

Amend the bill by replacing all after the enacting clause with the following:

1 Business Profits Tax; Credit for Research and Development; Survey. Amend RSA 77-A:5, XIII to read as follows:

XIII.(a) There shall be allowed a research and development tax credit for qualified manufacturing research and development expenditures made or incurred during the fiscal year, as follows:

(1) The aggregate of tax credits issued by the commissioner to all taxpayers claiming the credit shall not exceed $7,000,000 for any fiscal year.

(2) Each credit shall be used to offset the taxpayer's tax liability within the subsequent 5 tax years. The amount of the credit shall be the lesser of:

(A) Ten percent of the excess of the qualified manufacturing research and development expenses for the taxable year over the base amount;

(B) The proportional share of the maximum aggregate credit amount allowed in subparagraph (1);

(C) $50,000.

(3) Taxpayers shall apply for the tax credit on forms provided by the commissioner and shall be accompanied by information or records required by the commissioner***, including but not limited to the survey described in subparagraph (d)***. Such application shall be postmarked no later than June 30 following the tax year during which research and development occurred.

(4) A determination on the final amount of the credit awarded by the commissioner to each taxpayer claiming the credit shall be made no later than September 30 of each year.

(5) Wages for which a credit is taken under this paragraph shall not also be eligible for a credit under RSA 162-N.

(b) For purposes of this paragraph:

(1) The term "qualified manufacturing research and development expenditures" shall mean solely any wages paid or incurred to an employee of the business organization for services rendered by such employee within this state within the meaning of RSA 77-A:3; I(b), provided that:

(A) Such wages shall be treated as wages for qualified research expenses under section 41(b) of the United States Internal Revenue Code.

(B) Such services are undertaken for the purpose of discovering information which constitutes qualified research and development of a new or improved manufacturing process or business component of the business organization.

(C) The wages qualify and are reported as a credit by the business organization under section 41 of the United States Internal Revenue Code as defined in RSA 77-A:1, XX.

(D) The wages are reported by the business organization in the enterprise value tax base under RSA 77-E.

(2) "Base amount" shall mean the base amount of expenditure as defined under section 41 of the United States Internal Revenue Code as defined by RSA 77-A:1, XX, except that the minimum base amount may be 0.

(c) A unitary business or an enterprise consisting of one or more taxpayers under this chapter shall be considered a single taxpayer for purposes of claiming the credit under this paragraph.

(d) Applications for the research and development tax credit shall be accompanied by a completed survey, upon such form as the commissioner may direct, providing information describing the impact of the expenditures upon which the tax credit is based as follows:

(1) The types of research and development projects supported by the expenditures;

(2) Whether the projects supported by the expenditures resulted in products being brought to market;

(3) An estimate of the number of jobs created or supported as a result of the expenditures;

(4) The total prior year business profits tax liability of the taxpayer, before consideration of any credits provided for in this section;

(5) The number of times the taxpayer has received the research and development tax credit in the past;

(6) The total amount of research and development tax credits that the taxpayer had outstanding at the end of the prior tax year, and

(7) Any other question helpful to evaluating the costs and benefits of the research and development tax credit.

(e) On or before December 31 2019, and each December 31 thereafter, the commissioner shall provide the president of the senate, the speaker of the house of representatives, and members of the senate ways and means committee and house ways and means committee a report detailing, consistent with RSA 21-J:14, the aggregated results of the survey described in subparagraph (d).

2 Effective Date. This act shall take effect upon its passage.

2018-1006s

AMENDED ANALYSIS

This bill requires applicants for the research and development tax credit against business profits taxes to complete a survey.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 411-FN-A Ought to Pass with Amendment. The original bill sought to eliminate the cap on the research and development tax credit. The committee expressed reservations with regard to the potential fiscal impact of doing so; therefore the Committee Amendment keeps the current $7 million cap in place and replaces the bill with a new reporting require-

ment for applicants of the credit. The intent is to capture information that will be useful in determining the effectiveness of and the need for the credit going forward. I ask your support for the motion of ought to pass with amendment. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.
Ought to Pass with Amendment, Vote 4-1. Senator Sanborn for the committee.

Senate Ways and Means
March 7, 2018
2018-1005s
10/05

Amendment to SB 564-FN-A

Amend RSA 77-A:5-c, II as inserted by section 6 of the bill by replacing it with the following:

II. The election to be a qualified regenerative manufacturing company shall expire on the last day of the taxable period of the business organization that includes December 31, 2028. No subsequent election may be made after the expiration of an election, with respect to either the business organization or the active regenerative manufacturing business conducted by such business organization or any successor business organization.

2018-1005s

AMENDED ANALYSIS

This bill establishes exemptions from the business profits tax and the business enterprise tax for qualified regenerative manufacturing businesses. The bill also provides for a workforce development program for such businesses administered by the business finance authority.

SENATOR SANBORN: Mister President, thank you very much. I move Senate Bill 564-FN Ought to Pass with Amendment. This bill is relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses. This bill establishes a 10-year period from the business profits tax and business enterprise tax for qualified regenerative manufacturing businesses. This bill also provides for a workforce development program for such businesses administered by the BFA. The intent of this bill is to create a welcoming environment for companies who seek to create this new industry in NH. Some of you may know that we have a very unique opportunity today, that Dean Kamen, a household name to many of us here has been able to leverage a grant from army to bring in almost $300 million to actually make New Hampshire truly a hub of what could be the next technology that's going to actually do something real for our veterans coming home, for people that have been injured or burnt.

This capacity to actually regenerate your own human tissue, to replace and help those people who are coming home from war or people who have been in tremendous accidents, truly can reset the bar worldwide. It's very exciting and we're very excited to try and pass a bill to help that. I'll also say Mister President, that being that it's such a late date I do understand there are some people who would love a further debate on

this, but I ask the body's consideration that we pass this bill tonight on a voice vote, to save time on what could be a long debate, since we know it's going to Finance, which will give us time to do some work to the bill and have a more robust debate when it comes out. So Mister President, we commend this to the body's passage on a voice vote if they'd be so kind, and let's vote Ought to Pass and do something cool.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I think this is important. And the initiative is pretty good. There I just when the Finance Committee takes a look at this, I ask that you look at that workforce development program and give it some thought. I don't know how we select among all the workforce needs in the state, how we select one industry over other industries when we establish this workforce development program. It's a scholarship replacement, establishing a fund through debt or through direct appropriation to the Business Finance Authority. It's different, it's new and again I don't know that we should be picking this one industry versus the health professions versus other industries. We've talked about various scholarship programs. Whether this should be funded with the business tax credits that are coming to these developing companies as opposed to through the state. I've got questions about that myself. I think in our interest of wanting to support this industry and this development we are enacting a new program that we don't know the full implications and we haven't given the thought to how it might disadvantage or serve other industries down the road. I think it needs more discussion on that aspect. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SPECIAL ORDER

Without objection, the following bills are special ordered to the next session. Adopted.

EDUCATION
SB 525-FN, prohibiting the distribution of higher education and adult education financial assistance to any student who is not a legal resident.

ENERGY AND NATURAL RESOURCES
SB 446, relative to net energy metering limits for customer-generators.

HEALTH AND HUMAN SERVICES
SB 581-FN, relative to pharmacy benefit managers under the managed care law.

JUDICIARY
SB 388, relative to satellite dispensaries for therapeutic cannabis.

TRANSPORTATION
HB 1278, naming the rest area in Colebrook after Frederick W. King, Sr.

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 Fuller Clark: SB 565-FN
Senator Morse: SB 422
Senator Sanborn: HB 287, HB 1278, HB 1334, HB 1370, SB 301-FN, SB 309-FN, SB 313-FN, SB 317-FN, SB 318, SB 340, SB 346, SB 351, SB 370-FN, SB 388, SB 391-FN, SB 400, SB 401, SB 408-FN, SB 410-FN, SB 411-FN-A, SB 422, SB 423, SB 426, SB 427, SB 431, SB 432-FN-L, SB 433, SB 438, SB 443, SB 446, SB 451, SB 462-FN, SB 463-FN, SB 464, SB 475, SB 478, SB 497-FN, SB 498-FN, SB 499, SB 500, SB 506, SB 522, SB 525-FN, SB 526-FN, SB 527-FN-L, SB 530-FN, SB 532-FN, SB 533-FN, SB 540-FN, SB 546-FN, SB 548-FN, SB 553-FN, SB 555-FN-A, SB 556-FN, SB 557-FN, SB 559-FN-A, SB 562-FN, SB 566-FN, SB 567-FN, SB 559-FN-A, SB 562-FN, SB 563-FN, SB 564-FN-A, SB 565-FN, SB 568-FN, SB 569-FN, SB 570-FN, SB 571-FN, SB 572-FN, SB 577, SB 581-FN, SB 582-FN, SB 583-FN, SB 584-FN, SB 585-FN, SB 587-L, SB 588-FN, SB 589-FN, SB 590-FN-A, SB 592-FN-A
Senator Soucy: SB 553-FN

ANNOUNCEMENTS

PRESIDENT MORSE: I'll start with the announcements. The Senate will meet next Wednesday, March 14th at 12 o'clock to deal with all the bills from the calendars today that are left over.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. A moment of personal privilege. Mister President, here in New Hampshire we have a citizen government, not just a citizen legislature, but a citizen municipal government as well. So it really does pain me to feel compelled to comment on something that was published in Municipal Association's legislative bulletin this past week. The bulletin said regardless how anyone feels about giving the secretary of state power over postponing town meeting voting sessions for the first time ever, the bill makes a mess of town meeting statutes and cannot in good conscience be supported by anyone who has any regard for town government. We may disagree about things in this body. We argue, loudly sometimes, about what policy would be best for the citizens that we serve. Sometimes we disagree on very fundamental issues and we can disagree and advocate for our positions zealously, like we have today. But I believe we do a good job of recognizing that no matter how strongly we feel about an issue, the person who feels differently can reach his or her position in good conscience even when that position is diametrically opposed to our own. Mister President, we all have a high regard for town government, we've given back $38 million to the towns for the roads and bridges, we've returned education dollars back to the towns, to the school systems. Just because we don't take the position advocated by the Municipal Association or anyone else does not mean that we're not advocating in our own good conscience. Many of you here saw SB 438 differently. That's okay. I believe you all come to your position in good conscience and I hope you believe that I come to my position in good conscience as well. In New Hampshire we should treat each other with respect, regardless of which side of the issue we find ourselves on. Mister President, I truly regret that the Municipal Association has lowered the level of debate and is unable to see that people can disagree without being disagreeable. The Municipal Association is free to advance its positions,

I just hope that in the future it changes its tone and does its work in a manner that shows respect for the people who may not agree with it. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Just a point of personal privilege. Some of us, who have been around here for a while, served with Irene Messier in the House of Representatives. She spent thirty years in the House. Irene passed away last week. Irene was my neighbor for almost fifty years. She lived on the West Side of Manchester in Ward 10; represented Ward 10 in the House of Representatives. I don't think you could find a kinder, more gentle person than Irene Messier. Her husband Armand, who passed before her, had his garden in back of the house and was always sharing vegetables with us in the area. Irene was a woman who never had a bad word for anybody, nobody. And she came up here, as mentioned in her obituary. She rode up with Steve Vaillancourt; two more opposite ends of the spectrum you never could have seen. Never! I mean Irene was kind, gentle, never said a bad word about anybody and damn it, Vaillancourt was like the scourge of the earth–from my perspective. I'll tell you; from my perspective. My wife and I visited Irene when she was in the nursing home, and it was awful, to be honest with you, but Irene said, I'm getting the best care that I ever could have. They take care of me, and just get me everything that I want. Never had a bad word never had a moment when she wasn't being just magnanimous in terms of her praise for those who were taking care of her. So, you know we're losing people every day, but when you lose the really, really good ones it's very, very sad. Irene gave thirty years of her life across the hall. Had one sign; she made one sign. It was a green sign, had her name on it, and she held it at the polls, held it. She had a little like a door handle on one side and she would hold the sign on the other side and she'd stand at the polls all day long. And if any of you have been to the West Side of Manchester the Parker-Varney School, there's Irene Messier and she would be remembered eternally. So, left a wonderful family, and a great impression on, obviously, me and I think the voters of Ward 10. So, I've lost some great people, and she certainly is one of them. Thank you, Mister President.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 1334, establishing a commission to review the structure of motor vehicle laws.
HB 1370, relative to a school's emergency management plan.
SB 301-FN, temporarily reducing the real estate transfer tax for first-time home buyers.
SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.
SB 317-FN, relative to veterans' preference in public employment.
SB 340, relative to the commissioner of revenue administration's assessment report.
SB 346, relative to requiring enhanced technology ignition interlock devices.

SB 351, relative to managed care programs under workers' compensation.
SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.
SB 391-FN, establishing a sexual assault survivors' rights commission.
SB 400, relative to traveler information signs on highways.
SB 401, relative to repair of roads not maintained by a municipality.
SB 408-FN, licensing historic racing.
SB 410-FN, establishing a commission to study creating a boat safe card.
SB 411-FN-A, relative to the research and development tax credit.
SB 427, limiting the liability of successor corporations for asbestos-related claims.
SB 432-FN-LOCAL, establishing a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective.
SB 438, relative to the postponement of local elections.
SB 443, relative to the jurisdiction of counties concerning retail electric supply.
SB 451, relative to wildlife trafficking.
SB 464, relative to the procedure for driveway permits.
SB 478, establishing an advisory council on lactation.
SB 497-FN, relative to breast-feeding.
SB 498-FN, requiring an annual report detailing activity related to forfeiture of personal property.
SB 500, amending references to firearms terminology.
SB 506, limiting amendments to warrant articles.
SB 522, relative to alteration of speed limits.
SB 527-FN-LOCAL, relative to absentee voting.
SB 533-FN, relative to the composition and compensation of the personnel appeals board.
SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.
SB 559-FN-A, establishing a committee to study the construction of sound barriers on type I and type II highways.
SB 565-FN, relative to aircraft registration fees and airways tolls.
SB 566-FN, establishing a commission to study the school bus driver shortage.
SB 570-FN, relative to the work requirement for the child care scholarship program.
SB 588-FN, relative to inspections of laboratories and relative to loans for lead hazard remediation projects.
SB 589-FN, relative to regulation of certified recovery support workers.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

CACR 15, relating to legal actions. Providing that taxpayers have standing to bring actions against the government.

HB 476, relative to the duties of registers of probate.
HB 559-FN, relative to expenditures from the energy efficiency fund.
HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire.
HB 1101-FN, regulating groundwater pollution caused by polluting emissions in the air.
HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians.
HB 1103-FN, relative to financial responsibility for voluntary services provided pursuant to a report of abuse or neglect that is "unfounded but with reasonable concern."
HB 1215, relative to voting on variances.
HB 1216, relative to liability for deferred property taxes and relative to applications for abatement of property taxes.
HB 1228, removing the limitation on a chartered public school incurring long term debt.
HB 1233, preempting local regulation of seeds and fertilizer.
HB 1238, relative to animal cruelty involving an equine colt.
HB 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire.
HB 1258, relative to the advanced manufacturing education advisory council.
HB 1261, relative to record management of abuse and neglect reports.
HB 1264, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."
HB 1271, changing the name of Industrial Drive at the Hugh Gallen Office Park to Ratification Way.
HB 1273, suspending state licensure laws for physicians and physician assistants employed by the United States Department of Veterans Affairs.
HB 1286, relative to fishing and hunting licenses for permanently disabled veterans.
HB 1290, relative to vehicle registration for new residents to New Hampshire.
HB 1294, relative to religious societies.
HB 1307, relative to the presentation of a default budget.
HB 1308-FN, relative to non-renewal of lines of business.
HB 1309, relative to transferring dogs, cats, and ferrets by animal shelter facilities.
HB 1315, prohibiting the university system funds from being spent to oppose the formation of unions and collective bargaining units.
HB 1319, prohibiting discrimination based on gender identity.
HB 1327, relative to apprentice electricians.
HB 1331, relative to incidental uses for agricultural plates.
HB 1340, relative to absences among officers required to be present at school district elections.
HB 1354, adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees.
HB 1363, relative to the waiver of vehicle registration suspension fees.
HB 1365, relative to OHRV operation on public ways.
HB 1372, prohibiting the implanting of subcutaneous identification devices in individuals.
HB 1377, relative to emancipation by marriage and establishing a committee to study the emancipation of minors.
HB 1378, relative to domestic insurance company investments.

HB 1379, relative to confidentiality of forms and rates.
HB 1382, repealing the requirement that restaurants provide separate bathrooms for each sex.
HB 1389, relative to commercial lines modernization.
HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs.
HB 1421-FN, relative to the regulation of event tents.
HB 1427-FN, relative to membership in the retirement system for certain officials.
HB 1428-FN, relative to removal of roadside memorials.
HB 1450, relative to retention of job applications and personnel files.
HB 1453, relative to the traffic safety commission.
HB 1454, eliminating the commission to study recommendations of the National Transportation Safety Board.
HB 1473-FN, relative to the timber yield tax.
HB 1476, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.
HB 1480, relative to the membership of the board of trustees of a chartered public school.
HB 1484, relative to late fees in manufactured housing parks.
HB 1487, relative to banks and credit unions.
HB 1488, establishing a committee to study the public utilities commission's role and scope of duties in a deregulated environment.
HB 1493, relative to the statewide assessment system of performance in schools.
HB 1495, relative to standards for determining an adequate education.
HB 1496, relative to requirements for performance based accountability for an adequate education.
HB 1497, relative to accountability for school performance.
HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7.
HB 1502, adding the utility property tax exclusion for exempt water and air pollution control facilities to tax expenditure review.
HB 1515, relative to an exemption from the combustion ban on construction and demolition debris.
HB 1517, relative to vehicle inspection failures for rust.
HB 1519, relative to the conduct of condominium unit owners' associations votes without a meeting.
HB 1523, relative to heavy duty recovery vehicles.
HB 1530, requiring criminal history records checks for applicants for allied health professional licensure or certification.
HB 1533, relative to termination of variances and special exceptions.
HB 1562-FN, relative to the role of foster parents.
HB 1571, authorizing an alternative recovery monitoring program for nurses licensed by the board of nursing.
HB 1575, permitting hunting with an air rifle.
HB 1577, relative to the administration of anesthesia by dentists.
HB 1578, relative to samples from nano breweries.
HB 1587, relative to the minimum age for marriage.
HB 1589, relative to actions against tenants for a caregiver under an agreement for a person with disabilities.
HB 1595, relative to the use of the left lane of a multilane roadway.
HB 1599, relative to the governor's commission on disability.
HB 1601, relative to a declarant's options for condominium expansion.
HB 1603, relative to employee representation on the independent investment committee in the New Hampshire retirement system.

HB 1605, relative to reinsurance.
HB 1606, relative to naturopathic health care practice.
HB 1612, relative to data security in schools.
HB 1613, relative to operation of uninspected vehicles.
HB 1615, relative to speed limits in work zones.
HB 1623, relative to criteria for debarment of vendors.
HB 1624, relative to state procurement practices and criteria for acceptance of bids.
HB 1636, establishing a committee to study teacher preparation and education programs.
HB 1654, relative to automobile medical payments.
HB 1660, relative to delinquent accounts of liquor licensees.
HB 1661, relative to a marriage petition by a party under age.
HB 1663, establishing a committee to study reimbursement rates under automobile insurance policies.
HB 1665, relative to the authority of the governing boards of allied health professionals.
HB 1683-FN, relative to the definition of child abuse.
HB 1684, relative to criminal background checks for emergency medical services license applicants.
HB 1687, relative to banking and consumer credit.
HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services.
HB 1690-FN, relative to liquor licenses.
HB 1692-FN, allowing liquor licensees to select an anniversary for renewal.
HB 1697-FN, authorizing the Daniel Webster Council of Boy Scouts of America to issue decals for multi-use decal plates.
HB 1700, relative to the procedure for placing a security freeze on a consumer credit report.
HB 1715-FN, establishing a committee to study options for tenants to dispute a rent increase in a manufactured housing park if such increase was arbitrary and unreasonable.
HB 1719-FN, relative to donations of liquor to nonprofits.
HB 1720-FN, relative to the storage of beverages produced by contract brewers.
HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund.
HB 1741, relative to a definition of "contracted copayment" for purposes of the managed care law.
HB 1743-FN, relative to funding for the Sununu Youth Services Center, and unfunded positions in the department of health and human services.
HB 1744, authorizing a parent to exempt his or her child from participating in the statewide assessment program.
HB 1746-FN, relative to the practices of pharmacy benefit managers.
HB 1753-FN, relative to transportation of alcoholic beverages by a minor.
HB 1761, relative to the math learning communities program in secondary schools.
HB 1769-FN, relative to maintenance of certification by physicians or applicants for a license to practice medicine in New Hampshire.
HB 1774, relative to parenting plans and relocation of a child's residence.
HB 1775, relative to the appointment of guardians ad litem in parenting cases.
HB 1777-FN, relative to energy infrastructure corridor revenue.
HB 1781, relative to condominiums with 10 or fewer residential units.
HB 1782-FN, relative to insurance payments for ambulance providers.

HB 1786-LOCAL, prohibiting costs for inspection of governmental records under the right-to-know law.
HB 1795, eliminating the oversight commission on motor vehicle fines.
HB 1796, relative to the legislative oversight committee on electric utility restructuring.
HB 1805, establishing a committee to study level dollar amortization of retirement system unfunded accrued liability and relative to the retirement system board of trustees.
HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.
HB 1809-FN, relative to balance billing under the managed care law.
HB 1810, establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them.
HB 1823-FN, relative to layered amortization of retirement system liabilities.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 1506-FN, relative to regulation of graduate physicians.
HB 1626-FN, requiring the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to report on the cost effectiveness of funded programs.
HB 1685-FN, establishing a statutory commission for oversight over occupational regulation.
HB 1756-FN-A, relative to an additional allowance and a cost of living adjustment for retirees from the state retirement system.
HB 1766-FN, relative to remediating the Coakley Landfill in Greenland.

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

First and Second Reading and Referral

CACR 15, relating to legal actions. Providing that taxpayers have standing to bring actions against the government. (Rules and Enrolled Bills)
CACR 16, Relating to privacy. Providing that an individual's right to live free of governmental intrusion is natural, essential, and inherent. (Rules and Enrolled Bills)
HB 476, relative to the duties of registers of probate. (Judiciary)
HB 559-FN, relative to expenditures from the energy efficiency fund. (Finance)
HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire. (Commerce)
HB 1101-FN, regulating groundwater pollution caused by polluting emissions in the air. (Energy and Natural Resources)
HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians. (Health and Human Services)
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." (Health and Human Services)

HB 1215, relative to voting on variances. (Public and Municipal Affairs)
HB 1216, relative to liability for deferred property taxes and relative to applications for abatement of property taxes. (Public and Municipal Affairs)
HB 1217, amending the certification requirements for school nurses. (Education)
HB 1227, relative to an unattended idling vehicle on private property. (Transportation)
HB 1228, removing the limitation on a chartered public school incurring long term debt. (Education)
HB 1233, preempting local regulation of seeds and fertilizer. (Energy and Natural Resources)
HB 1237, relative to the definition of "public at large." (Public and Municipal Affairs)
HB 1238, relative to animal cruelty involving an equine colt. (Energy and Natural Resources)
HB 1243, relative to exemptions from property attachments. (Rules and Enrolled Bills)
HB 1247, relative to administering oaths to certain state officers. (Public and Municipal Affairs)
HB 1252-FN, relative to certificates of insurance. (Commerce)
HB 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire. (Executive Departments and Administration)
HB 1258, relative to the advanced manufacturing education advisory council. (Education)
HB 1261, relative to record management of abuse and neglect reports. (Health and Human Services)
HB 1264, relative to construction of the terms "resident," "inhabitant," "residence," and "residency." (Election Law and Internal Affairs)
HB 1265, relative to the release of criminal conviction records. (Judiciary)
HB 1271, changing the name of Industrial Drive at the Hugh Gallen Office Park to Ratification Way. (Transportation)
HB 1273, suspending state licensure laws for physicians and physician assistants employed by the United States Department of Veterans Affairs. (Health and Human Services)
HB 1280-FN, relative to bow and arrow hunting licenses for permanently disabled military veterans. (Energy and Natural Resources)
HB 1281, establishing an executive order registry. (Rules and Enrolled Bills)
HB 1283, prohibiting sobriety checkpoints. (Judiciary)
HB 1284, relative to the reports required by the incapacitated and vulnerable adult fatality review committee. (Health and Human Services)
HB 1285, relative to dancers and entertainers in premises serving alcoholic beverages. (Commerce)
HB 1286, relative to fishing and hunting licenses for permanently disabled veterans. (Energy and Natural Resources)
HB 1288, relative to petitions for annulment. (Judiciary)
HB 1289, relative to trespassing domestic fowl. (Energy and Natural Resources)
HB 1290, relative to vehicle registration for new residents to New Hampshire. (Transportation)
HB 1294, relative to religious societies. (Public and Municipal Affairs)
HB 1303, relative to the purposes of revolving funds in towns. (Public and Municipal Affairs)
HB 1304, relative to the authorization for forensic audits by a county convention. (Public and Municipal Affairs)

HB 1307, relative to the presentation of a default budget. (Public and Municipal Affairs)
HB 1308-FN, relative to non-renewal of lines of business. (Commerce)
HB 1309, relative to transferring dogs, cats, and ferrets by animal shelter facilities. (Energy and Natural Resources)
HB 1310, establishing a committee to study all non-regulatory boards and commissions. (Executive Departments and Administration)
HB 1315, prohibiting the university system funds from being spent to oppose the formation of unions and collective bargaining units. (Finance)
HB 1319, prohibiting discrimination based on gender identity. (Judiciary)
HB 1327, relative to apprentice electricians. (Executive Departments and Administration)
HB 1329, relative to eyewitness identification procedures. (Judiciary)
HB 1331, relative to incidental uses for agricultural plates. (Transportation)
HB 1335, relative to the cybersecurity software used by the state of New Hampshire. (Executive Departments and Administration)
HB 1340, relative to absences among officers required to be present at school district elections. (Public and Municipal Affairs)
HB 1352-FN, eliminating the nonresident freshwater bait dealers license. (Energy and Natural Resources)
HB 1354, adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees. (Finance)
HB 1356, relative to data sharing between the department of environmental services and the department of health and human services. (Health and Human Services)
HB 1361, relative to county audits. (Public and Municipal Affairs)
HB 1363, relative to the waiver of vehicle registration suspension fees. (Transportation)
HB 1365, relative to OHRV operation on public ways. (Transportation)
HB 1372, prohibiting the implanting of subcutaneous identification devices in individuals. (Judiciary)
HB 1374, relative to financial regulation technicals. (Commerce)
HB 1377, relative to emancipation by marriage and establishing a committee to study the emancipation of minors. (Judiciary)
HB 1378, relative to domestic insurance company investments. (Commerce)
HB 1379, relative to confidentiality of forms and rates. (Commerce)
HB 1382, repealing the requirement that restaurants provide separate bathrooms for each sex. (Commerce)
HB 1389, relative to commercial lines modernization. (Commerce)
HB 1401, relative to the New Hampshire accountancy act. (Finance)
HB 1404, relative to the competing harms defense. (Judiciary)
HB 1416-FN, repealing the prohibition on bottle rockets. (Commerce)
HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs. (Health and Human Services)
HB 1420-FN, relative to a criminal penalty for driving after certification as an habitual offender. (Judiciary)
HB 1421-FN, relative to the regulation of event tents. (Executive Departments and Administration)
HB 1425-FN, relative to simple assault. (Judiciary)
HB 1427-FN, relative to membership in the retirement system for certain officials. (Executive Departments and Administration)
HB 1428-FN, relative to removal of roadside memorials. (Transportation)

HB 1441-FN, establishing the office of the ombudsman in the department of state. (Executive Departments and Administration)
HB 1446, relative to childhood cancer awareness month. (Public and Municipal Affairs)
HB 1450, relative to retention of job applications and personnel files. (Public and Municipal Affairs)
HB 1453, relative to the traffic safety commission. (Transportation)
HB 1454, eliminating the commission to study recommendations of the National Transportation Safety Board. (Transportation)
HB 1458, relative to exempting certain rules governing marine species from the administrative procedures act. (Energy and Natural Resources)
HB 1467, relative to the penalty for driving after revocation or suspension. (Judiciary)
HB 1468, establishing a commission to study legislative oversight activities related to the department of health and human services. (Health and Human Services)
HB 1472, relative to the state building code provisions for energy conservation in new building construction. (Executive Departments and Administration)
HB 1473-FN, relative to the timber yield tax. (Public and Municipal Affairs)
HB 1476, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use. (Health and Human Services)
HB 1477-FN, relative to annulment of arrests or convictions for possession of 3/4 of an ounce of marijuana, or less. (Judiciary)
HB 1480, relative to the membership of the board of trustees of a chartered public school. (Education)
HB 1483, amending the wiretapping and eavesdropping statute to include private communication networks. (Judiciary)
HB 1484, relative to late fees in manufactured housing parks. (Public and Municipal Affairs)
HB 1487, relative to banks and credit unions. (Commerce)
HB 1488, establishing a committee to study the public utilities commission's role and scope of duties in a deregulated environment. (Energy and Natural Resources)
HB 1493, relative to the statewide assessment system of performance in schools. (Education)
HB 1494, relative to the definition of academic standards. (Education)
HB 1495, relative to standards for determining an adequate education. (Education)
HB 1496, relative to requirements for performance based accountability for an adequate education. (Education)
HB 1497, relative to accountability for school performance. (Education)
HB 1498, relative to alternate certification pathways for career and technical education instructors. (Education)
HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7. (Ways and Means)
HB 1502, adding the utility property tax exclusion for exempt water and air pollution control facilities to tax expenditure review. (Ways and Means)
HB 1506-FN, relative to regulation of graduate physicians. (Executive Departments and Administration)
HB 1515, relative to an exemption from the combustion ban on construction and demolition debris. (Energy and Natural Resources)
HB 1517, relative to vehicle inspection failures for rust. (Transportation)
HB 1519, relative to the conduct of condominium unit owners' associations votes without a meeting. (Commerce)

HB 1523, relative to heavy duty recovery vehicles. (Transportation)
HB 1530, requiring criminal history records checks for applicants for allied health professional licensure or certification. (Executive Departments and Administration)
HB 1533, relative to termination of variances and special exceptions. (Public and Municipal Affairs)
HB 1545, relative to the statewide interoperability executive committee. (Executive Departments and Administration)
HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes. (Ways and Means)
HB 1562-FN, relative to the role of foster parents. (Health and Human Services)
HB 1565-FN, relative to requiring the secure psychiatric unit to be accredited as a psychiatric hospital and making an appropriation therefor. (Health and Human Services)
HB 1571, authorizing an alternative recovery monitoring program for nurses licensed by the board of nursing. (Executive Departments and Administration)
HB 1575, permitting hunting with an air rifle. (Energy and Natural Resources)
HB 1577, relative to the administration of anesthesia by dentists. (Health and Human Services)
HB 1578, relative to samples from nano breweries. (Commerce)
HB 1587, relative to the minimum age for marriage. (Judiciary)
HB 1589, relative to actions against tenants for a caregiver under an agreement for a person with disabilities. (Judiciary)
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. (Public and Municipal Affairs)
HB 1595, relative to the use of the left lane of a multilane roadway. (Transportation)
HB 1598-LOCAL, relative to the vote to withdraw from a cooperative school district. (Education)
HB 1599, relative to the governor's commission on disability. (Executive Departments and Administration)
HB 1601, relative to a declarant's options for condominium expansion. (Commerce)
HB 1603, relative to employee representation on the independent investment committee in the New Hampshire retirement system. (Executive Departments and Administration)
HB 1605, relative to reinsurance. (Commerce)
HB 1606, relative to naturopathic health care practice. (Health and Human Services)
HB 1612, relative to data security in schools. (Education)
HB 1613, relative to operation of uninspected vehicles. (Transportation)
HB 1615, relative to speed limits in work zones. (Transportation)
HB 1622, relative to organization of the department of information technology. (Executive Departments and Administration)
HB 1623, relative to criteria for debarment of vendors. (Executive Departments and Administration)
HB 1624, relative to state procurement practices and criteria for acceptance of bids. (Executive Departments and Administration)
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. (Finance)

HB 1636, establishing a committee to study teacher preparation and education programs. (Education)
HB 1637, requiring school districts to establish policies relating to suspensions and expulsions. (Education)
HB 1638, declaring April 7, 2018 as tabletop gaming day in New Hampshire. (Public and Municipal Affairs)
HB 1654, relative to automobile medical payments. (Commerce)
HB 1660, relative to delinquent accounts of liquor licensees. (Commerce)
HB 1661, relative to a marriage petition by a party under age. (Judiciary)
HB 1663, establishing a committee to study reimbursement rates under automobile insurance policies. (Commerce)
HB 1664, relative to terms of appointment of members of governing boards for allied health professionals. (Executive Departments and Administration)
HB 1665, relative to the authority of the governing boards of allied health professionals. (Executive Departments and Administration)
HB 1673-FN-LOCAL, relative to the interest charged on late and delinquent property tax payments. (Ways and Means)
HB 1674, relative to computer science and digital skills required for an adequate education. (Education)
HB 1676-FN, repealing the licensing requirement for open-air shows and repealing the laws related to the keeping of billiard tables. (Executive Departments and Administration)
HB 1683-FN, relative to the definition of child abuse. (Judiciary)
HB 1684, relative to criminal background checks for emergency medical services license applicants. (Executive Departments and Administration)
HB 1685-FN, establishing a statutory commission for oversight over occupational regulation. (Executive Departments and Administration)
HB 1687, relative to banking and consumer credit. (Commerce)
HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services. (Energy and Natural Resources)
HB 1690-FN, relative to liquor licenses. (Commerce)
HB 1692-FN, allowing liquor licensees to select an anniversary for renewal. (Commerce)
HB 1697-FN, authorizing the Daniel Webster Council of Boy Scouts of America to issue decals for multi-use decal plates. (Transportation)
HB 1700, relative to the procedure for placing a security freeze on a consumer credit report. (Commerce)
HB 1715-FN, establishing a committee to study options for tenants to dispute a rent increase in a manufactured housing park if such increase was arbitrary and unreasonable. (Commerce)
HB 1719-FN, relative to donations of liquor to nonprofits. (Commerce)
HB 1720-FN, relative to the storage of beverages produced by contract brewers. (Commerce)
HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund. (Finance)
HB 1738, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs. (Executive Departments and Administration)
HB 1740, relative to costs of blood testing orders. (Commerce)
HB 1741, relative to a definition of "contracted copayment" for purposes of the managed care law. (Health and Human Services)
HB 1743-FN, relative to funding for the Sununu Youth Services Center, and unfunded positions in the department of health and human services. (Finance)

HB 1744, authorizing a parent to exempt his or her child from participating in the statewide assessment program. (Education)
HB 1746-FN, relative to the practices of pharmacy benefit managers. (Health and Human Services)
HB 1753-FN, relative to transportation of alcoholic beverages by a minor. (Judiciary)
HB 1756-FN-A, relative to an additional allowance and a cost of living adjustment for retirees from the state retirement system. (Finance)
HB 1761, relative to the math learning communities program in secondary schools. (Education)
HB 1766-FN, relative to remediating the Coakley Landfill in Greenland. (Energy and Natural Resources)
HB 1769-FN, relative to maintenance of certification by physicians or applicants for a license to practice medicine in New Hampshire. (Health and Human Services)
HB 1774, relative to parenting plans and relocation of a child's residence. (Judiciary)
HB 1775, relative to the appointment of guardians ad litem in parenting cases. (Judiciary)
HB 1777-FN, relative to energy infrastructure corridor revenue. (Energy and Natural Resources)
HB 1781, relative to condominiums with 10 or fewer residential units. (Commerce)
HB 1782-FN, establishing a committee to study insurance payments to ambulance providers and balance billing by ambulance providers. (Health and Human Services)
HB 1786-LOCAL, prohibiting costs for inspection of governmental records under the right-to-know law. (Public and Municipal Affairs)
HB 1791-FN, allowing pharmacists to disclose information relative to lower cost drugs under the managed care law. (Health and Human Services)
HB 1795, eliminating the oversight commission on motor vehicle fines. (Transportation)
HB 1796, relative to the legislative oversight committee on electric utility restructuring. (Energy and Natural Resources)
HB 1805, establishing a committee to study level dollar amortization of retirement system unfunded accrued liability and relative to the retirement system board of trustees. (Executive Departments and Administration)
HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults. (Health and Human Services)
HB 1808, repealing certain inactive dedicated funds. (Finance)
HB 1809-FN, relative to balance billing under the managed care law. (Health and Human Services)
HB 1810, establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them. (Energy and Natural Resources)
HB 1823-FN, relative to layered amortization of retirement system liabilities. (Executive Departments and Administration)

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

March 14, 2018

The Senate reconvened at 12:00 p.m., a quorum being present.

The Reverend Jon Hopkins, chaplain to the Senate, offered the following prayer:

Let us pray.

God, our creator, who has given us this good land for our heritage, we humbly ask that we may always prove ourselves a people mindful of all our blessings. May we continue to bless our community with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil way. Defend our liberties and fashion into one united people, the multitudes brought to New Hampshire out of many nations and tongues. We thank you for noble men and women whom we have elected and entrusted with the authority of government. We thank you that they have heard the call to serve all the people of New Hampshire with their best selves. Give them the spirit of wisdom, that there may be justice and peace at home and that their obedience to the law we may show forth all that is good and honorable. In the time of prosperity fill our hearts with thankfulness. In the day of trouble give us courage to face the obstacles ahead. Amen

Senator French led the Pledge of Allegiance.

SPECIAL ORDER

Without objection, the following bills are special ordered to Thursday, March 15, 2018. Adopted.

COMMERCE
SB 318, amending the prohibitions on youth employment.
SB 423, relative to noncompete clauses for low-wage employees.
SB 553-FN, relative to mental health parity for workers' compensation.

EDUCATION
SB 525-FN, prohibiting the distribution of higher education and adult education financial assistance to any student who is not a legal resident.

REGULAR CALENDAR

EDUCATION
SB 568-FN, relative to criminal history record checks for school employees and certain volunteers.
Ought to Pass with Amendment, Vote 4-1. Senator Reagan for the committee.

Senate Education
March 6, 2018
2018-0965s
06/04

Amendment to SB 568-FN

Amend RSA 189:13-a, I as inserted by section 1 of the bill by replacing it with the following:

I.(a) The [~~employing~~] school administrative unit, school district, [~~or~~] chartered public school***, or public academy*** shall complete a criminal history records check on every selected applicant for employment ***or designated volunteer*** in any position [~~*in*~~] ***within*** the school administrative unit, school district, [~~or~~] chartered public school***, or public academy*** prior

to a final offer of employment ***or the acceptance of volunteer services from a designated volunteer. A school administrative unit, school district, chartered public school, or public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.*** [~~A public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.~~] The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy may extend a conditional offer of employment to a selected applicant, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a final offer of employment unless the school administrative unit, school district, chartered public school, or public academy has completed a criminal history records check. The school administrative unit, school district, chartered public school, or public academy shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, chartered public school, or public academy fulfilled the requirements of this section.

(b) A nonpublic school may elect to require a criminal history records check on selected applicants for employment or selected volunteers. A nonpublic school that elects to conduct a criminal history records check shall comply with the procedures and requirements set forth in this section. ***A school administrative unit, school district, chartered public school, or public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.***

(c) If a selected applicant for employment has been credentialed within the previous 12 months and had a criminal background check completed pursuant to paragraph II-a, no such background check shall be required for employment by the school administrative unit, school district, chartered public school, or public academy.

Amend RSA 189:13-a, V as inserted by section 1 of the bill by replacing it with the following:

V. Any person who has been charged pending disposition for or convicted of any violation or attempted violation of RSA ***318-B:2, controlled drug act;*** 630:1***, capital murder***; 630:1-a***, first degree murder***; 630:1-b***, second degree murder***; 630:2***, manslaughter***; ***631:1, first degree assault; 631:2, second degree assault; 631:2-b, domestic violence;*** 632-A:2***, aggravated felonious sexual assault***; 632-A:3***, felonious sexual assault***; 632-A:4***, sexual assault***; 633:1***, kidnapping***; ***634:1, arson;*** 639:2***, incest***; 639:3***, endangering welfare of child or incompetent***; 645:1, II or III***, indecent exposure and lewdness***; 645:2***, prostitution and related offenses***; 649-A:3***, possession of child sexual abuse images***; 649-A:3-a***, distribution of child sexual abuse images***; 649-A:3-b***, manufacture of child sexual abuse images***; 649-B:3***, computer pornography***; or 649-B:4***, certain uses of computer services***; or any violation or any attempted violation of RSA 650:2***, obscenity,*** where the act involves a child in material deemed obscene; in this state,

or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, chartered public school, or public academy. The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy may deny a selected applicant a final offer of employment if such person has been convicted of any crime, misdemeanor or felony, in addition to those listed above. The governing body of a school district, chartered public school, or public academy shall adopt a policy relative to hiring practices based on the results of the criminal history records check and report of misdemeanors and felonies received under paragraph II. Such policy may include language stating that any person who has been convicted of any misdemeanor, or any of a list of misdemeanors, may not be hired. Such policy may also include language stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

Amend RSA 189:13-a, IX(a) as inserted by section 1 of the bill by replacing it with the following:

IX.(a) Substitute teachers and other educational staff, not otherwise addressed in this section, shall apply for a criminal history records check at the employing school administrative unit, school district, chartered public school, or public academy. The division of state police shall complete the criminal history records check, as established in paragraph II, and, upon completion, shall [~~issue a report to the applicant. The report shall be valid for 30 days from the date of issuance and shall constitute satisfactory proof of compliance with this section~~] ***issue the applicant's record to the employing school district. The employing school district may, at the request of the substitute teachers or other educational staff not otherwise addressed in this section and for the same purpose as originally submitted, share the results with other school districts within 45 days of receiving said results***.

SENATOR REAGAN: Thank you, Mister President. At the request of the Department of Education this bill modifies the process of criminal background checks for school employees and designated volunteers. Although the committee amended the legislation the Committee Amendment itself had some unintended consequences. I ask you to vote down the Committee Amendment so that a subsequent amendment may be offered to correct these errors. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Failed.

Senator Reagan offered a Floor Amendment.

Sen. Reagan, Dist 17
March 8, 2018
2018-1033s
06/10

Floor Amendment to SB 568-FN

Amend RSA 189:13-a, I as inserted by section 1 of the bill by replacing it with the following:

I.(a) The [~~employing~~] school administrative unit, school district, [~~or~~] chartered public school***, or public academy*** shall complete a criminal history records check on every selected applicant for employment ***or designated volunteer*** in any position [*~~in~~*] ***within*** the school administrative unit, school district, [~~or~~] chartered public school***, or public***

academy prior to a final offer of employment ***or the acceptance of volunteer services from a designated volunteer. A school administrative unit, school district, chartered public school, or public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.*** [~~A public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.~~] The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy may extend a conditional offer of employment to a selected applicant, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a final offer of employment unless the school administrative unit, school district, chartered public school, or public academy has completed a criminal history records check. The school administrative unit, school district, chartered public school, or public academy shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, chartered public school, or public academy fulfilled the requirements of this section.

(b) A nonpublic school may elect to require a criminal history records check on selected applicants for employment or selected volunteers. A nonpublic school that elects to conduct a criminal history records check shall comply with the procedures and requirements set forth in this section. ***A school administrative unit, school district, chartered public school, or public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police.***

(c) If a selected applicant for employment has been credentialed within the previous 12 months and had a criminal background check completed pursuant to paragraph II-a, no such background check shall be required for employment by the school administrative unit, school district, chartered public school, or public academy.

Amend RSA 189:13-a, V as inserted by section 1 of the bill by replacing it with the following:

V. Any person who has been charged pending disposition for or convicted of any violation or attempted violation of RSA 630:1; 630:1-a; 630:1-b; 630:2; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act involves a child in material deemed obscene; in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be hired by a school administrative unit, school district, chartered public school, or public academy. The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy may deny a selected applicant a final offer of employment if such person has been convicted of any crime, misdemeanor or felony, in addition to those listed above. The governing body of a school district, chartered public school, or public

academy shall adopt a policy relative to hiring practices based on the results of the criminal history records check and report of misdemeanors and felonies received under paragraph II. Such policy may include language stating that any person who has been convicted of any misdemeanor, or any of a list of misdemeanors, may not be hired. Such policy may also include language stating that any person who has been convicted of any felony, or any of a list of felonies, shall not be hired.

Amend RSA 189:13-a, IX(a) as inserted by section 1 of the bill by replacing it with the following:

IX.(a) Substitute teachers and other educational staff, not otherwise addressed in this section, shall apply for a criminal history records check at the employing school administrative unit, school district, chartered public school, or public academy. The division of state police shall complete the criminal history records check, as established in paragraph II, and, upon completion, shall [~~issue a report to the applicant. The report shall be valid for 30 days from the date of issuance and shall constitute satisfactory proof of compliance with this section~~] ***issue the applicant's record to the employing school district. The employing school district may, at the request of the substitute teachers or other educational staff not otherwise addressed in this section and for the same purpose as originally submitted, share the results with other school districts within 45 days of receiving said results***.

SENATOR REAGAN: This amendment removes newly added arrests and convictions that were originally added by the committee, including possession of cannabis, which has now been decriminalized. This was not the intent of the legislation and these issues should be worked out in a separate piece of legislation. This amendment gives us something very workable and necessary to Senate Bill 568.

(The Chair recognized Senator Soucy for a question of Senator Reagan.)

SENATOR SOUCY: Senator Reagan, you stated that this Floor Amendment removes the provisions about controlled substances. Does it remove other provisions that were in the original bill such as assault and domestic violence?

SENATOR REAGAN: It does remove several areas that were not originally criteria for the approval of the process.

SENATOR SOUCY: Thank you, Senator.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, if you look at the Floor Amendment and compare it to the Committee Amendment in the calendar and the bill in chief, you can see that the Floor Amendment erases domestic violence as a possible background check mechanism with respect to this legislation. So, I think, while I understand the work of the committee, I think it may make sense to keep that in there, and for those reasons I would be opposed to the Floor Amendment. Thank you, Mister President.

(The Chair recognized Senator Daniels for a question of Senator Reagan.)

SENATOR DANIELS: Did I hear you correctly to say that this removes checks for marijuana because we have decriminalized it?

SENATOR REAGAN: In an over ambitious effort by the attorney at the Department of Education, things got added that should not have been added. So that's what we've done, and the amendment is to back those off.

SENATOR DANIELS: So, I take it that the answer is yes. I think that's what you said, but this is still in regard to the fact that marijuana is illegal federally. Is that correct?

SENATOR REAGAN: If you say so.

SENATOR DANIELS: Thank you.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President and colleagues. I wanted to first thank the Chair of Senate Education for several years of work on the background check issue. You know we had a tragic situation a few years ago which led to a lot of reexamination of what we're doing and what statutes are here. And I know that the Senator from District 17 has put a lot of work into this, and worked with the Department, as well. And as I speak to the amendment, I also want to note that there is an important overall change here let alone what is being done and which statutes are referenced as prohibiting employment; that the time of the background check is being moved up. Instead of being prior to certification it is now prior to the hiring, and that's an important change.

As to the issue of the statutes that are covered here, I agree with the Chair of Senate Education that we really did not have time to fully understand or go through the amendment which came out of the Department of Education. And I will say that some of the things that were proposed, you know, that we had first and second degree assault in there, there was arson, there was domestic violence. And I think those, you know, I think I would have preferred some of those still remain in it, but I also understood that for other members of the Education Committee upon further reflection looked like if we're going to actually have something in here that prevents someone from employment, we ought to look at that carefully. And I'm sure that we will be looking at that in the future, and so I do hope we will support the amendment. Thank you.

The question is on the adoption of the Floor Amendment.

Recess. Out of recess.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

Roll Call, Yeas: 1 - Nays: 23. Failed.

Senator Bradley moved to Lay on the Table SB 568-FN. Adopted.

ENERGY AND NATURAL RESOURCES
SB 446, relative to net energy metering limits for customer-generators. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources
March 6, 2018
2018-0972s
10/08

Amendment to SB 446

Amend the bill by replacing all after the enacting clause with the following:

1 Net Energy Metering; Definition of Eligible Customer-generator. Amend RSA 362-A:1-a, II-b to read as follows:

II-b. "Eligible customer-generator" or "customer-generator" means an electric utility customer who owns, operates, or purchases power from an electrical generating facility either powered by renewable energy or which employs a heat led combined heat and power system, with a total peak generating capacity of up to and including [~~one megawatt~~] ***5 megawatts, or from a qualifying facility larger than 5 megawatts but less than 25 megawatts if the facility's output allocated for net energy metering participation is limited to not more than 5 megawatts***, ***and*** that is located behind a retail meter on the customer's premises, is interconnected and operates in parallel with the electric grid, and is used to offset the customer's own electricity requirements. Incremental generation added to an existing generation facility, that does not itself qualify for net metering, shall qualify if such incremental generation meets the qualifications of this paragraph and is metered separately from the nonqualifying facility.

2 Net Energy Metering; Billing. Amend RSA 362-A:9, IV(b) to read as follows:

(b) For facilities with a total peak generating capacity of more than 100 kilowatts ***and up to 5 megawatts***, the customer-generator shall pay all applicable charges on all kilowatt hours supplied to the customer over the electric distribution system[~~, less a credit on default service charges~~] equal to the metered energy generated by the customer-generator and fed into the electric distribution system over a billing period.

3 Net Energy Metering; Crediting. Amend RSA 362-A:9, V(b) to read as follows:

(b) Except as provided in paragraph VI, the customer-generator ***with a total peak generating capacity of more than 1 megawatt and not exceeding 5 megawatts*** may elect to be paid or credited by the electric distribution utility for its excess generation at rates [~~that are equal to the utility's avoided costs for energy and capacity to provide default service as determined by the commission consistent with the requirements of the Public Utilities Regulatory Policy Act of 1978 (PURPA)~~] ***as determined by the public utilities commission. The public utilities commission shall initiate a proceeding to determine an interim rate as expeditiously as possible and issue its order within 6 months of the effective date of this paragraph at which time a customer generator could generate more than 1 megawatt and not exceed 5 megawatts. Projects that receive the interim rate shall be grandfathered for a period of 12 years from the time at which the project becomes operational. The PUC shall determine a final rate within 3 years based upon the results of the alternative net metering tariff proceedings in Docket DE-16-576. In developing such rates the commission shall consider costs and benefits of customer generated facilities, avoidance of unjust and unreasonable cost shifting, rate effects on all customers, timely recovery of lost revenue by the utility using an automatic rate adjustment mechanism and electric distribution utilities administrative processes required to implement such rates***. The commission shall determine reasonable conditions for such an election, including the frequency of payment and how often a customer-generator may choose this option versus the option in subparagraph (a).

4 Effective Date. This act shall take effect 60 days after its passage.

2018-0972s

AMENDED ANALYSIS

This bill increases the electric generating capacity of customer generators who may participate in net energy metering, and requires the public utilities commission to determine the rates for crediting the electric generation.

SENATOR BRADLEY: Thank you, Mister President. I move Senate Bill 446 Ought to Pass with Amendment. The bill increases the electric generation capacity of customer generators who may participate in net metering and requires the Public Utilities Commission to determine the rates for crediting electric generation. The bill, as amended, increases the electric generation capacity of customer generators who may participate in net metering from the current cap of 1 megawatt to 5 megawatts. The bill also requires the PUC to initiate a proceeding to determine an interim rate for customer generators with a generating capacity between 1 megawatt to 5 megawatts, and a final rate developed within three years for those customer generators. The PUC would have to consider several different things such as costs and benefits of customer generated facilities, avoidance of cost shifting, rate impact on customers, and the effect on electric utilities. The Senate Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass with Amendment. I will introduce a technical Floor Amendment after the vote on this amendment. 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
March 7, 2018
2018-1021s
10/03

Floor Amendment to SB 446

Amend the bill by replacing section 2 with the following:

2 Net Energy Metering; Billing. Amend RSA 362-A:9, IV(b) to read as follows:

(b) For facilities with a total peak generating capacity of more than 100 kilowatts ***and up to one megawatt***, the customer-generator shall pay all applicable charges on all kilowatt hours supplied to the customer over the electric distribution system, less a credit on default service charges equal to the metered energy generated by the customer-generator and fed into the electric distribution system over a billing period.

SENATOR BRADLEY: Thank you. In the drafting of the amendment the word “and up to one megawatt” was deleted to leave in place the current law for net metering between 100 kilowatt, the small roof top systems, and up to, which is what we now have, one megawatt. So that the provisions of what we just voted on would apply from one megawatt to five megawatt, a technical fix. Thank you.

(The Chair recognized Senator Sanborn for a question of Senator Bradley.)

SENATOR SANBORN: Thanks for taking the question, and I apologize because in the absence of what you would say this would be a huge policy change, so I missed part of what you said. I just wanted clarification on it. Did the committee have discussions, and was going from 100 kilowatts to 1 megawatt–that was discussed and voted on, or was it missed?

SENATOR BRADLEY: No, no there was never a proposed change in the net metering policy from 100 kilowatts to 1 megawatt. What happened in the drafting is language was left out and put the new provisions onto what has been and is law from 100 kilowatt to 1 megawatt. This Floor Amendment restores the existing law and allows the new above 1 megawatt generation.

SENATOR SANBORN: Perfect. Thank you very much. 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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 463-FN, establishing an architectural paint can recycling program. Inexpedient to Legislate, Vote 3-1. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. I move Senate Bill 463-FN Inexpedient to Legislate. The legislation would establish an architectural paint can recycling program. Although the program would establish a safe way to dispose of paint, the fees associated with the program, the potential cost to the consumer, in addition many concerns from the Department of Environmental Services to its implementation of the program, caused apprehension for the committee members to move this bill forward. There was also discussion amongst committee members that there were presently in the area, in the cities and towns that exist, there are drop off centers for excess paint. The ED&A Committee voted 4-0 Inexpedient to Legislate and asks for your support in their recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Sanborn, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Kahn.

Roll Call, Yeas: 23 - Nays: 1. Adopted.

FINANCE
SB 540-FN, relative to funding full day kindergarten.
Ought to Pass with Amendment, Vote 6-0. Senator Daniels for the committee.

Senate Finance
March 6, 2018
2018-0980s
06/10

Amendment to SB 540-FN

Amend the bill by replacing all after the enacting clause with the following:

1 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 years 2019 and 2020, 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.

2 Effective Date. This act shall take effect upon its passage.

2018-0980s

AMENDED ANALYSIS

This bill modifies the definition of "average daily membership in attendance" to include full-day kindergarten and provide for certain private payments.

SENATOR DANIELS: I move Senate Bill 540 Ought to Pass with Amendment. This bill sought to eliminate the proration provision relative to keno revenue for the additional kindergarten grant under RSA 198:48-c, which applies to fiscal year 2020 and each year thereafter. The amendment to SB 540 addresses kindergarten and parent-pay towns and modifies the definition of "average daily membership in attendance" to address kindergarten pupils attending a full-day school district-operated kindergarten program in parent-pay towns. The amendment also allows parent-pay towns to participate in the program and accept the $1,100 entitlement from the state for the first two years, being fiscal year '19 and '20, which they cannot do now. After those two years, it restricts the program to only towns that do not have parent-pay. The committee unanimously recommends passage of Senate Bill 540 as amended and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
Sen. Woodburn, Dist 1
Sen. Watters, Dist 4
Sen. Hennessey, Dist 5
Sen. Kahn, Dist 10
Sen. Lasky, Dist 13
Sen. Cavanaugh, Dist 16
Sen. Soucy, Dist 18
Sen. D'Allesandro, Dist 20
Sen. Fuller Clark, Dist 21
March 8, 2018
2018-1034s
06/10

Floor Amendment to SB 540-FN

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Kindergarten Grants. Amend RSA 198:48-c, III(a) to read as follows:

III.(a) For fiscal year 2020 and each fiscal year thereafter, in addition to any funds received pursuant to RSA 198:40-a, the department of education shall distribute a total kindergarten grant, pursuant to RSA 198:40-a, for the remaining 1/2 of each average daily membership not counted under RSA 198:40-a to each school district or chartered public school that operates an approved full-day kindergarten program. [~~If the amount of revenue raised through keno is insufficient to fully fund the distribution of grants under this section, the revenue shall be prorated proportionally based on entitlement among the districts entitled to a grant. The prorated portion of this grant shall not be less than the per pupil amount disbursed under paragraph I(b).~~]

2018-1034s

AMENDED ANALYSIS

This bill modifies the definition of "average daily membership in attendance" to include full-day kindergarten and provide for certain private payments. This bill also deletes the requirement that revenue distributed to districts entitled to kindergarten grants be prorated if revenue raised through keno is insufficient to fully fund the grants.

SENATOR FELTES: Thank you, Mister President. This amendment reinstates the base bill. What happened in the committee is the base bill was erased, and then the information or the language that the Chair of Senate Finance just talked about was added. So, this adds back in the base bill. What this does not do, it does not repeal keno; it does not use general education trust funds in this budget. Here's what it does do: it works with the existing language that was passed last year in Senate Bill 191, which said that in fiscal year 2020 kindergarteners should be treated the same, but then capped whether or not kindergarteners were treated the same based on keno revenue. So, in other words, it gets rid of the keno cap on kindergarten support so that in 2020 we actually treat kindergarteners the same as any other student. Thank you very much, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in support of the amendment. Politics makes strange bedfellows sometimes but marrying a good idea–kindergarten–with another idea–keno–and taking that funding and mixing the two together is a bad idea. It picks the pocket of our poorest people in our poorest communities. Keno dollars raised in Berlin should not, as they are today, be sent to places like Bedford. In New Hampshire we are famous for our frugality, but we have to understand when we look up the scales of justice here, are we doing justice to everyone, or are we hurting poor people? Are we hurting middle class people? Are we preying on the gambling instincts of people to pay for those in wealthier communities? The gap between rich and poor in New Hampshire is growing fast, and we need to be doing more. We're going to spend part of today focusing on our most vulnerable children and helping them where we have turned a blind eye. But this bill, this bill will hopefully set things straight, put the scales of justice back in a way that we decouple this money. Whether you call it an annulment or a divorce it doesn't matter, but we've got to break these two apart and let's do the right thing and let's get this thing separated and let's move forward. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise in opposition to the amendment. I agree with the previous speaker that we ought to divorce this amendment from what we just passed. This amendment significantly raises the cost. Something that should be done, was considered in Finance. We chose, instead, to unanimously go with the amendment. Coming back some other time we can talk about that, but for right now it significantly raises the amount that's being put out there for kindergarten and I stand opposed to that. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. Hmm, keno cap. Hmm, keno cap. Keno cap. Let me put it this way: no keno, no kindergarten in the North Country, in Manchester, anywhere. Now I'm having a hard time remembering, you know, it must be early onset Alzheimer's. I just, I don't get it. When we do bipartisan work around here protecting the kids and then we don't do it? I don't know what the purpose of this is. Funding kindergarten–I don't like keno, but the art of the possible is what's helping kids in New Hampshire. And while we all voted, as I recall, for different pieces of legislation–I remember Senator Watters and I worked on this at great length. Our friends across the other side of the wall–it was keno or nothing. That's where the art of the possible comes in. Let's not try to undo the progress that we're making for kids in New Hampshire. Let's not undo the fact that every town gets a chance to vote on whether they want keno or not, so why? Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Why? Well, it's important to treat kindergarteners the same as any other student. The fortunes of kindergarteners shouldn't rise or fall based on any revenue source, let alone keno revenue. This doesn't delete keno, as has been suggested by the Majority Leader. It doesn't. It just decouples keno from kindergarteners. That's it. No keno, no kindergarten support, well that doesn't change under this bill. All this says is in 2020 let's actually treat kindergarteners the same. That's the policy in the bill that was passed last year. But, keno is not going to generate the revenues to treat kindergarteners the same. It's just not. And whether it's keno, or a cigarette tax, or any other revenue source, tying one grade, in this case kindergarteners, specifically to that revenue source is simply bad public policy and likely unconstitutional. So, all this does is delink the two, so that in 2020 our communities can actually rely upon the fact that kindergarteners will be treated the same. In 2020 our schools can plan appropriately, that's why. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Feltes.)

SENATOR FULLER CLARK: Senator Feltes, would you explain what will happen in 2020 if keno doesn't raise the projected dollars that are needed to cover the full cost of kindergarten? Will that gap have to be filled by local communities?

SENATOR FELTES: Thank you very much for the question, Senator Fuller Clark. If a local community chooses to have full day kindergarten that gap will have to be filled by that local community if keno doesn't raise enough, and it's not projected to raise enough. That's why it's a keno cap on kindergarten support.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in opposition to this amendment. With all due respect to the Senator from District 15, he is no better prognosticator as to the outcome of the keno revenues, which according to the Lottery Commission are doing extremely well in those towns that have chosen to adopt it. So if a town chooses not to, there may be a consequence. We've changed the argument from the sky is falling to the sky might fall. And let's just take the opportunity to perhaps lasso some more taxpayer dollars into possibilities that we have no way of knowing. The sky is not falling and I'm telling you that if it does it will be a choice made by the communities as to whether they choose to engage or not. When they see the success of the program as reported by the Lottery Commission, they may choose to change their minds. This is a local community choice to participate or not. And the consequences of choices belong to those who make them. I speak against this amendment. Thank you, Mister President.

(The Chair recognized Senator Woodburn for a question of Senator Giuda.)

SENATOR WOODBURN: Thank you, Senator Giuda, for taking my question. You mentioned the consequences of those communities that chose not to adopt keno. Could you explain those consequences that they have?

SENATOR GIUDA: Certainly. If the community doesn't have the keno to support kindergarten, then the community will raise the funds to; or, this legislature will make a decision to perhaps change that law. We just implemented this. We haven't given it a possibility of a chance to start playing out. So, if it doesn't work I have every confidence that this body and the one across that wall will do whatever's necessary to take care of our kids. What we don't need is prognosticators with no validity, then saying that we must implement a solution for a problem we don't even know we have. Thank you, Mister President.

(The Chair recognized Senator Avard for a question of Senator Feltes.)

SENATOR AVARD: When this vote for the keno came up, I thought we voted for this unanimously. You had mentioned that it could potentially be unconstitutional. Do I understand you correctly that you voted for something that could potentially be unconstitutional?

SENATOR FELTES: Thank you for the question, Senator Avard. I voted for kindergarten all throughout the legislative process. You're right, there was a vote that was 22-1 for full adequacy for full day kindergarten, which is what this bill and amendment does. I voted no on the unconstitutional keno cap coming out of a committee of conference where things went a little sideways.

SENATOR AVARD: No further questions, thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Revisionist history is something. Nothing went sideways. We funded kindergarten, and it was a bipartisan vote. Yes, a bipartisan vote. And to my friend who is an attorney, nothing is unconstitutional until judges declare it unconstitutional. We could all opine, but until it's declared unconstitutional it's just keno funding kindergarten, which is a good thing because we're actually funding kindergarten. I agree with my friend from District 2–I was trying to remember the town. I'm really getting early onset.

SENATOR GIUDA: If I might–the newest keno addition to the kindergarten funding scheme as of town meeting yesterday. Thank you, Mister President, I apologize.

SENATOR BRADLEY: There you go! That's why he's got the orange shirt. Now I've lost my train of thought. I think what we should do is vote down this amendment and know, that as our friend from District 2 said, if somehow we don't meet the revenues–and I'm glad to hear that the Lottery Commission thinks we're doing quite well and we're likely going to meet the revenues–this legislature is going to do the right thing by our kids. I know that because I served with all of you and we're going to do that. Thank you.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in support of this amendment, and I do so representing a community that has had kindergarten for decades. Manchester made that decision long, long, long ago and Manchester has always supported having kindergarten full time throughout the city. We did have some hard times, but that's moving on.

I would also note that I have, separate from this issue in the past, always supported keno. I think it is fun. And if you look at the list of the revenue that's being generated from keno–top five locations: number one Somersworth; two through five, not only Manchester, District 18 Manchester. People in my district love keno. It's doing great.

So, I personally support both, but I don't think that communities should have to make a judgment or second guess whether they can afford to expand kindergarten based on whether or not people are eating at restaurants in Manchester and playing keno. I think they're two separate issues, as I said; have a long history of supporting both, and will continue to do so. I think that separating these issues is the right thing to do. I think we should have full day kindergarten available in every community in this state, and this is a step towards continuing to advance that goal. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. So, I rise in support of the amendment offered by the Senator from District 15. And I want to thank him for bringing this forward because the debate that we had this last June set a, and the bill that we passed, it set a floor for the funding of kindergarten. It set a float, which said that it could float upward if revenues were sufficient. But for some of us who voted in favor of that, it had a flaw; and the flaw was, you take it this way, or we don't get it any way at all. And it felt like we introduced something at the end of some negotiation and that we needed to come back and have this vote; a vote that separated full day kindergarten funding from whether keno was going to be legal as a revenue source in New Hampshire. They can both stand as has already been said. I'm glad that we've got this opportunity. It gives me an opportunity to clarify what my vote in favor was this last June. I'm going to vote in favor of this amendment. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Woodburn.)

SENATOR FULLER CLARK: Thank you, Senator Woodburn, for taking my question. It's my understanding that if the money is not there to make up the difference between the state's share and keno, that every community will be impacted regardless of whether or not they adopted keno. Is that correct?

SENATOR WOODBURN: That's correct. Thank you for the question, Senator Fuller Clark; and by the way, happy birthday to you today. You're absolutely correct. If it's worth doing, it's worth paying for, and it's worth not sticking our most vulnerable people to pay the bill. That's the important thing.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise in favor of this amendment, and I'm kind of amused by the argument that this was first unanimous, which it wasn't because I voted against putting keno and kindergarten together. And, I think it's really wrong to use that felonious argument to say that we were presented with Sophie's choice, and you're calling it a bipartisan vote. I was able, I'm lucky enough to be from a district where most of the towns in my district can have full day kindergarten without the need for keno. So great! So my district is going to be advantaged by the fact that other people's districts are going to have to pay by having keno. And it does have a significant cost when you look at social costs and other kinds of costs. So, I personally am not in favor of keno although, to be honest, I'm not an expert on it. But I am actually an expert on a lot of things education related. There is no way that it makes any sense for keno to be associated with kindergarten. Kindergarten is essential. We know that. There are tons of studies saying so. So don't tell me that this is a bipartisan vote and everybody's switching their vote. The fact is, you presented them with an untenable situation. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I truly enjoy the political chicanery going on in this chamber right now. Before there was ever keno, kindergarten was funded by those communities that chose to, by whatever means they chose to fund it. So keno was not a detriment; it is an addition for those communities that have already funded it in full themselves. If we don't believe in gambling to support education, why do we send the lottery proceeds to education? 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.

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4
Sen. Woodburn, Dist 1
March 14, 2018
2018-1101s
06/04

Floor Amendment to SB 540-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the counting of kindergarteners for "average daily membership in attendance" and relative to the operation of keno games in unincorporated places.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Paragraph; Keno; Local Option. Amend RSA 284:51 by inserting after paragraph IV the following new paragraph:

IV-a. An unincorporated place may allow the operation of keno games by majority vote of the county delegation.

2018-1101s

AMENDED ANALYSIS

This bill modifies the definition of "average daily membership in attendance" to include full-day kindergarten and provide for certain private payments.

This bill also provides that unincorporated places may permit the operation of keno games by a majority vote of the county delegation.

SENATOR WATTERS: Thank you, Mister President. In light of our previous debate I guess I'll quote Aristotle who said, in so many words, it is what it is, and it turns out we do need a fix to Senate Bill 191 regarding the way in which keno is authorized. It was brought to my attention by a North Country Representative that unincorporated places had no mechanism whereby a governing body could hold a process in having an election to approve keno funding. So what this does is that it says for the unincorporated places that the operation of keno games may be allowed by a majority vote of the county delegation. This is what the drafting attorneys thought would be the appropriate identification of authority that could undertake this. So I hope that people will support this fix so I guess it's a bar and restaurant up in the North Country who wants to have keno will be able to have a mechanism for doing that. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I just wanted to rise in support and thank the Senator from Dover for bringing this forward. As the Senator for twenty-three of the twenty-five unincorporated towns, and particularly the unincorporated town of Millsfield, we appreciate being included. 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.

HEALTH AND HUMAN SERVICES
SB 475, relative to testing for Lyme disease.
Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Health and Human Services
March 6, 2018
2018-0978s
01/03

Amendment to SB 475

Amend RSA 141-K:2, I as inserted by section 2 of the bill by replacing it with the following:

I. Every health care provider who orders a laboratory test for the presence of Lyme disease shall provide to the patient or his or her legal representative the following written information:

"Your health care provider has ordered a laboratory test for the presence of Lyme disease for you. Current laboratory testing for Lyme disease can be problematic and standard laboratory tests often result in false negative and false positive results. If you are tested for Lyme disease, and the results are negative, this does not necessarily mean you do not have Lyme disease. If you continue to experience symptoms, you should contact your health care provider and inquire about the appropriateness of retesting or additional treatment."

Amend the bill by replacing all after section 2 with the following:

3 Repeal. RSA 141-K, relative to Lyme disease, is repealed.
4 Effective Date.
I. Section 3 of this act shall take effect July 1, 2023.
II. The remainder of this act shall take effect upon its passage.

2018-0978s

AMENDED ANALYSIS

This bill requires health care providers to provide certain information to persons being tested for Lyme disease for 5 years.

SENATOR BRADLEY: Thank you very much. What this bill does is require any provider that does and orders a laboratory test for the presence of Lyme disease to provide a written notification that the test for Lyme disease may not be conclusive. I apologize, Senator Gray was supposed to read this, but I was called on. It was our friend Senator Daniels' bill; and I have to say about Senator Daniels, he has long led the fight to make sure that Lyme patients have access to antibiotics on a longer term basis than were being prescribed, and is somebody that has worked long and hard on Lyme disease. This notification is absolutely reasonable. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I believe that there was an amendment, a floor amendment that was supposed to be brought forward, and I don't have it. Okay, thank you.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: I would like to explain why I was the one in committee who voted no. And it's not because I don't highly value the Senator from District 11's work on Lyme disease, but I did hear from many physicians who said that they are already doing this exact same thing verbally, and that it just adds an enormous and expensive burden to them to have to also put it in writing. So, they felt we were legislating what doctors communicate to their patients. Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: I'm going to yield to my colleague for a motion, but I find it appropriate because there was some confusion about a floor amendment. So I'm going to yield to Senator Daniels.

Senator Daniels moved to Lay on the Table SB 475. Adopted.

SB 546-FN, relative to purchasing alliances.
Ought to Pass with Amendment, Vote 3-2. Senator Avard for the committee.

Health and Human Services
March 6, 2018
2018-0986s
01/04

Amendment to SB 546-FN

Amend the bill by replacing section 2 with the following:

2 Purchasing Alliances; Qualified Purchasing Alliance. Amend the introductory paragraph and paragraph I of RSA 420-M:13 to read as follows: A purchasing alliance that has a minimum of [~~3,000~~] ***250*** enrollees may elect to obtain certification from the commissioner as a qualified purchasing alliance. To obtain certification, a purchasing alliance shall demonstrate:

I. Either that membership in the alliance is open to all employers without discrimination or that the alliance has established membership criteria that limit membership in the alliance to [~~employers that are~~] members of [~~or affiliated with~~] an association, trade group, or other entity that has been in existence for at least 10 years and was established and maintained for purposes other than the provision of health coverage; and

SENATOR AVARD: Thank you, Mister President. I move Senate Bill 546 as Ought to Pass with Amendment. The purpose of this bill is to ensure health care coverage purchases, through a qualified purchasing alliance, will be considered large group coverage. Currently the state of New Hampshire has the highest cost of health care insurance in the country. With our current system, even if someone has insurance, the deductibles and copays may be too expensive for them to even use it. What this bill does is allow people in the state of New Hampshire to group together into associations to purchase health care insurance. With this method people will be able to access larger group markets and would receive better coverage for less money. The Committee Amendment changes the number required to form an association making more industries eligible for lower cost of insurance. The Health and Human Services Committee asks for your support in the motion of Ought to Pass with Amendment, and thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in opposition to this legislation to create purchasing alliances in New Hampshire. It is true that we do have three large purchasing alliances that have been in place for many, many years. They have membership of over 1,000 members. With the amendment we lowered the number of individuals that were needed to qualify and set up a purchasing alliance to 250. If you were to look at the history of purchasing alliances around the country in other states, more often than not they have failed. They have failed because one, they haven't been able to provide the necessary health coverage that is necessary; and secondly, they have destabilized the small group market and made the cost for health insurance in the small group market continue to escalate in its cost going forward. So while this seems like it's a very good idea in principle, in reality it hasn't worked; it promises individuals a new way to get health insurance, which in many cases did not provide them with the coverage that they need; or, in other instances, the purchase alliance never gets off the ground

because with a membership as small as 250 they aren't having enough consumers, if you wish, to be able to make a purchasing alliance viable. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Thank you for giving me the opportunity to chat today, and while I respect the comments made from my friend on her birthday with her beautiful blue jacket, which is a wonderful color, I have to respectfully disagree. We can't forget the fact that today, if you're an employer with 50 employees, 50 employees, not 250 but just 50 employees; you can self-fund your own insurance policy. Whether or not you should or not, and whether or not it makes sense financially from the risk of usage, we can have that debate. But today the law allows companies as small as 50 employees to go out and be treated as a large company.

The challenge we have here today isn't really whether or not it should be 50 or 250, it's the fact that this body cannot forget, and must recognize, that we have the singular highest cost of health insurance in America. This state continues to have the highest cost of health insurance in America. And why is that? Because this body keeps passing laws to do it with our friends on the other side and signed by governor after governor after governor. A large driver of why our insurance is so expensive in this state, highest in the country–you'll hear me say it a hundred times today–is based upon laws that our legislature keeps passing to restrict the ability to bring free market principles to health insurance. Virtually every other state in America has a more flexible health insurance than we do.

We know today there are things called captives. We know today there are other states that are providing for the ability to band together to let small companies and individuals buy their market. Why can't we, why can't we recognize and allow small business owners to ban together like large business owners? Are we just saying we're anti-business, Mister President? Are we just saying that the big companies are just better looking people so they get advantages that us small guys don't get? Just because someone has 250, or 300, or 500, or 5,000 employees, why do we have laws on the books that say they can have an advantage that small companies cannot?

I think the Senator from District 3, he has been with me every single year as we have tried to pass insurance across state lines. I can buy my life insurance across state lines. I can buy my car insurance across state lines. I can buy my home owner insurance across state lines. In fact, every single insurance we can get we can buy across state lines except health insurance here in New Hampshire.

As a small business owner there's more restrictions on small business owners of which, let me remind the body, I think there are 76,000 small business owners in the state of New Hampshire today with Lord knows how many employees, that with the power of this legislature we are specifically prohibiting their ability to try to find lower cost insurance for no reason that I've ever been able to see that demonstrates.

What this bill does, frankly, is marry up from actions that we're seeing at the federal level, Mister President, and I look forward to having more conversations when this bill goes to the House because there are two more guidance's that are supposed to come out from Washington D.C. because even in Washington D.C., where nothing is happening, they've

come out and said we should be doing this. They are sending out guidance that says we recognize nationally that it's time to stop punishing small business owners. If they want to come together as a group, if they want to band together, if they want to try to find a way to lower their costs of insurance why are we stopping their ability to do that?

Now in conclusion, Mister President, we have to remember that we allow this to happen in our state today. We allow this to happen but, again, some would suggest only for the beautiful people. Mister President, maybe you and I aren't just beautiful enough today; because we let the auto dealers do it; we let the bankers do it; we let the truckers do it; and they are beautiful, wonderful people. But I don't think they're any more beautiful than my good friend from District number 16. Because when his son owns a business, shouldn't he be allowed to try and find more affordable health care? This is a basic concept of fairness that today we are actually saying you guys can, but no one else should be allowed to.

Let's vote today, we should all vote today. This should be a 24-0 roll call, Mister President. And, for the record, Mister President, as a small business owner I feel compelled to talk about our byzantine ethics laws that are punishing the small business community, but I'm clearly still participating. Look, we have got to start doing something to make access to health insurance more affordable. This bill is a great step to do that. I commend and thank the Chair and the members of the Health and Human Services Committee to start this process so we can move it along, and this is where we will see real honest to God benefits for the small business community if they so decide to do so.

And, truly finally, Mister President, I happen to operate in a business with 4,500 licensees; the largest singular employer in the state of New Hampshire–not my company but our industry. It also happens to be the single industry with the least amount of health insurance coverage; part time workers, young people, small companies struggling to make it work every single day. Why can't they band together to buy insurance? That's what this vote is about. Do you believe people have the right to band together to provide insurance to their companies at a lower rate? I would ask the body to vote yes and, again, I'm asking for a roll call, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator 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, bill ordered to Third Reading.

SB 581-FN, relative to pharmacy benefit managers under the managed care law.
Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

Health and Human Services
March 6, 2018
2018-0976s
01/08

Amendment to SB 581-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to compounding of drugs.

Amend the bill by replacing all after the enacting clause with the following:

1 Pharmacists and Pharmacies; Definitions. Amend RSA 318:1, III-a to read as follows:

III-a. "Compounding" means the preparation, mixing, assembling, packaging or labeling of a drug or device as a result of a practitioner's prescription drug order or initiative based on the pharmacist-patient-prescriber relationship in the course of professional practice or, for the purpose of, or as an incident, to research, teaching, or chemical analysis, but not selling or dispensing. "Compounding" also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns. "Compounding" shall not include the reconstitution of powdered formulations before dispensing or the addition of flavoring. ***"Compounding" shall not include the simple addition of flavoring, nor shall it include the preparation of a single dose of a non-hazardous commercially available drug or licensed biologic for immediate administration to an individual patient when done in accordance with the manufacturer's approved labeling or instructions consistent with that labeling.***

2 Effective Date. This act shall take effect upon its passage.

2018-0976s

AMENDED ANALYSIS

This bill amends the definition of compounding for the purposes of the law regulating pharmacists and pharmacies until July 1, 2020.

SENATOR AVARD: Thank you, Mister President. I move Senate Bill 581-FN as Ought to Pass with Amendment. This bill, as amended, would clarify the definition of compounding for the use of medical or medication preparation, and would not include the simple addition of flavoring, nor shall it include the preparation of a single dose of a non-hazardous chemically available drug, or licensed biologic, for immediate administration to an individual patient when done in accordance to the manufacturer's approved labeling, instruction consistent with that labeling. It is important that this exemption exists in order to ensure the patients across the state to continue to have access to affordable treatment for many different medical conditions. The Health and Human Services Committee asks for your support of the motion of Ought to Pass with Amendment for Senate Bill SB 581-FN, and thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 582-FN, relative to caseload standards for child protective service workers in the department of health and human services.
Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

Health and Human Services
March 6, 2018
2018-0990s
01/05

Amendment to SB 582-FN

Amend the title of the bill by replacing it with the following:

AN ACT authorizing an assessment to determine appropriate caseload and workload standards for the division for children, youth and families; establishing additional child protection services positions in the division for children, youth and families; relative to foster care and adoption programs and services; and making appropriations therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Health and Human Services; Division for Children, Youth and Families; Assessment to Determine Appropriate Caseload and Workload Standards for Child Protection Staff. The commissioner of the department of health and human services shall conduct an assessment to determine appropriate caseload and/or workload standards for the department's division for children, youth and families' child protection staff that are consistent with the goals of the agency's practice model and that will enable the agency to fulfill its statutory mission to protect children from abuse and neglect. In conducting the assessment, the department may solicit information from experts, community stakeholders, and national leaders, and shall consider caseload trends and the impact of caseloads and workloads on recruitment and retention and the supervision and training of department staff. On or before January 1, 2019, the department shall report the findings of its assessment, along with the department's recommendations for establishing and maintaining appropriate caseload and/or workload standards and the department's estimate of the cost to implement those recommendations, to the house health, human services and elderly affairs committee and senate health and human services committee and the house and senate finance committees.

2 Department of Health and Human Services; Appropriation; Assessment. For the fiscal year ending June 30, 2019, the sum of $100,000 is hereby appropriated to the department of health and human services for the purpose of conducting the assessment under section 1 of this act. 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.

3 Department of Health and Human Services; Division for Children Youth and Families; Classified Positions Established. The following classified positions are hereby established in the department of health and human services, division for children, youth and families:

I. Thirteen child protection social worker I positions, at labor grade 18.

II. Two supervisor IV positions, at labor grade 25.

4 Department of Health and Human Services; Appropriation; Positions. For the fiscal year ending June 30, 2019, the sum of $1,100,000 is hereby appropriated to the department of health and human services for the purpose of funding the positions established in section 3 of this act. 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.

5 Department of Health and Human Services; Appropriation; Foster Care and Adoption Programs and Services. The sum of $1,100,000 for the fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human services for the purpose of funding foster care and adoption programs and services pursuant to RSA 170-G:3. 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.

6 Department of Health and Human Services; Transfer of Funds; Foster Care Rate Increases. The department of health and human services may transfer up to $429,000 of existing general fund appropriations in the fiscal year ending June 30, 2019, from account 05-95-47-470010-7948, Medicaid Care Management, to account 05-95-42-421010-2958, Child Family Services, for the purpose of funding foster care rate increases. This transfer shall not require prior approval of the fiscal committee of the general court, nor shall fiscal committee approval be required for the department to accept any federal matching funds for the purposes of this section.

7 Effective Date. This act shall take effect upon its passage.

2018-0990s

AMENDED ANALYSIS

This bill:

I. Directs the department of health and human services to conduct an assessment to determine appropriate caseload and workload standards for child protection staff and makes an appropriation for such purpose.

II. Makes appropriations to the department of health and human services for additional child protection staff, and for foster care and adoption programs and services.

III. Authorizes the department of health and human services to transfer certain funds for the purpose of funding foster care rate increases.

SENATOR AVARD: Thank you, Mister President. I move Senate Bill 582-FN-A as Ought to Pass with Amendment. This bill authorizes and funds new positions in the Division of Child, Youth and Families. This bill also makes appropriation for the Division to hire a consultant to assess what proper caseloads should be and how the Division can best utilize their staff. Child protective service workers currently have very large caseloads that prevent them from giving enough attention to the families that they're trying serve. What this bill does is it makes an effort to ease the caseload for workers, this way families will have more opportunities to build a relationship with the service workers in this state. This represents a necessary step in supporting New Hampshire families. The Health and Human Services Committee asks for your support in the motion of Ought to Pass with Amendment on Senate Bill SB 582-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise in support of 582-FN because it is a start and it is badly needed, and kudos to the Senator from District 14 for putting it forward. Our case workers are spread much too thin. We heard from them in committee and it is harder and harder for them to develop relationships with their clients and, therefore, to affect change. Not only are their caseloads seriously out of control, but the paperwork has become seriously out of control. We heard that case workers are often working every day of the week until 11 p.m. in order to get work done and they're still behind.

The national average, last we heard, in New Hampshire for a number of cases was twenty-four to twenty-five. The national average is twelve. Twenty-five years ago, in New Hampshire our average was twelve. Those who work in the field and the current DCYF director were in support

of this bill and emphasized we must spend the money required to turn this trajectory around–each year more and more families and children not being helped. The Department states that complying with caseload standards established by the bill would necessarily mean hiring fifty-four new assessment workers, sixteen new family service workers, and ten supervisors. The last budget included twenty, total, and they've hired thirteen. I continue to be astounded by this body's willingness to trade business taxes for the support needed for our most vulnerable children; even those born, through no fault of their own to those with substance misuse disorders, with neonatal abstinence syndrome, and those born into families with significant challenges requiring the support of DCYF. This bill should pass, but we owe our citizens more. While some believe we should all aspire to be billionaires, where you start matters. Where you start defines who you are today. Thank you, Mister President.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. I rise in support of this, as well. I don't live far from the Sununu Center and I've spoken with people that work there, I've received e-mails. And I just wanted to read the end of one that I got. They're overwhelmed, the workers there, and at the end of the e-mail it said. "We need help. Please help." May this encourage us all to help them and let them know that we do hear them. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I want to thank all the members of the Health and Human Services Committee that worked long and hard on this bill and the next two bills. I also want to thank our friend from Londonderry who has been a leader for years on trying to correct some of the systemic problems that have come as a result of the problems I think that we've all seen regarding children. I also want to thank all the members of the Finance Committee, in the House as well, and the Governor for leading the charge in the budget to hire twenty child protection social workers. Those positions, I believe, are completely filled. There is some turnover; this is a difficult job for everybody to do. This legislation continues that by adding thirteen more child protection social workers and two supervisors, as well as a needed rate increase for foster parents. Now this is a continuation of what we did, all of us, in the budget last year. Again, starting with Governor Sununu, who called for an upgrade to DCYF as a top priority; this continues to place DCYF and improving that situation as a top priority. I, again, thank Senator Morse for his leadership and others for recognizing the problem that we have. Thank you.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Yes, thank you very much, Mister President. I rise in support of this legislation and clearly it is needed when you look at the ratio that we're currently dealing with of twenty-five to twenty-six to even thirty cases being carried by one caseload worker. I would like to point out at the same time, though; I'm always concerned that we don't quite do enough. We heard that actually what was needed was fifty-four assessment workers, sixteen family service workers, and ten new supervisors. So while we're moving forward, I just worry that we're not moving forward quickly enough to be able to address the tremendous demand for these services at DCYF and elsewhere. Thank you.

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 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, bill ordered to the Committee on Finance (Rule 4-5).

SB 590-FN-A, making a supplemental appropriation to the state loan repayment program, relative to emergency involuntary admissions, and relative to the child protection act and making appropriations therefor. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Health and Human Services
March 6, 2018
2018-0991s
05/01

Amendment to SB 590-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT making a supplemental appropriation to the state loan repayment program and relative to emergency involuntary admissions, the child protection act, and the developmental disabilities wait list and making appropriations therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Mental Health Services System; Definitions. Amend RSA 135-C:2 by inserting after paragraph XV the following new paragraph:

XV-a. "Transitional housing program services" means a residential program that provides housing and support services to persons with serious and persistent mental illness through a contract with the department of health and human services.

2 Involuntary Emergency Admissions; Examination. Amend RSA 135-C:28, I to read as follows:

I. The involuntary emergency admission of a person shall be to the state mental health services system under the supervision of the commissioner. The admission may be ordered upon the certificate of a physician or APRN, as defined in RSA 135-C:2, II-a, who is approved by either a designated receiving facility or a community mental health program approved by the commissioner, provided that within 3 days of the completion of the petition the physician or APRN has conducted, or has caused to be conducted, a physical examination if indicated and circumstances permit, and a mental examination. The physician or APRN must find that the person to be admitted meets the criteria of RSA 135-C:27. The certificate shall state the time and, in detail, the nature of the examinations conducted. The certificate shall also state a specific act or actions the physician or APRN has actually observed or which have been reported to him or her by the petitioner or a reliable witness who shall be identified in the certificate, and which in the physician's or APRN's opinion satisfy the criteria set forth in RSA 135-C:27. The physician or

APRN shall [~~identify in the certificate the facility in the state mental health services system to which the person shall be admitted~~] ***inform the person of the specific designated receiving facility in the mental health services system that he or she will be transported to upon the facility location being identified***. The admission shall be made to the facility which can best provide the degree of security and treatment required by the person and shall be consistent with the placement principles set forth in RSA 135-C:15. As used in RSA 135-C:27-33, "petitioner" means any individual, including a physician or APRN completing a certificate, who has requested that a physician or APRN conduct or who has conducted an examination for purposes of involuntary emergency admission. Every certificate shall be accompanied by a written petition signed by a petitioner.

3 Nonemergency Involuntary Admissions; Conditions of Conditional Discharge. Amend RSA 135-C:50, III to read as follows:

III. During the term of conditional discharge, the person conditionally discharged shall be provided with continuing treatment on an outpatient basis by a community mental health program approved by the commissioner ***or by transitional housing services***.

4 Nonemergency Involuntary Admissions; Revocation of Conditional Discharge. Amend the introductory paragraph of RSA 135-C:51, I to read as follows:

I. If a psychiatrist or APRN, as defined in RSA 135-C:2, II-a, at a community mental health program ***or transitional housing services*** providing continuing treatment on an outpatient basis to a person conditionally discharged pursuant to RSA 135-C:50, reasonably believes that:

5 Nonemergency Involuntary Admissions; Revocation of Conditional Discharge. Amend RSA 135-C:51, III to read as follows:

III. If the psychiatrist or APRN, following the examination the psychiatrist or APRN conducted or caused to be conducted of the person, finds that the person either has violated a condition of the discharge or is in such a mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or herself or to others, he or she may temporarily revoke the conditional discharge. If the conditional discharge is temporarily revoked, the psychiatrist, or APRN, or designee, shall prepare, offer to and explain to the person a written notice, if it can be done safely without significant possibility of bodily harm, giving the reasons for the revocation and to [~~identify the receiving facility to which the person is to be delivered~~] ***inform the person of the specific designated receiving facility in the mental health services system that he or she will be transported to upon the facility location being identified***. If this cannot be done safely, a description of the circumstances indicating such risk shall be placed in the file.

6 Guardians and Conservators; General Powers and Duties of Guardian of the Person. Amend RSA 464-A:25, I(a) to read as follows:

(a) To the extent that it is consistent with the terms of any order by a court of competent jurisdiction relating to detention or commitment of the ward, the guardian shall be entitled to custody of the ward and may establish the ward's place of abode within or without this state. Admission to a state institution ***or other designated receiving facility*** shall be in accordance with the following:

(1) A guardian may admit a ward to a state institution ***or other designated receiving facility*** with prior approval of the probate court if, following notice and hearing, the court finds beyond a reasonable

doubt that the placement is in the ward's best interest and is the least restrictive placement available. Authorization for such admission shall not be time limited unless the court so orders. Authority to admit a ward to a state institution ***or other designated receiving facility*** with prior approval under this subparagraph shall not be subject to the limitations contained in RSA 464-A:25, I(a)(2) through (7).

(2) A guardian may admit a ward to a state institution ***or other designated receiving facility*** without prior approval of the probate court upon written certification by a physician licensed in the state of New Hampshire, or, in the case of placement in New Hampshire hospital ***or other designated receiving facility***, by a psychiatrist licensed in the state of New Hampshire, or an advanced practice registered nurse, as defined in RSA 135-C:2, II-a, that the placement is in the ward's best interest and is the least restrictive placement available. Within 36 hours, excluding days when the court is closed, of such an admission of a ward to a state institution ***or other designated receiving facility***, the guardian shall submit to the Merrimack county probate court notice of the admission and the reasons therefor, together with a copy of the certificate by the physician, psychiatrist, or advanced practice registered nurse.

(3) The Merrimack county probate court shall review the guardian's notice within 48 hours of the filing of the notice, excluding days when the court is closed, to determine whether the notice on its face appears to establish that the placement is in the ward's best interest and is the least restrictive placement available. If the court concludes that the notice is insufficient, the court shall order the immediate release of the ward from the state institution ***or other designated receiving facility***. If the court concludes that the notice is sufficient, counsel for the ward shall be appointed no later than 48 hours following the court's review of the guardian's notice, excluding days when the court is closed. Notice of the appointment shall be transmitted to the ward, to the guardian, and to counsel. Counsel's notice shall be transmitted in writing and electronically or in another manner which is likely to give actual notice of the appointment to counsel at the earliest practicable time. For purposes of proceedings regarding admissions to state institutions ***or other designated receiving facilities*** without prior court approval, the ward shall have the right to legal counsel in the same manner as provided in RSA 464-A:6. The court shall also provide the ward a notice stating that the ward has the right to appointed counsel, the right to oppose the admission by the guardian, and the right to a hearing and to present evidence at that hearing.

(4) Counsel for a ward admitted to a state institution ***or other designated receiving facility*** who has been appointed pursuant to subparagraph (3) shall deliver a written report to the court within 5 days of his or her appointment which shall declare whether the ward requests a hearing on the propriety of the admission. Unless the ward waives a hearing, counsel's report shall include a request for a hearing on behalf of the ward. A copy of counsel's report shall be sent to the ward and to the guardian. If the court does not receive a written report from counsel within 5 days of counsel's appointment, the court shall order appropriate relief, including but not limited to substitution of counsel, an order to show cause, or scheduling of a hearing on the propriety of the admission without awaiting a report from counsel.

(5) Upon receipt of a request for a hearing, the court shall schedule a hearing on the admission to a state institution ***or other designated receiving facility*** without prior approval of the probate court, at

which the guardian shall have the burden of proving, beyond a reasonable doubt, that the placement is in the ward's best interest and is the least restrictive placement available. The hearing shall be held within 10 days, excluding days when the court is closed, from the date that the request is received.

(6) A guardian may not admit a ward to a state institution ***or other designated receiving facility*** for more than 60 days for any single admission or more than 90 days in any 12-month period upon certification of a physician or psychiatrist, or an advanced practice registered nurse, as defined in RSA 135-C:2, II-a, without filing a petition requesting approval of the probate court.

(7) At any time, the ward or counsel for the ward may request a hearing on the admission to a state institution ***or other designated receiving facility*** without prior approval of the probate court, at which the guardian shall have the burden of proving, beyond a reasonable doubt, that the placement is in the ward's best interest and is the least restrictive placement available. The hearing shall be held within 15 days, excluding days when the court is closed, from the date that the hearing is requested.

7 Child Protection Act; Duties of the Department of Health and Human Services. Amend RSA 169-C:34, II-a to read as follows:

II-a. The department may issue a confidential letter of concern to a person or persons responsible for the safety and welfare of the child that although there is insufficient evidence to substantiate a finding of abuse or neglect or of unfounded but with reasonable concern, the department encourages the person or persons responsible for the safety and welfare of the child to seek family support services and provide contact information to obtain such services. ***Upon initiating an assessment, the department may offer the family ameliorative services to reduce risk and address child safety concerns.***

8 Child Protection Act; Duties of the Department of Health and Human Services. Amend RSA 169-C:34, V and V-a to read as follows:

V. Notwithstanding any other provision of law to the contrary, the department may[~~, pursuant to a voluntary service plan that is developed and provided for a minor and the minor's family by the department,~~] offer voluntary services to families without making a determination of the person or persons [~~apparently~~] responsible for the abuse or neglect. The department shall adopt rules, pursuant to RSA 541-A, relative to the provision of voluntary services under this paragraph. ***The costs of voluntary services provided by the department under this paragraph shall not be subject to reimbursement under RSA 169-C:27.***

V-a. Notwithstanding any other provision of law to the contrary, the department may[~~, pursuant to a voluntary service plan that is developed and provided for the child by the department,~~] offer voluntary services to any child who prior to his or her eighteenth birthday was found to be neglected or abused, who was in legal custody of the department as of his or her eighteenth birthday, and who is less than 21 years of age. ***The costs of voluntary services provided by the department under this paragraph shall not be subject to reimbursement under RSA 169-C:27.***

9 Child Protection Act; Liability of Expenses and Hearing on Liability. Amend RSA 169-C:27, I(a) to read as follows:

(a) Whenever an order creating liability for expenses is issued by the court under this chapter [~~or whenever a voluntary service plan is developed and provided for a minor and the minor's family by the depart-~~

~~ment~~], any expenses incurred for services, placements, and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the department of health and human services.

10 Appropriation. The sum of $1,500,000 dollars for the fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human services for the purposes of funding voluntary services provided to children, youth and families under RSA 169-C. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

11 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.

12 Appropriation. The sum of $1,500,000 dollars 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

13 Supplemental Appropriation; State Loan Repayment Program. In addition to any other sums appropriated to accounting unit 05, 95, 90, 901010, 7965, line 073, grants-non-federal, there is hereby appropriated the sum of $1,100,000 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.

14 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.

15 New Section; Rescission of Involuntary Admission. Amend RSA 135-C by inserting after section 29 the following new section:

135-C:29-a Rescission of Involuntary Admission.

I. Following completion of an involuntary emergency admission certificate under RSA 135-C:28 and before custody of the person is accepted by a law enforcement officer pursuant to RSA 135-C:29, the certificate may be rescinded and the person who is the subject of the certificate released in any of the following circumstances:

(a) A mobile crisis team under contract with the department of health and human services accepts transfer of the person's care.

(b) An assertive community treatment team operated by a community mental health program accepts transfer of the person's care.

(c) A community-based provider accepts transfer of the person's care.

II. Following completion of an involuntary emergency admission certificate under RSA 135-C:28 and before custody of the person is accepted by a law enforcement officer pursuant to RSA 135-C:29, the certificate shall be rescinded and the person who is the subject of the certificate released if the physician or APRN who completed the certificate, or any other physician or APRN authorized to complete such certificates, finds that the person no longer meets the criteria of RSA 135-C:27.

III. No civil action shall be maintained against a person who rescinds an involuntary admission pursuant to paragraph I or II, provided that the person is acting in good faith within the limits of his or her authority.

16 Appropriation; Department of Health and Human Services; Division for Children, Youth and Families; Attorneys. The sum of $310,000 for the biennium ending June 30, 2019, is hereby appropriated to the department of health and human services for the purpose of hiring 3 attorneys for the division for children, youth and families. This sum 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.

17 Appropriation; Department of Health and Human Services; Developmental Disabilities Wait List. The sum of $1,162,135 for the fiscal year ending June 30, 2018, is hereby appropriated to the department of health and human services for the purposes of funding the developmental disabilities wait list. This sum 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.

18 10-Year Plan for Mental Health Services. Amend 2017, 112:2, III to read as follows:

III. The commissioner of the department of health and human services shall submit the plan to the speaker of the house of representatives, the president of the senate, and the governor on or before [~~July 1, 2018~~] ***October 15, 2018***. The department shall provide interim reports to the oversight committee on health and human services, established under RSA 126-A:13, on or before October 1, 2017 and on or before March 1, 2018. Thereafter, the department shall report quarterly to the health and human services oversight committee providing an update on the progress of the development and implementation of the plan.

19 Department of Health and Human Services; Behavioral Health Crisis Treatment Center. Amend 2017, 156:188 to read as follows:

156:188 [~~Mobile Crisis Teams and Apartments~~] ***Behavioral Health Crisis Treatment Center***. The commissioner of the department of health and human services shall issue a request for proposals (RFP) for a [~~mobile crisis team and apartments~~] ***behavioral health crisis treatment center*** from qualified vendors. The RFP for the [~~mobile crisis team and apartments~~] ***treatment center*** shall be issued no later than June 30, 2017 and operational no later than [~~January~~] ***July*** 1, 2018. Any new [~~mobile crisis teams~~] ***behavioral health crisis treatment center*** shall be established in ***a*** geographic [~~locations~~] ***location*** that [~~have~~] ***has*** high rates of admissions to and discharges from New Hampshire hospital.

20 Department of Health and Human Services; Mobile Crisis Teams and Apartments. The commissioner of the department of health and human services shall issue a request for proposals (RFP) for qualified vendors to establish an additional mobile crisis team and apartments. The RFP for the mobile crisis team and apartments shall be issued contingent upon available funding for the biennium ending June 30, 2019. Before

issuing the RFP, the commissioner shall present to the fiscal committee of the general court, established under RSA 14:30-a, the source of the funds to be used to support the new mobile crisis team and apartments.

21 Designated Receiving Facilities; Residential Beds. The section heading and paragraph I of 2017, 156:186 are repealed and reenacted to read as follows:

156:186 Supported Housing; Residential Beds.

I. The commissioner of the department of health and human services shall contract with programs that enable individuals with serious mental illness to attain and maintain integrated, affordable, supported housing. The department shall use funding not to exceed $500,000 from existing appropriations for the biennium ending June 30, 2019.

22 Effective Date.

I. Sections 7-12 of this act shall take effect July 1, 2018.

II. The remainder of this act shall take effect upon its passage.

2018-0991s

AMENDED ANALYSIS

This bill:

I. Clarifies admission to receiving facilities and other services for persons who are involuntarily committed under RSA 135-C.

II. Makes a supplemental appropriation to the state loan repayment program.

III. Clarifies the determination of unfounded but with reasonable concern for possible abuse and neglect under the child protection law, and enables the department of health and human services to offer voluntary services to the family.

IV. Makes appropriations for voluntary services and community-based prevention programs under the child protection act.

V. Provides that the New Hampshire home visiting program shall be available to Medicaid eligible families.

VI. Makes an appropriation to the department of health and human services to hire additional attorneys.

VII. Makes an appropriation to the department of health and human services for the purpose of funding the developmental disabilities wait list.

VIII. Requires the commissioner of the department of health and human services to issue requests for proposals for a behavioral health crisis treatment center and, contingent upon available funding, an additional mobile crisis team and apartments.

SENATOR BRADLEY: Thank you, Mister President. I refer all the members to page 13 of the calendar, as the Committee Amendment replaces the bill.

The first 6 sections were recommended by a working group led by Lucy Hodder to ensure that mental health patients have transparency of placement and transitional housing.

Section 7-9, as we debated the last bill, deal with the Division of Children, Youth and Families, and it allows us to offer services for unfounded complaints that have a reasonable level of concern. This is designed to ensure that there are no barriers to families to be able to take advantage of the voluntary services.

Section 10 is the appropriation to fund that.

Section 11 creates opportunities for cities and towns to fund prevention programs similar to the voluntary services.

Section 12 is an appropriation to fund section 11.

Section 13 makes an additional appropriation to the student loan repayment program. I think we all know that we have a severe shortage of health care workers in New Hampshire whether it's workers at hospitals, at mental health clinics, at designated receiving facilities; this will help us attract workers to New Hampshire by helping repay student loans.

Section 14 would expand the home visitation program for pregnant women eligible for Medicaid. UNH has completed a study at the Carsey Institute which documents the rise of what's known as neonatal abstinence syndrome; babies being born addicted to drugs. This will help prevent that addiction.

Section 15 was brought to the committee by the Disability Rights Coalition as well as NAMI of New Hampshire. It deals with rescission of involuntary commitment order. It states that in order for involuntary commitment to be rescinded for individuals they have to be eligible to be released to a mobile crisis unit, an ACT team, or another community behavioral health provider that will accept and is capable of providing patient care. This will help, I think dramatically, in reducing the wait time that people experience in the emergency room, and as long as the provisions of this bill are adhered to there is protection for the provider if they've acted in good faith under the scope of their authority.

Section 16 continues the work of our friend from Londonderry's bill, Senate Bill 582 and 592 a top priority for the Attorney General's Office is the hiring of new attorneys for DCYF. If you recall in House Bill 400 we moved the lead attorney from DCYF to the AGs office for better supervision.

Section 17 at the request of our friend from Salem, the Senate President, appropriates $1.16 million to the Department of Health and Human Services to fund the DD Waitlist for 2018. Section 18 moves up the due date for the mental health report for October to October 15th.

And Sections 19-21 alter the purpose of already appropriated funds to the Department to allow the Commissioner of DHHS to open a behavioral health crisis treatment center; and then if funds are available, an additional mobile crisis unit. There's been a problem in terms of actually getting answers to the RFP for the mobile crisis unit that was funded in House Bill 400 in the budget last year.

Those are all the moving components of the bill, and I urge the body to adopt the amendment.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in support of the Committee Amendment and the bill. I want to thank Senator Bradley and Senator Carson for all their leadership on child protection issues. We served together on the independent committee to review the independent audit report of DCYF, and their leadership on these bills has been very valuable.

Specifically, I want to support section 10, 11, 12, 13 and 14, 16 and 17. I'll start from the back.

The DD Waitlist: we didn't fund it where we should have funded it in the budget, and I appreciate the Senate President's leadership on this to get some money in section 17 to help fill a gap that was in the budget, with respect to our DD Waitlist.

Section 16: we fund, in this amendment, three of the six attorneys that have been recommended. I would prefer that we fund all six, but at least we're making some headway in funding some of the attorneys that are needed in child protection.

Section 14: as Senator Bradley noted, is so critical to deal with an emerging issue over the last few years, as indicated in the Carsey report and amongst people in the field, dealing with neonatal abstinence syndrome and dealing with providing in-home services to folks, pregnant women without restriction in terms of Medicaid.

Section 13: we talk about attracting retaining workforce needed to do the job. That's what section 13 is all about.

But particularly I want to talk about sections 10-12. Section 10 finally reinstates the voucher services program for at risk children, youth and families.

Section 11 and 12 is prevention as well. The thing that we didn't do in the budget, that we should've done in my view, is more prevention; more prevention of the future mistreatment of our children. The independent audit report, Mister President, released in December of 2016, recommendation number 10 on page 15 was to reinstate voluntary services. That was in the report, the final report in December of 2016. Governor Sununu's budget did not fund it; that was a mistake. We tried adding it in the budget process and it was voted down; that was a mistake. We've seen based on a report from a child advocate that that mistake led to some real consequences.

But today we have an opportunity, in a bipartisan way, to fix it moving forward. Prevention of the future mistreatment of our kids–there's nothing more important. Let's vote for this amendment and let's vote for this bill. Thank you, Mister President.

(The Chair recognized Senator Kahn for a question of Senator Bradley.)

SENATOR KAHN: I want to thank my colleague from District 3 and the sponsor of this bill, which I am very supportive of. But I wanted to understand the DD Waitlist further. My recall of this is that we funded in the budget like 200 plus additional people in need of disability services, adult disability services, that there was about 150 people that would be waitlisted. So there are two questions. One is how far are we going with this appropriation in filling the needs of the waitlist? And the second is if this is for 2018 what are the issues that we're going to face for 2019?

SENATOR BRADLEY: I'm not as familiar with the particulars of the DD Waitlist as other people might be. But I do know that we've historically had a problem. I recall that there was a $20 million lapse under the prior Governor's budget. I can't remember which budget it was in. I think it was two budgets ago that triggered a significant increase in the DD Waitlist because that $20 million, which was meant to fund the full range of services for all the people that were eligible, was lapsed back. It was a problem and we've been playing, as best I understand it, catch up ever since then. My understanding further was that when we adopted the budget in June in 2017 and we fully anticipated funding the DD Waitlist with, as I recall, it was about $59 million of new

funds going into the DD program. What this will do, if I understand it correctly, is make sure that for fiscal year '18 we have maintained that commitment to fully fund the waitlist. I suspect that this bill, like the prior bill, will go to the Finance Committee where these numbers can be further scrubbed. But I think that under the leadership of the Senate President, who has made funding the DD Waitlist his top single priority, if I've heard him correctly, for a long time and has fought to make sure that the DD Waitlist is funded even though $20 million was lapsed out of it a couple of years ago. I think that we can trust the Senate President to make sure that we've done everything possible on the DD Waitlist.

SENATOR KAHN: Thank you.

(The Chair recognized Senator Hennessey.)

President Pro Tempore Carson presiding.

SENATOR HENNESSEY: Thank you, Mister President. I, too, rise in support of Senate Bill 590-FN-A as amended, this bill and of the amendment. This bill was written to address the needs of our mental health crisis, as we all know, and the expanded needs of DCYF, and the lack of required funding in the latest Governor's budget. Agreeing with the Senator from District 15, the funding for voluntary services is absolutely critical to support families and to prevent founded reports of abuse and neglect. Mister Ribsam very succinctly said to our committee that the current system is designed to react versus protect.

We heard about the need to support the state loan repayment program, whose initials I rather like because they call it "slurp," which is used for attracting workers. It was described as one of the most effective programs for recruiting and retaining providers. Currently we have twenty-two qualified clinicians who are actually on the waitlist and as the waitlist for SLRP funds grows the likelihood that these valuable people stay in New Hampshire is diminished. With SLRP support, clinicians stay for at least three years, which the Department finds extremely helpful. All the money in the line item for SLRP for this budget has been spent, and we heard that there are 275 vacancies in the community mental health system. We're not meeting the needs of our population, but this bill and this amendment are a beginning. Again, we are not meeting the requirements based on the audit. Realizing this bill falls under not letting perfect be the enemy of good we can do better. We can move from barely good enough to meeting minimum standards. Thank you, Miss President.

(The Chair recognized Senator Fuller Clark for a question of Senator Bradley.)

SENATOR FULLER CLARK: Senator Bradley, one of the concerns we've heard over and over again is the number of individuals that are waiting in the emergency rooms of our hospitals; sometimes as many as fifty people a day. And I'm wondering if you could speak to what degree this legislation, which I certainly favor and rise in support of the amendment, will begin to address that problem.

SENATOR BRADLEY: As you recall, last year in the debate about House Bill 400 and how House Bill 400 got incorporated into the budget, we spent I believe it was about $22 million of general fund appropriations to alleviate the mental health crisis. We went to a lot of different initiatives. Unfortunately, the money that was allocated to increasing the number of DRF beds, designated receiving facility beds, we currently have 44, there were no takers, even though it was a rather generous appropria-

tion. Commissioner Meyers pushed hard to get people to respond to the request for proposal, but there were no responses. Myself and the Senate President met with a couple of entities that we thought might want to. It gets back to one of the appropriations that's in this bill for the loan repayment to try to encourage more health care workers to come into New Hampshire.

What will help is the provision that was brought to us by the Disability Rights Coalition; that as long as somebody is in an emergency room situation and they are certified that they can go to a community provider, whether it's an ACT team, a mobile crisis unit, or some other community provider, they can be transferred per this language, and the emergency room and the hospitals, as long as everything is done appropriately, will be resolved from civil liability. I happen to think that in listening to our friends, who have long advocated–Disability Rights Coalition; and the Alliance Against Mental Illness, NAMI; they think this is a vitally important provision. So while it doesn't cost any money, it should alleviate the problem and get people into the appropriate level of treatment in the communities where they don't have to be housed in the emergency rooms. So, I think that while this bill focuses in many regards on DCYF, there are important provisions for mental health in it, too.

SENATOR FULLER CLARK: Thank you. I do have a follow-up question, and that is if we're able to transfer those individuals to local health care centers, and you say it doesn't cost any money, in actuality those local health care centers are going to have to pick up the cost of those individuals and how is that being paid for?

SENATOR BRADLEY: So, there is a provision in the bill, as you well know, that would allow the Commissioner, instead of creating that fourth mobile crisis unit, if you look at sections 19 and 20, to create a behavioral health crisis treatment center, basically a walk-in clinic, and transfer the funds to be able to do that. There are takers for that. The fourth mobile crisis unit, while the Commissioner put out RFPs, there were no takers. That's unfortunate. Again, it gets back to the lack of health care workers, which we're trying to address by the repayment provision. But, section 20, if there are funds available, and if the Fiscal Committee approves and there's a successful RFP for a fourth mobile crisis unit, then we can proceed in that arena. So I think it's a reasonable compromise based on the fact that even though we appropriated an awful lot of money for both a mobile crisis unit and DRF beds there were no takers. So, this allows us to create a walk-in center that will help. We already have three mobile crisis units, so if somebody is transferred out of an ER situation to a mobile crisis unit there is capacity there, there are ACT teams. So I believe that, I believe it's section 15 in the bill is going to be very important to helping curtail the number of people that are involuntarily committed in ERs across New Hampshire.

SENATOR FULLER CLARK: Thank you very much, I appreciate your comprehensive answer. It is a need that we clearly have to confront.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Madam President. I rise in support of the amendment, but I ask my colleagues to be vigilant in reading this amendment. Read it carefully. And also note that in almost every item, funds not otherwise appropriated the source of revenue. Okay, think about that. Secondly, the reallocation of dollars is a significant part of this piece of legislation. You're going to reallocate money to the Depart-

ment of Health and Human Services. Those are key elements–funds not otherwise appropriated; and reallocation of money within the existing appropriation. Now I think what we need from HHS is accountability on this issue so you won't have a $20 million lapse, which is distasteful to all of us; we don't like that. We work hard to appropriate, we expect the entity to spend the money for which the appropriation was given. So, I know this will go to Finance. I think there's a lot of responsibility on Finance to look at these items. But clearly, understand what this amendment says. Digest it. I think it's very, very important. This is a key element. This is what we are here for. This is the largest department in state government. They provide the most in services to the people of the state of New Hampshire. It's a good amendment, it's a solid amendment, I applaud the work of everybody who went sled length to put this together, but indeed, there are key words in this element that we all should recognize. And when you reallocate within the entity there better be a report on how that reallocation took place, where the money was not spent so that the money could be spent in another appropriate area. Thank you, Madam President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Madam President. I rise in support of the amendment and the underlying bill, and I'm grateful for every single investment that we are making here, and I think it's time, it's time to make these investments. I am also grateful to the two members of our Democratic caucus on Finance who have been fighting for these investments for a long period of time. You know much of the fights that we have here and disagreements that we have here are about how far and how fast we go in terms of investments, in terms of policy. And I think this is one of those opportunities to stop and pause and take a look at where we were and where we're going, and also to look at, obviously, the big issue we always deal with here is money. New Hampshire's famous for our frugality, and we did something really great last week we passed Medicaid expansion, we accessed federal dollars to be able to provide health care to our hard working citizens. But when it comes to our dollars, we're pretty frugal, we're pretty short sighted, we're pretty cheap. And this budget process indicates that and I'm glad we're correcting it here today.

I want to limit my conversations to the voluntary services in DCYF because there's nothing that we do, nothing that we do in government to protect our most vulnerable children; and by underfunding, we have left children unprotected. And it broke all of our hearts to read the story in Derry where a dad called eight times–not one, not two, not three, not four, not five, not six, not seven–eight times. And you know the answer that he got: you're not in need of services, you're not that bad. And the end of that story is tragic. But where we are today, where we are today, we are going in the right direction. But let's not pat ourselves on the back; let's commit ourselves to protecting children.

Now I want to speak for a moment, because I spent the last week talking to people who do this. Not people who sit in offices and write reports, not people who sit in committee meetings and hear testimony, but people who take those phone calls. And I want each of you to put yourself in their position; put yourself in the social worker, and the DCYF who takes that call and says no you don't meet the standard. We, the wealthiest state in the country, cannot help you. What they told me, these people who do it, is they said it's an impossible situation. You know what's going

to happen, they told me. They know what's going to happen. And we saw the worst case scenario. They see the daily grind of kids living in toxic environments, and what the long term impacts are on those kids. And we were talking about kids addicted or affected by drugs–Coos County, my home county, I was a teacher there. The pregnant women in Coos County today, 50 percent affected are on drugs. Hopefully those get cleaned up, hopefully they'll be great moms and great dads and great family structures, but they're up against some real tough challenges. And we know about ACEs, and if you don't you ought to learn about them: Adverse Childhood Experiences. There's toxic environments that poisons kid's childhoods, and we have an opportunity to, not only our own selfish interest, save money; good and smart investments. The links are clear between these toxic environments and their mental health, their physical health, and where they end up. Okay? I also had the unfortunate situation of having 50 percent of the incarcerated men in the state of New Hampshire in my district, my constituents. And there is a common link in a lot of these, and we need to begin to realize that, and we need to begin to act on it.

Being frugal is not something to be proud of when it comes to protecting kids. Slowing down the abuse of kids is not something to be proud of. We need to have an absolute commitment to protecting our children, providing them opportunity, creating a system that understands the value, and the purpose, and the opportunity that every kid can live to their dreams. I have a chair in my office; it's a chair I found on the side of the road. It was all broken up and we had it fixed; a big, beautiful chair and they did it at the state prison. And I was talking to the teacher that runs the program there and I said how do you do it? How do you do it? These guys are working with things who could kill you in a second, how do you do it? And he says I got all the leverage in the world, they live for their craft, they live to make these beautiful products. And I said, my gosh, if we only invested in these kids before they became adulthood they would be making beautiful things with their hands and they would be living their dreams every day. But we need to make investments in children, we absolutely do. Thank you for this investment, let's not stop here. Let's keep going. Thank you.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Madam President. I rise, again, but this time to definitely say that I am supportive of this. I raised the question to our colleague and the sponsor of the bill because I think it's important that relative to developmental disabilities that we answer very clearly to that community where we are relative to waitlists, and where we think we're going to be. So, it's in full support of where we're going, and hopefully we're staying on that path down the road. And I appreciated your answer.

I, also, briefly to say voluntary services is crucial. Here's a quick story, I hope. School district counselor, a classroom infected with fleas. One student was in the custody of a mom, that custody was taken away from the mom for a short period of time through a DCYF case. The grandmother, who assumed custody, allowed the child to have further visitations. So, while the classroom was getting cleaned up the lice issue was being taken care of, the child went back into the home where the mother was for visitations that lasted overnight and the child came back to school with lice. The way that the case was finalized is that the child went back full time to custody with the mom. And the child, as a result, missed a lot of

school during that school year. Her classmates were traumatized; it just set up what the counselors felt was an untenable situation for them to have to deal with. These voluntary services, they say, would have been the kind of delivery that would have mitigated the reoccurrence and the kind of trauma, the kind of school loss that this child experienced and that her classmates experienced.

And, so, I'm fully supportive of this. I think this together with 582 put us on a track to try to fill some voids in the state that are crucial for our child welfare. Thank you.

(The Chair recognized Senator Morse.)

SENATOR MORSE: Thank you, Madam Chair . I rise to talk about our Senate. There is no doubt this Senate has paid more attention to the disabled community, to mental health, to DCYF, to making New Hampshire better. You know the question was asked what are we doing with these three pieces of legislation financially and where are we headed. It's $5.5 million plus or minus. I can answer Senator D'Allesandro's question. On a $12 billion budget we're making $5.5 million in changes. We're certainly taking a few things that haven't happened, and I'm as disappointed as anyone. I certainly call constantly. I get notified twice a day about how many people are in hospitals that have mental illness. I certainly watch the number all the time. I don't find it to be acceptable. But there's money sitting there from DRF beds that we need to adapt to.

On the disabled community it wasn't the Senate that fell short. The Senate put the money in the budget. In committee of conference we negotiated with the House and got a budget that was acceptable to everyone. That million dollars that's in there now will get us through 2018. Based on projections it's 8 million more in 2019. I figured we'd take a step and move forward right now.

But I don't want to do with the Senate is to go back to 2011. When I arrived here and became Finance Chair and it was appropriated $11.5 billion budget, and under Governor Lynch he had to live to 10.7 billion. Because he let the legislature make decisions that they couldn't afford, and then he went and adapted to it like a good governor. That's not the way to govern. And from there we raided everything–the fidelity funds. Every one of us wants to increase scholarships–gone. We used them for general funds. We bought a section of highway so we could take the money out of the turnpike fund. We actually took school bond money that we used to make sure that we built in our local communities. We bonded 135 million, we took the money out of the rooms and meals tax, and we still haven't paid off that full bond today. Those were the decisions that were made under the last governor. I won't support that. I made sure that we had it to fill in the rainy day fund. We're not there yet. It needs another 50 million to be to the point I believe is acceptable. I made sure the Senate lived within its means working with the Finance team.

And as we talk about the 5 million that's being appropriated today, don't think that the Governor and I and the Speaker are not aware of those people that are sitting in hospital beds, those children that aren't being treated. The difference today is the management is on the street going and visiting these places and asking questions. Just like was suggested, because that's what we do. But I will not do as a governor, as the government–someday–is lead us down a path that we are going to overspend and basically have taxation to solve the problem. Eighty-five taxes and fees; I'll never forget the debates that were happening for governor back

then. Eighty-five increases in taxes and fees in order to balance a budget coming out of the mess that we were put into. That's not where New Hampshire's headed today. We're leading, and that's the way we should be; and I applaud the Senate for leading; and I applaud the Governor for leading because he's certainly taken the bull by the horn and making sure that we're making changes in the state of New Hampshire. And as I hear things to the contrary it gets me aggravated because we've all agreed in this Senate to work together, and that includes the Governor, as far as I'm concerned.

There is no doubt we are making an effort to make sure children are taken care of. There's no doubt that we think that the disabled community should be taken care of. And as we work on the system, we should be questioning commissioners. There's no doubt in my mind we appropriated money that we thought was going to be spent to solve a problem. And as we discuss problems today–there's another budget coming. And to suggest that we're led by the Governor to reduce business taxes, the reality of this Senate is that we thought reducing business taxes would drive the economy to fill all those buckets. And guess what? We're winning. New Hampshire is the place to build your business right now. People are looking at us. Our business taxes are ahead. I certainly am looking to make sure the year ends that way.

But as I went through the authorization to spend what's in these three bills, I certainly looked at where we are, I looked at some of the problems that we certainly face this current year and I said there is no way we are overspending what we have coming in. I find it totally unacceptable. What I do find acceptable is that this Senate's willing to debate the problems of this state and make sure we look to find ways to solve them. And the one thing that I love about our government is that we take our time to do it right. Now I know some people think that's not quick enough, but you know when I left here after session on voting on that budget, I certainly was the first one to go down to my region tent and I certainly went in and asked them if they were able to make appropriations to cover the waiting list at that point in time. They said Senator we don't understand why you're here. We have thirteen people, for those of you that follow it, there's a class A, B and C. They're Cs. Is that acceptable to me? No. But the reality was they managed their system. And it wasn't until lobbyists got involved, to start to come up here and say we're failing, we're doing everything wrong; this Governor's not doing his job; that I got back involved again. And I certainly called the Commissioner over; I called the person responsible in his department over; I went through report after report. There is no doubt that I think we can do it better, but we certainly aren't failing. New Hampshire cares about its people and I want you to understand more than anything when people say we're frugal, we're frugal for a reason. We make people prove that what we're voting for is the right thing to do, not just appropriating money. Thank you, Madam President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: You know it's interesting that we seem to be debating the history of voluntary services, and I think the history of DCYF. And there are not any of us that shouldn't look in the mirror. The last time voluntary services were funded was in 2011. There were budgets that were voted in this room 24-0 after a lot of give and take, 24-0 in 2013 and in the substitute bill in 2015 after the veto did not fund voluntary services. Each and every one of us needs to look in the

mirror and fix the problem today without trying to assign blame. In the '16-'17 budget, or the budget that we're in currently, we've increased the child protection service workers significantly. They had been level funded for those same budgets that all 24 of us voted for. Look in the mirror before trying to assign blame and do our jobs and fix the problem. So what 590 does: I credit your leadership, I credit your leadership, I credit Senator Morse's leadership and, quite frankly, all of us had the opportunity to lead now. Blame doesn't get us anywhere and the kids in this state expect better. We can afford to do this, and we should do it. And we should learn from the fact that we haven't done it for several budget cycles. Those last two budgets in '13 and '15 let's not forget; we all voted for. Thank you, Madam President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Madam President. I remember seeing a speech by Joe Biden at UNH Law where he talked about his first experience on the Senate floor, the U.S. Senate floor. He talked about listening to a speech from Senator Helms. Senator Helms is arguing against the ADA based on tenth amendment grounds, local control, and he was so fired up about Senator Helms' speech he went in and talked with the then Majority Leader Mike Mansfield and said I can't believe this guy, Senator Helms, the way he's talking about people with disabilities. And Mike Mansfield said would it change your mind about Senator Helms if you knew that he and Dottie, his wife, saw an ad in a paper about a child with severe and pervasive disabilities who needed a home and they adopted that child. And Senator Biden said–and this is his story–Senator Biden said yeah, it would definitely change my mind. And so Senator Mansfield said you know what? That's a prime example of you never question people's motives. You never question what's in their head. You don't know what Senator Helms is thinking. You don't know what his motives are. I don't think anybody's motive here today is to try to assign blame. That's not why we're here. We're here recognizing that mistakes were made. An independent audit report released December of 2016, which Senator Bradley, Senator Carson, myself on the committee recognized that there's more work to do. There's more work to do. It's okay to look at history, to learn from it, to learn from our mistakes. There's nothing wrong with that, especially when we're talking about child protection. Everybody cares about our children. We have an opportunity to learn from the mistake, and I think we can do it. I'm hopeful about what this will do. I take the Senate President's remarks and will take a look at it and see if we build up to where we need to go with Senator Carson and Senator Bradley looking at this audit–make sure that we meet that. Make sure that we meet it together and we protect all of our children. The Senate Minority Leader, Senator Woodburn, mentioned it's the most important thing we can do as a government is protect our children. Thank you, Madam President.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Avard, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Morse, Gannon, Innis, Carson.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted.

Senator Reagan offered a Floor Amendment.

Sen. Reagan, Dist 17
March 12, 2018
2018-1061s
05/01

Floor Amendment to SB 590-FN-A

Amend the bill by inserting after section 21 the following and renumbering the original section 22 to read as 23:

22 New Section; Guardianship of Minors and Estates of Minors; Guardianship of Minors in Foster Care and Consent for Medical Treatment. Amend RSA 463 by inserting after section 12 the following new section:

463:12-a Guardianship of Minors in Foster Care and Consent for Medical Treatment. For any guardianship granted to the department of health and human services for a minor in foster care, or for any minor in the legal custody of the department receiving foster care services, the department's authority to consent to medical treatment for the minor may be established by, but not limited to, any of the following:

I. A duly executed "Authorization for Medical Treatment" signed by the minor's parent or guardian;

II. For the provision of ordinary medical care, including behavioral, mental health, or developmental health services, a copy of that portion of the court order transferring legal custody of the minor to the department under RSA 169-C; or

III. A copy of the letter of guardianship issued to the department that authorizes the department to consent to medical or other treatment of the minor.

2018-1061s

AMENDED ANALYSIS

This bill:

I. Clarifies admission to receiving facilities and other services for persons who are involuntarily committed under RSA 135-C.

II. Makes a supplemental appropriation to the state loan repayment program.

III. Clarifies the determination of unfounded but with reasonable concern for possible abuse and neglect under the child protection law, and enables the department of health and human services to offer voluntary services to the family.

IV. Makes appropriations for voluntary services and community-based prevention programs under the child protection act.

V. Provides that the New Hampshire home visiting program shall be available to Medicaid eligible families.

VI. Makes an appropriation to the department of health and human services to hire additional attorneys.

VII. Makes an appropriation to the department of health and human services for the purpose of funding the developmental disabilities wait list.

VIII. Requires the commissioner of the department of health and human services to issue requests for proposals for a behavioral health crisis treatment center and, contingent upon available funding, an additional mobile crisis team and apartments.

IX. Clarifies the department of health and human services' authority to consent to medical treatment for a minor in foster care.

SENATOR REAGAN: Thank you, Madam President. I rise to introduce amendment 1061 and wish to speak to the amendment. The problem with children in foster care who need medical treatment, the problem was that only the parents were allowed to give permission. The foster parents weren't allowed, the Department wasn't allowed, and sometimes it was difficult to find the parents to get permission. So what this new section does, it allows the Department to authorize medical treatment for children in foster care. So it solves a major problem and a major investigation problem at the Department of Health and Human Services.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. This is the first time I've seen the amendment. I think it makes sense. I'm going to vote with my good friend from District 17. The only request would be to when the Finance Committee takes up this bill to check with the Department of Health and Human Services, that's all I would ask. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

(The Chair recognized Senator Morse.)

SENATOR MORSE: Thank you, Madam President. While I'm down here I just want to make it perfectly clear that Salem became a donor community once again by voting for keno yesterday.

President Morse presiding.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Bradley for a parliamentary inquiry.)

SENATOR BRADLEY: When would be the appropriate time to correct an incorrect amendment analysis on Senate Bill 581? We've already voted for it. I apologize for not having stood up and corrected the record, and it slipped my mind as we were getting into the debate on 582.

PRESIDENT MORSE: Senator, why don't you state your concern and then I'll rule.

SENATOR BRADLEY: There was an amended analysis on the Committee Amendment of Senate Bill 581 that it would only last for a two year provision. That amended analysis was false, and I want to make sure that the record reflects that that amended analysis on that Committee Amendment is incorrect. Thank you.

PRESIDENT MORSE: Senator Bradley, the Clerk says that she can fix that.

SENATOR BRADLEY: Well, 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 on SB 581-FN. Adopted.

Please note: The Clerk was instructed to correct the amended analysis.

SB 592-FN-A, relative to the child welfare system.
Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

Health and Human Services
March 6, 2018
2018-0992s
10/01

Amendment to SB 592-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 Child Protection Act; Liability For Expenses; Voluntary Services Excluded. Amend RSA 169-C:27, I(a) and (b) to read as follows:

I.(a) Whenever an order creating liability for expenses is issued by the court under this chapter [~~or whenever a voluntary service plan is developed and provided for a minor and the minor's family by the department~~], any expenses incurred for services, placements, and programs the providers of which are certified pursuant to RSA 170-G:4, XVIII, shall be payable by the department of health and human services.

(b) Subparagraph (a) shall not apply to***:***

(1) Expenses incurred for special education and related services[~~, or to~~]***;***

(2) Expenses incurred for evaluation, care, and treatment of the child at the New Hampshire hospital***;*** [~~or to~~]

(3) Expenses incurred for the cost of accompanied transportation***; or***

(4) Expenses incurred for voluntary services provided to a minor or the minor's family pursuant to RSA 169-C:34, II-a, RSA 169-C:34, V, or RSA 169-C:34, V-a.

2 TANF Funded Initiative; Home Visiting Services. The department of health and human services shall use allowable Temporary Assistance to Needy Families (TANF) funds to expand home visiting services through family resource centers. A priority shall be placed on providing home visiting services to families to whom the department has issued a letter of concern pursuant to RSA 169-C:34, II-a, cases reported by the department of health and human services as unfounded but with reasonable concern, as defined in RSA 169-C:3, XXIX, and TANF recipients who, as parents of children under 12 months old, are exempt from TANF work requirements.

3 TANF Funded Initiative; Family Resource Centers of Quality Specialist. The department of health and human services shall use allowable TANF funds to contract with a family resource center of quality specialist. The role of the specialist shall be to provide technical assistance to family resource centers throughout the state and aid the centers in establishing and achieving the high quality standards necessary for national certification. The person selected by the department shall be qualified by reason of education and experience to assume the responsibilities of a family resource centers of quality specialist.

4 TANF Funded Initiative; Child Care Services. The department of health and human services shall use allowable TANF funds to expand child care services to eligible recipients. Priority shall be given to foster families, families with voluntary service plans through the department of health and human services, and families with individual service plans through family resource centers.

5 Department of Health and Human Services; Supplemental Appropriation.

I. The sum necessary to fund the following positions, which may be either state employee or contract positions, is hereby appropriated to the department of health and human services for the biennium ending June 30, 2019:

(a) Eight child protective services workers, who shall be designated resource workers.

(b) Two licensed alcohol and drug counselors, who shall contract with the department.

II. The appropriation in paragraph I shall be in addition to any other funds appropriated to the department for the biennium ending June 30, 2019. The governor is authorized to draw a warrant for such amount from any money in the treasury not otherwise appropriated.

6 Family Drug Court; Study Committee Established. There is established a committee to study the development of a family drug court in New Hampshire.

I. The members of the committee shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study family drug court models and the feasibility of establishing a family drug court in New Hampshire. The specialized court, with jurisdiction over child protection cases that involve substance use by the child's parents or guardians, would provide a coordinated and collaborative approach to reducing child maltreatment by treating parents' underlying substance use disorders. The committee shall solicit information and testimony from any individual or agency the committee deems relevant to its study, including licensed alcohol and drug counselors, family law attorneys, representatives of the department of health and human services, and representatives of the district court family division.

IV. 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.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2018.

7 Effective Date. This act shall take effect upon its passage.

2018-0992s

AMENDED ANALYSIS

This bill:

I. Waives reimbursement for voluntary services under the child protection act.

II. Establishes a home visiting services initiative.

III. Directs the department of health and human services to contract with a family resource center of quality specialist.

IV. Expands certain child care services.

V. Makes an appropriation to the department of health and human services for additional child protective services workers and licensed alcohol and drug counselors.

VI. Establishes a committee to study family drug court models.

SENATOR GRAY: Thank you, Mister President. I move Senate Bill 592-FN-A as Ought to Pass with Amendment. This bill authorizes and provides funding for additional positions at the Division of Children, Youth and Families. This bill also establishes a committee to study the development of a family drug court in New Hampshire. We must do more in our state to provide upstream resources to ensure that children are safe and taken care of at home. It is imperative that this action is taken to ensure that families have the resources they need long before DCYF is contacted. The bill expands child services in a comprehensive way. It uses a supplemental appropriation to the Department of Health and Human Services to fund the various positions, as well as establish additional resources to not just change, but transform the Division. The Health and Human Services Committee asks for your support for a motion of Ought to Pass as Amended on Senate Bill 592-FN-A. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

MOTION TO REMOVE FROM THE TABLE

Senator Daniels moved to remove SB 475 from the Table. Adopted.

HEALTH AND HUMAN SERVICES
SB 475, relative to testing for Lyme disease.

The pending motion is Ought to Pass with Amendment.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. As so many bills are going around, I was in error. The floor amendment I was thinking about was on a different bill yet to be addressed. So, I appreciate the unanimous support on the passage of the amendment and would ask for the same unanimous support on the passing of the bill as amended. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

JUDICIARY
SB 388, relative to satellite dispensaries for therapeutic cannabis. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Judiciary
March 6, 2018
2018-0952s
01/04

Amendment to SB 388

Amend the title of the bill by replacing it with the following:

AN ACT relative to dispensary locations for therapeutic cannabis.

Amend the bill by replacing sections 1 and 2 with the following:

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6 by inserting after paragraph III the following new paragraph:

IV. The department may adopt rules regarding the establishment of a second dispensary location by the alternative treatment center described in RSA 126-X:7, X including, but not limited to, fees, operational requirements, and geographic location.

2 New Paragraph; Use of Cannabis for Therapeutic Purposes; Dispensary Locations. Amend RSA 126-X:7 by inserting after paragraph IX the following new paragraph:

X. If the department determines that having additional locations for the dispensing of therapeutic cannabis is necessary to adequately and effectively meet the needs of qualifying patients and designated caregivers, the department may authorize the alternative treatment center allowed to operate in the geographic area that includes Carroll, Coos, and Grafton counties, not including the town of Hanover and the city of Lebanon in Grafton county, to establish a second dispensary location within that same geographic area. A second dispensary location shall only be established in a geographic location approved by the department, shall be limited solely to the dispensing of cannabis and educational efforts, and shall not be used for cultivation or other activities relative to the production of cannabis. A second dispensary location shall be subject to rules adopted by the department under RSA 126-X:6, III, and any additional rules adopted by the department relative to a second dispensary location under RSA 126-X:6, IV, and all applicable provisions of this chapter relative to alternative treatment centers including, but not limited to, compliance with local zoning laws. The department shall, in conjunction with the local governing body of the town or city where the second dispensary location would be located, solicit input from qualifying patients, designated caregivers, and residents of the town or city in which the second dispensary location would be located.

2018-0952s

AMENDED ANALYSIS

This bill authorizes the department of health and human services to establish a second dispensary location in the geographic area that includes Carroll, Coos, and Grafton counties, for therapeutic cannabis.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 388 Ought to Pass with Amendment. This bill as amended allows the Department of Health and Human Services to establish an additional location for an alternative treatment center within the geographic area of Carroll, Coos, and Grafton counties. The committee heard testimony regarding the multi-hour drive times that some individuals in the North Country are faced with in order to retrieve their cannabis medications. By allowing for an additional location in that geographic area, some of the overly onerous driving times will be reduced, lessening the burden on individuals who have already been approved by the Department for medicinal cannabis. Therefore, the Judiciary Committee asks for your support in the motion of Ought to Pass with Amendment on Senate Bill 388. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10
Sen. Reagan, Dist 17
March 13, 2018
2018-1086s
01/04

Floor Amendment to SB 388

Amend the bill by replacing sections 1 and 2 with the following:

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6 by inserting after paragraph III the following new paragraph:

IV. The department may adopt rules regarding the establishment of a second dispensary location by the alternative treatment centers described in RSA 126-X:7, X including, but not limited to, fees, operational requirements, and geographic location.

2 New Paragraph; Use of Cannabis for Therapeutic Purposes; Dispensary Locations. Amend RSA 126-X:7 by inserting after paragraph IX the following new paragraph:

X. If the department determines that having additional locations for the dispensing of therapeutic cannabis is necessary to adequately and effectively meet the needs of qualifying patients and designated caregivers, the department may authorize the alternative treatment center allowed to operate in the geographic area that includes Carroll, Coos, and Grafton counties, not including the town of Hanover and the city of Lebanon in Grafton county, to establish a second dispensary location within that same geographic area. In addition, the department may authorize the alternative treatment center allowed to operate in the geographic area that includes Cheshire and Sullivan counties and the town of Hanover and the city of Lebanon in Grafton county to establish a second dispensary location within that same geographic area. A second dispensary location shall only be established in a geographic location approved by the department, shall be limited solely to the dispensing of cannabis and educational efforts, and shall not be used for cultivation or other activities relative to the production of cannabis. A second dispensary location shall be subject to rules adopted by the department under RSA 126-X:6, III, and any additional rules adopted by the department relative to a second dispensary location under RSA 126-X:6, IV, and all applicable provisions of this chapter relative to alternative treatment centers including, but not limited to, compliance with local zoning laws. The department shall, in conjunction with the local governing body of the town or city where the second dispensary location would be located, solicit input from qualifying patients, designated caregivers, and residents of the town or city in which the second dispensary location would be located.

2018-1086s

AMENDED ANALYSIS

This bill authorizes the department of health and human services to establish a second dispensary location in the geographic area that includes Carroll, Coos, and Grafton counties, for therapeutic cannabis. This bill also authorizes the department of health and human services to establish a second dispensary location in the geographic area that includes Cheshire and Sullivan counties.

SENATOR KAHN: Thank you, Mister President. This amendment is fairly straight forward. You look at lines 15-18 and the intent of this amendment is to provide for a second alternative dispensary unit in District 4, I'm sorry, in District 3. We just acted on District 4. And for all of you who can see, better than half of New Hampshire. But what we did when we created the four dispensary units is we created two in Grafton County, in Plymouth, and in Lebanon, and then we created two others and they're in Dover and in Manchester. So, the action that we've just taken enables the District 4 dispensary that is in Plymouth to locate a second location someplace else in District 4, and that makes good sense. The drive

times no doubt are two hours, maybe some more in some other areas. But if I just do as the crow flies…where is our colleague from District 1 because now, I know where Millsfield is. It actually is so small on this map I couldn't quite make it out. But Millsfield is essentially as far from Plymouth as Hinsdale is from Lebanon.

And I want to remind you of the story that I told on the floor last year. It was a letter that I received from Hinsdale. Mike is the dad writing the letter on behalf of his son, a twenty something year old, who had a skin disease, a nerve ending disease that caused the child to need on a regular basis a medical marijuana prescription, or treatment. He could not get sufficient product. He would drive from Hinsdale the two hours to Lebanon. He would not be able to pick up enough of the treatment in order to fill it out, and he'd return two hours later, and he felt why is this? Why have we created medical marijuana dispensaries and then make it so unfeasible for people to try to access what they are prescribed–I know it's not the right word, but let me use it–prescribed to access?

I received another call from another town in my district; also two hours away from Lebanon. A person who said it's not just that I have to drive the two hours, it's awfully expensive. And when I got the third call the person said it's cheaper for me to buy it off the streets than to drive two hours and purchase something that we have legitimized and tried to create in our state.

I've had the conversation with my colleague from District 14. I know that this is not an amendment that maybe is viewed timely by everybody, but I also followed up as suggested with the Department of Health and Human Services. To create an alternative dispensary is likely a process that takes a year. So, it's not a matter of wait a year and file another bill; this is wait two years. And this is setting up constituents in Sullivan and Cheshire County equal distance to Lebanon as we've just passed for the North Country to Plymouth. Setting up a situation where people are left with the illegal act in order to acquire something that we've prescribed for them to access. Why is it illegal? One; it's cheaper, more accessible to buy a product, less trouble to buy a product off the streets in the black market that's illegal. They shouldn't be doing that. And it's also going to be illegal when they start traveling to Bernardston thirty minutes away from the Southern tier of my area to purchase product and then bring it back across the state line. I don't think that these citizens in this state who have been prescribed medical marijuana should wait for us to act on this another year. So, I offer this amendment; I think its timing is right, and I hope that the body will approve this and approve the bill. Thank you, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator Kahn.)

SENATOR SANBORN: Senator, thank you for taking my question. I'm just trying to understand, I'm not sure if you have the answer. If not, maybe Senator Reagan will pop up in your defense. But if we have four locations today, we're debating a fifth, and you have introduced a sixth, are they all separate ownership or common ownership? And, obviously, my concern at some level is, are we creating some sort of a monopoly of distribution of the product. So is the requirement from HHS that they're separate ownership at every medical facility?

SENATOR KAHN: I can't answer that, and I'm sure if I do anything incorrect, I'd ask that somebody offer the correction. But I was told that, and the way that this is structured is that this is authorizing those

four dispensaries, and in this case two of them, to have an alternative, one single alternative location that they would be responsible for. So that's the way that this would be established in the three counties to the North, and that's the way it would be established in the two counties to the South.

SENATOR SANBORN: So if my understanding is correct there will still be four separately, independently owned medical marijuana dispensaries of which two of them will each have two locations.

SENATOR KAHN: They have the opportunity to set up an alternative location.

SENATOR SANBORN: Thank you, I appreciate that.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. First of all before I begin, in answer to the Senator from District 9s question, one company owns three locations. So, if you were to put a satellite location somewhere in the Keene area as well as in the North Country, that would mean that one company would own five locations as opposed to the one, then there would just be another one. So there is a big possibility in creating a monopoly for one company. And that was one thing that I was extremely concerned about and that's why only one was brought forward for the North Country.

Mister President, I rise objecting to amendment 1086s. This bill, as it came to us in the committee, was very confusing. If you were to read the testimony that we were given, we were confused. What are you asking for? Because they were talking about having satellite locations, but these satellite locations are doing the same thing as the bigger alternative treatment centers are doing. So, without putting a lot of time trying to define what a satellite location is actually going to do, I sat down with Mister Holt, from the Department of Health and Human Services, and we had a really great discussion about this.

Now I know most of you know I do not support medical marijuana, but you can see the need here for the people in the North Country. We did not have testimony as to any other location; it was only the North Country. And, quite frankly, they're located in the geographic area number 4, which is just about the whole northern part of the state, and it makes complete sense to have another alternative treatment center in the North Country to make it easier for people who live there to access their medication.

Now those of us that live in the southern tier, we're used to a drug store on every corner. We don't even think twice about it. How many drug stores are in your communities?

We were very, very careful when this legislation was being crafted. We had to be. Because don't forget, we've got the overarching Federal Government standing over us telling us this is illegal; you cannot be doing that. We are doing this in defiance of federal law, and we have to be very, very, very careful about what we're doing. This was part of the conversation that I had with Mister Holt, and we decided we will do this on a case by case method. The North Country makes a compelling case; those folks have to drive an incredible amount of time to access their medication. And, don't forget, we can't send it to them through the mail because it's illegal. So, we don't really have a lot of alternatives.

If there is going to be a discussion about having an additional dispensary down in the Keene area–and by the way, the other dispensary is

not located in Manchester, but it's located in Merrimack–that needs to be a separate issue with a separate discussion. You're really going to have to come in and talk about why you need to have another location in that area that's going to broach geographic area 3 as well as geographic area 4.

So, Mister President, I stand in opposition to Floor Amendment 1086s, and I would ask the body to join me in saying no. Thank you very much, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise in favor of…I support the amendment 1086s, and the reason I do is I wanted to say that I wished that everyone in this room had heard the testimony we heard in Health and Human Services regarding medical marijuana. In a time of a massive opioid crisis we heard from many people who found that the medical use of marijuana actually reduced or eliminated their addiction to opioids. Now you're just hearing it from me. I wish you had heard it from the mouths of the people who are experiencing this. It was profound. And this is the right time to think about how to make it available to anyone who is in that kind of crisis. I did, in the committee, bring up a couple of times the fact that I felt that Keene was in a similar situation and was very far from Lebanon, which I assume is the closest dispensary. You know, there have been an awful lot of elevated voices today, and I'm trying not to elevate mine, I don't have any desire to elevate mine. But I do feel that we all need to think about all of our citizens; that this should not be about the one that maybe was lobbied enough to show up. I had a pretty unusual experience recently with hearing about something that's illegal but we're not enforcing in New Hampshire, as well. So let's not have double standards about where we're going to enforce and we're not going to enforce. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Carson.)

SENATOR GIUDA: Thank you, Senator. I'm not familiar with but have always supported medical marijuana. What is the basis for the districts? I hear there are four districts in the state, and what's the basis for establishing those?

SENATOR CARSON: Thank you for the question. If I remember correctly, because this was a few years ago, the state was divided into geographic district because you wanted to make sure that there was an even distribution of these clinics. We had decided that there would only be four, and it was to ensure placement in appropriate areas around the state, so they didn't all cluster in Manchester, or in Concord, or out at the seacoast. So that was the process that was set up.

SENATOR GIUDA: In that discussion of establishing the districts was there any consideration given to the amount of time that it might take a person who needed this to get to the particular location that was selected within that district? Now was equity of time looked at, or was there some other metric?

SENATOR CARSON: Senator, I can't answer that question because I was not part of that discussion when that was put together. But I would like to point out to you that the gentlemen that came that represented Temescal Wellness–they have locations in both Dover and in Lebanon–in his testimony he did not speak to the need for an additional site in Keene, and he only addressed the needs of the North Country.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I'm certainly not advocating on behalf of just Keene. I just want to make that clear. It's something I haven't even tested on people in Keene except to say don't you think that Western New Hampshire is not well served by having a single location in Lebanon? And that is a unanimous sentiment. And to my colleague in Senate District 12, it was a day I was in Hinsdale, started my day there; there was a funeral I needed to go to over in Bedford. I said no problem I'll be there in a little over an hour. Oh my God, I traveled Route 119 over to Route 101; it took an hour and forty minutes to get to Bedford, let alone to get to Merrimack. I would have preferred to go to Lebanon at that point.

So I just have to…what compels me…if these were things that happened immediately, if people could set these up with all the regulations that we've set up; if these could be set up in the year that we create this– but it doesn't happen that way. It takes a long time. We set up strict guidelines. So I just can't put this…it's hard for me to accept that we would act on one and not on another and put this off so that it would be three years before we address this, leaving this illegal path for people to acquire something cheaper. And I can't be accepting of that without at least advocating on behalf of the citizens of Western New Hampshire. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise with cautious optimism and cautious support and ask the body to consider the amendment because I happen to agree with my good friend from Keene that forcing people to travel long distances is difficult. But he brings up another point that I think is equally important that this body needs to consider in the future. He talks about the fact that people are finding it necessary to go buy marijuana, weed, dope on the street because of the inconvenience of having to drive two and a half to three hours. The truth is my concern continues to be that of a government imposed monopoly. You know we know today that they're charging $450 or $600 or $800 an ounce, in some cases; across the country look at what's being charged. And an ounce on the street in the black market is $130 to $230. So just a government regulation itself, not just an addition to the travel, is showing what getting government involved in products actually does to people. So while I am supportive of people having access, and as the Senator probably doesn't know I've been involved in this bill since the day it came out, I think with Senator Forsythe. I think this body needs to be concerned long term as to whether or not we're establishing a monopoly with a single or just a couple of players and allowing that monopoly to charge what some would consider be a significantly over market prices for a product. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President, and thank you for recognizing me to speak again. I'd like to remind everybody about the process that these companies go through. They have to get a local yes; the locals have to decide yes, we will allow this into our community. And Temescal Wellness, the company that's located in geographic area 3, they made the business decision to try to locate in Lebanon. I would hope that as a business they looked at that entire district about where they could be located that would better serve all the people within that district.

They chose Lebanon and the city of Lebanon accepted them. The people of Lebanon accepted them. Mister President, I don't want to open the door to having 10, 15, 20 of these satellites everywhere, or these new clinics everywhere; that is not the intent of the program that was passed. That is why this is being done on a case to case basis. A decision was made about that process and how long it was going to take that was done a few years ago, and it has worked. We are opening the door and we are saying okay, we realize there's a problem in one area; that is what we had in front of us; and we decided okay this makes sense, put another dispensary up in that area to serve that population. We need to be very, very, very careful. Either that, Mister President, somebody file a bill and study the whole thing all over again and come up with an alternative method. This is working. This is working. Thank you very much, Mister President.

(The Chair recognized Senator Hennessey for a question of Senator Sanborn.)

SENATOR HENNESSEY: I'm just curious–a couple things, two issues in one question. First of all, I'm interested in your calculations around a monopoly because my understanding is that we have three out of four that are owned by the same person right now, which is 75 percent. And if we end up with four out of six don't we have 66 percent?

SENATOR SANBORN: Senator, thank you for the question. And I think the statement was five and one, and if you remember my response was a monopoly or darn near close to it. As obviously we also need to look at the proportion of the population, not just the single location themselves. But five out of six would be very close, and it would be my concern if we're walking the path of having too few distributors for the people we have, which could lead to price fixing.

SENATOR HENNESSEY: I guess we heard something different because I heard that we would then, with the addition of the one that would be in Keene, would be four out of six would be owned by Temescal.

SENATOR SANBORN: And that would be my apologies. I thought it would be five and one.

SENATOR HENNESSEY: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of this amendment. A business person is not going to look at what's best; he's going to look at where the concentration is of expectation of purchases. We have a policy that's been passed by the state that says we're going to distribute medical marijuana to people, and by restricting these facilities to distances we're in fact working against the espoused policy of the state. For someone to have to travel three hours is de facto, overriding the policy that we've set as state law. It is already and accepted and approved that the medical marijuana is a valuable and viable part of treatment for people, veterans, others who have cancers, eye problems, glaucoma, all of these things. So, we're not going to debate a policy, but we're doing that by saying we can't spread out the number of distribution centers. We are de facto working against the established policy of the state, and so for that reason and for the reason that we owe these people who have been given, okay, the right to purchase a righteous opportunity to be able to purchase, and to fail to do so actually is overruling the policy you've set as a state. I would ask you to pass this amendment, and I thank you, Mister President.

PRESIDENT MORSE: I just want to remind the Senators that committee work started six minutes ago.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I will try to be brief. I am in favor of medical marijuana. I was when it first came through; I forget whether I was in the House or the Senate when the bill came through. It was, as you can imagine, a difficult job to do. And a committee met for many years after that to establish the right parameters and make it palatable to everyone and get the best possible working of this bill for people that are in need of medical marijuana. If any of you, and I urge you to go to one of these dispensaries. It's not a, you know, okay give me your nickel and I'll give you a nickel bag, and, you know, whatever. It is run by extremely qualified people who are like physicians. They know–and I was totally impressed, and I've been to one in Colorado, and been to the one here–that they know what they're doing. Every patient is treated as a patient and it is a singular thing. These are not easy to just say whether it's a dispensary or just somebody giving it out. It's not just done willy-nilly. I urge you to–I'd like to see more, but it takes time and it has taken time to get to this stage, and I believe that, you know, again, as much as I'd like to see them probably, you know, in every city or town, I think we need to go slowly.

The other issue is these can't be run by just anyone. So, it's a very specialized field. It's a very specific field and as, again, as much as I think the Senator from District 10 has some valuable concerns, as do every one of us who have people that are on medical marijuana. But I do believe that the committee has looked at it, and the Chairman has spent a good deal of time talking with the right people about getting this, if we move forward, getting it done right. So I urge you to vote down this amendment and vote for the committee. Thank you.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Very quickly, a retort to the Senator from District 2 and his comment, but I would also caution the Senate that each of these, because of their locational constraints, are effectively monopolies; and with a monopoly comes pricing power and control of supply. And I think the Senate should be very mindful of that going forward. 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 Giuda.

The following Senators voted Yes: Giuda, Watters, Hennessey, Sanborn, Kahn, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Innis.

The following Senators voted No: Woodburn, Bradley, Gray, French, Ward, Daniels, Avard, Lasky, Carson, Birdsell, Gannon, Morse.

Roll Call, Yeas: 12 - Nays: 12. Failed.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SPECIAL ORDER

Without objection, the following bills are special ordered to Thursday, March 15, 2018. Adopted.

JUDICIARY
SB 499, relative to the applicability of certain DWI prohibitions.
HB 287, establishing a committee to study decriminalizing sex work.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Mister President, I would ask that House Bill 1278 be special ordered for one additional week to resolve an issue. The Farmington selectmen won't meet until after that date, the 15th.

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, March 22, 2018. Adopted.

TRANSPORTATION
HB 1278, naming the rest area in Colebrook after Frederick W. King, Sr.

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 Sanborn: SB 318, SB 388, SB 423, SB 446, SB 463-FN, SB 475, SB 499, SB 525-FN, SB 540-FN, SB 546-FN, SB 553-FN, SB 568-FN, SB 581-FN, SB 582-FN, SB 590-FN-A, SB 592-FN-A, HB 287, HB 1278
Senator Soucy: SB 553-FN

LATE SESSION

Third Reading and Final Passage

SB 446, relative to net energy metering limits for customer-generators.
SB 475, relative to testing for Lyme disease.
SB 540-FN, relative to the counting of kindergarteners for "average daily membership in attendance" and relative to the operation of keno games in unincorporated places.
SB 546-FN, relative to purchasing alliances.
SB 581-FN, relative to compounding of drugs.

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.

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 215-FN, permitting the university system of New Hampshire and the community college system of New Hampshire to participate in the state health insurance plan.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session. Adopted. Adjournment from the Late Session.

March 15, 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.

God we give you thanks for giving us another day. We use this moment to be reminded of your presence and to tap the resources needed by the members of the New Hampshire State Senate, to do their work as well as it can be done. May they be led by a spirit of wisdom, justice and peace in the decisions they make. May they be spared from any tensions that might tear the people's legislature apart and from worries that might wear them out. All this day, may they do their best to find solutions to pressing issues facing our state. Please hasten the day when justice and love shall dwell in the hearts of all people and rule the affairs of the nations of earth. May all that is done this day be to serve the people of New Hampshire so that we all might prosper in life, liberty and the pursuit of happiness. Amen.

Senator Ward led the Pledge of Allegiance.

MOTION OF RECONSIDERATION

Senator Woodburn, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 388, relative to dispensary locations for therapeutic cannabis.: Rescind Order to the Committee on Finance, Reconsider the vote on Ought to Pass as Amended, Reconsider the vote on Senator Kahn's Floor Amendment 2018-1086s. Adopted.

JUDICIARY
SB 388, relative to satellite dispensaries for therapeutic cannabis.

Senator Woodburn moved Floor Amendment 1086s.

Sen. Kahn, Dist 10
Sen. Reagan, Dist 17
March 13, 2018
2018-1086s
01/04

Floor Amendment to SB 388

Amend the bill by replacing sections 1 and 2 with the following:

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6 by inserting after paragraph III the following new paragraph:

IV. The department may adopt rules regarding the establishment of a second dispensary location by the alternative treatment centers described in RSA 126-X:7, X including, but not limited to, fees, operational requirements, and geographic location.

2 New Paragraph; Use of Cannabis for Therapeutic Purposes; Dispensary Locations. Amend RSA 126-X:7 by inserting after paragraph IX the following new paragraph:

X. If the department determines that having additional locations for the dispensing of therapeutic cannabis is necessary to adequately and effectively meet the needs of qualifying patients and designated caregivers, the department may authorize the alternative treatment center allowed to operate in the geographic area that includes Carroll, Coos, and Grafton counties, not including the town of Hanover and the city of Lebanon in Grafton county, to establish a second dispensary location within that same geographic area. In addition, the department may authorize the alternative treatment center allowed to operate in the geographic area that includes Cheshire and Sullivan counties and the town of Hanover and the city of Lebanon in Grafton county to establish a second dispensary location within that same geographic area. A second dispensary location shall only be established in a geographic location approved by the department, shall be limited solely to the dispensing of cannabis and educational efforts, and shall not be used for cultivation or other activities relative to the production of cannabis. A second dispensary location shall be subject to rules adopted by the department under RSA 126-X:6, III, and any additional rules adopted by the department relative to a second dispensary location under RSA 126-X:6, IV, and all applicable provisions of this chapter relative to alternative treatment centers including, but not limited to, compliance with local zoning laws. The department shall, in conjuction with the local governing body of the town or city where the second dispensary location would be located, solicit input from qualifying patients, designated caregivers, and residents of the town or city in which the second dispensary location would be located.

2018-1086s

AMENDED ANALYSIS

This bill authorizes the department of health and human services to establish a second dispensary location in the geographic area that includes Carroll, Coos, and Grafton counties, for therapeutic cannabis. This bill also authorizes the department of health and human services to establish a second dispensary location in the geographic area that includes Cheshire and Sullivan counties.

PRESIDENT MORSE: Senator Kahn would you like to speak to that Floor Amendment before we revote? No?

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd just like to reiterate a couple of things about this because we talked about this at length yesterday. I'd like to point out a couple of things. First of all, the committee had no testimony whatsoever about the need for what was originally conceived to be a satellite; we didn't even know what the satellite was or what it was going to look like; there were no provisions for satellites. In meetings with Mister Holt it was decided that the need was great in the North Country, and so we were going to put one more full dispensary in the North Country. Now we have an amendment for one down in the Keene area.

Mister President, we don't even know if the Temescal, which has the clinic in that area, even wants to put one in here. We talk about being pro-business and the government should stop telling the businesses what

to do, but this amendment tells Temescal you will put one in this area. We don't even know if they can. I would imagine when they did their analysis of where the population was going to be, they chose Lebanon for a reason. And now we are telling them you will put one in the Keene area.

Mister President, we should not be in the business of telling business owners where they have to put their businesses. I know this deals with medicinal marijuana, and we all know, and we all agree that there were going to be four geographic areas with one clinic in each area. But the circumstances in the North Country are truly, really beyond the pale. These folks really have to travel a very long distance to get their medication. We had no evidence, no testimony, no nothing from anybody in any other geographic area in the state and I am very concerned about what we are doing with this amendment today.

So I'm going to ask everyone to please vote down amendment 1086s, just as we did yesterday, and thank you very much, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. You know we're here because we represent our constituents. I've heard from my constituents. I'm sorry my constituents weren't as vocal at a hearing. The bill started out wide; it got very narrow. And Mister Holt, you know, we shouldn't throw the guy under the bus. He said if there was then another one to be had it would be in the region that is currently represented by Lebanon and where people have to drive two hours from Hinsdale. I'll tell you last night it was a bad two hour drive. I think this meets the needs of the people of the state, it meets the needs of the people of the people in my region. And, this isn't something just to put it off, let's have another hearing; this is putting it off for two years, and I'd like to see that this got addressed in a faster manner. I appreciate Senator Woodburn bringing this back up. I know he feels badly about his vote yesterday. I think if we remember the testimony from yesterday I don't need to say anything more. I think this body had the collective will to want to proceed and ask the Finance Committee to pass that there be two dispensaries. I sure hope that we do this today. I wouldn't have brought this forward if I thought anything other than this is in the best interests of people in Western New Hampshire. Thank you very much, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of Floor Amendment 1086s. There's nothing in this amendment that mandates that a business do anything. It allows the department to analyze and to see if there's a need; and if there's one, to establish a satellite dispensary. There's no mandate to business. It also requires permission of the community. So all the stipulations that were in the original law remain. All this does is say we're not going to insert ourselves as a means to try to stop the public policy that's been approved by the legislature and signed by the Governor. There are people who are in such bad shape they can't drive two hours, okay, or three hours, or at night. And so the point is, what's the point of the medical marijuana? It's to help somebody that has a defined, doctor recognized problem that meets the criteria to serve their medical need. And I'm just astounded that we consider saying no, we're not going to facilitate the ability of people, many of whom cannot travel, many of whom are scared of traveling, many of whom are injured, to say too bad. That's veterans, that's friends of mine, I'm sure it's friends of yours; that's people with glaucoma, that's people with

cancer. To insert ourselves into the realm that says we're going to, with a maneuver, stop your ability to access that which you're lawfully entitled to get, fully under the cognizance of the state, fully under the control of the state, fully with the permission of the community; I think we do ourselves un-proud in that case. Thank you, Mister President.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. I rise as the Senate member of the Cannabis Advisory Council, and this helps relieve a problem that we see every time we meet with lack of availability. In the original bill we argued for caregivers to be able to serve as many people as they chose to care for, but due to resistance by the Chiefs of Police Association we severely limited the care givers and caused all this awkward strain on already ill people trying to obtain legally recommended cannabis to treat and avoid the use of opioids. So, on behalf of the Council, I encourage passage of this amendment and passage of the bill.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. Again I rise to remind all of you we had no testimony, nothing, nothing about the need for an additional dispensary out in Sullivan County; nothing, absolutely nothing. We're going to make a decision based on not having any testimony. As the Chair of the committee I did not receive one phone call, one e-mail, no letters from anybody who lives in this area asking for an additional dispensary in that area. Nothing. I think we need to really, really think about this. I have made a commitment to my good friend from Senate District 10 that if he was to take this amendment and bring it to the House that I will work with him and the committee to get that additional location. I just cannot see us voting on something where we have had no testimony. Nothing. No testimony from the owner of the clinic in that area. No testimony from any constituents. Nothing. I think we need to be really careful here with what we're doing, and really think about it. And again, I will remind you, I have made the commitment to the Senator from District 10 that I will work with him when this bill gets over to the House. Thank you very much, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I would much rather send a complete package over to the House, which I believe would probably pass, than get into the situation where we're going back and forth with concur and nonconcur and committees of conference potentially; send the bill over, there's no harm. All the laws currently in place remain in place. With respect to the fact that there was no testimony, it was Edmund Burke that said, "Our people elect us not only for our industry but for our judgment as well." And if you think that restricting the ability of veterans, and people with cancer, and blind people, and glaucoma and so forth is good judgment when the law has already been passed allowing the dispensation of medical marijuana throughout this state, I think we do ourselves as a body, I think we do our suffering people a disservice, and I think we do the state a disservice. 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 Carson.

The following Senators voted Yes: Woodburn, Giuda, Watters, Hennessey, Sanborn, Kahn, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Innis.

The following Senators voted No: Bradley, Gray, French, Ward, Daniels, Avard, Lasky, Carson, Birdsell, Gannon, Morse.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

INTRODUCTION OF GUESTS

(The Chair recognized Senator Gray.)

SENATOR GRAY: We have with us today some of the brightest and the best students in the state of New Hampshire. The Henry Wilson Memorial School in Farmington, New Hampshire. I've given them a homework assignment. The homework assignment is that when they turn eighteen, what are you supposed to do? Vote. Vote. Thank you for coming. Thank you all.

REGULAR CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 323, relative to rehiring of laid off classified state employees.
Ought to Pass, Vote 4-0. Senator Cavanaugh for the committee.

SENATOR CAVANAUGH: Thank you, Mister President. I move Senate Bill 323 Ought to Pass. The intent of this legislation is to give preference for employment of laid off classified state employees. The legislation states if possible, if a state employee's laid off and said person is not currently employed by the state of New Hampshire, and if he or she meets the minimal qualifications for the position and does not receive a promotion as a result of the rehire, such promotion should be filled by the state employee who has been laid off. This rehire provision fills a vacant funded position that other agencies are trying to fill with a state employee recently laid off. The language in this legislation is needed in order to allow a qualified employee who is laid off, hiring preference in different agencies. The ED&A Committee voted 4-0 Ought to Pass and asks for your support in its passage. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 373, requiring rulemaking by the department of corrections.
Ought to Pass with Amendment, Vote 4-0. Senator Cavanaugh for the committee.

Senate Executive Departments and Administration
March 7, 2018
2018-0995s
05/10

Amendment to SB 373

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Corrections; Powers and Duties of Commissioner; Rulemaking. Amend the introductory paragraph of RSA 21-H:8, III to read as follows:

III. The commissioner shall adopt***, as rules under RSA 541-A,*** such reasonable internal practices and procedures, [~~which shall not be considered rules subject to the provisions of RSA 541-A,~~] ***except for security protocols,*** as may be necessary to carry out the duties ***and programs*** of the department and its divisions, consistent with this chapter. These procedures shall include at least the following elements:

2 Department of Corrections; Powers and Duties of Commissioner; Rulemaking. Amend RSA 21-H:8, XI to read as follows:

XI. The commissioner and the commissioner of the department of health and human services shall jointly establish procedures for sharing data, at least in the aggregate, on delinquents and offenders for purposes of correctional planning and needs assessments. These procedures shall not be considered rules subject to RSA 541-A***, but shall be subject to RSA 91-A,*** and shall be established so as to ensure compliance with state and federal confidentiality and privacy laws.

3 Behavior of Inmates. Amend RSA 21-H:14 to read as follows:

21-H:14 Behavior of Inmates. The commissioner shall establish written standards regarding the behavior and responsibilities of inmates. These standards shall be made available to all such inmates and shall be considered public records. These standards shall [~~not~~] be considered rules**,** subject to the provisions of RSA 541-A***, unless the standards are needed on an emergency basis, in which case they shall be exempt from the rulemaking requirements of RSA 541-A***.

4 Sentences and Limitations; Home Confinement. Amend RSA 651:2, V(e) to read as follows:

(e) The department of corrections [~~and the various county departments of corrections~~] shall adopt rules ***pursuant to RSA 541-A*** governing eligibility for home confinement, intensive supervision**,** and special alternative incarceration programs.

5 Repeal. RSA 541-A:21, I(aa), relative to the rulemaking exemption for internal practices and procedures of the department of corrections, is repealed.

6 Effective Date. This act shall take effect one year after its passage.

2018-0995s

AMENDED ANALYSIS

This bill revises certain rulemaking requirements for the department of corrections.

SENATOR CAVANAUGH: Thank you, Mister President. I move Senate Bill 373 Ought to Pass with Amendment. This legislation removes rulemaking exemptions under the Administrative Procedure Act for the Department of Corrections and requires various policies and procedures of the agency to be adopted by rules. The bill, as amended, trims down sections and focuses on three core sections; general rulemaking provision, provisions relating to the work with the Department of Health and Human Services, and behavior of inmates. The legislation states the commissioner shall adopt, as rules under RSA 541-A, such reasonable internal practices and procedures, except for security protocols, as may be necessary to carry out the duties and programs of the department. The ED&A Committee voted 4-0 Ought to Pass with Amendment and asks for your support in its recommendation. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 455, relative to state employees injured in the line of duty.
Ought to Pass, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 455 Ought to Pass. This legislation exempts from public disclosure the details of an injury sustained by a state employee in the line of duty

and was requested by the Department of Health and Human Services in consultation with the New Hampshire Department of Justice. Statute states, that if an injury received by any state employee in the line of duty by either a hostile act, or by an act caused by another during the performance of their duties which are considered to be dangerous, and the employee is temporarily unable to perform their duties, such employee shall remain on active payroll and shall not be charged against annual or sick leave. This bill specifically states, the employee's name and details of the injury shall be exempt from public disclosure pursuant to RSA 91-A:5, IV (Records pertaining to internal personnel practices). The ED&A Committee voted 4-0 Ought to Pass and asks for your support in its passage. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Carson.)

SENATOR GIUDA: Thank you, Senator. Does this in any way impact accident investigations, would it make things difficult for insurance companies or investigating agencies as far as disclosure of names and so forth?

SENATOR CARSON: No. This deals with releasing the person's name to the public. Accident investigations and insurance, they're very different. But this is about publishing their names in the newspaper. Which is what a case that we were given.

SENATOR GIUDA: Thank you very much.

SENATOR CARSON: You're welcome.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 458, authorizing the purchase of retirement system creditable service by a certain surviving spouse.
Ought to Pass, Vote 3-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 458 Ought to Pass. This bill will allow for the election, by a surviving spouse of the Group II Retirement System, to purchase up to one month of credible service. In recognition of prior military service and nearly 10 years of service in the Group II Retirement System, the surviving spouse of Officer Matthew L. Moore, a police officer who died January 23, 2016, may purchase up to one month of service, as credible service on behalf of Matthew L. Moore in order to receive his death benefit. The ED&A Committee recommends Ought to Pass and asks for your support in this recommendation. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. This is a piece of legislation that I put in for the family of Officer Matt Moore from Hampstead. Terri, his wife and his two daughters McKenna and Brynn. Matt Moore was a marine veteran. He joined the Marine Corps in 1996 and took part in the invasion of Iraq in 2003. He later became a police officer in Sandown, Pelham and Hampstead. While serving as a Hampstead police officer in the fall of 2014, Officer Moore was diagnosed with stage III brain cancer and he and his family fought a courageous battle but in January of 2016 they lost the battle and Matt passed away. The reason for the legislation is Officer Matt Moore had a total of 9.91 years of service as a police officer. One month shy of the ten years needed to be vested. If Officer Matt Moore were vested his family would be eligible for a portion of his pension. However since he is not, his family is only entitled to a one-time payment. We're trying to help Officer Moore's family by getting

him the additional credit so he can be vested. I discussed this with the chair of the Hampstead Selectmen and they are willing to contribute to the town's portion of what they would have owed and his wife, Terri is willing to pay out the contribution that Matt would have contributed. Therefore the retirement fund will be made whole. I ask you to please support Officer Matt Moore's family and vote Ought to Pass on Senate Bill 458. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 459, relative to reciprocity for licensure as a real estate broker or salesperson.
Ought to Pass, Vote 3-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 459 Ought to Pass. This legislation establishes statutorily, the ability for real estate brokers and salespersons to grant reciprocal licenses. The bill would provide for the licensure in this state for real estate brokers and salespersons holding a license in good standing from another jurisdiction and who qualify for licensure. The ED&A Committee voted 3-1 Ought to Pass and asks for your support in their recommendation. Thank you, Mister President.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. I was the no vote on this. The reason is we do have reciprocity agreements right now with Massachusetts, Maine and Vermont. And they do have pre-licensing agreements that they can waive, which is the forty hours they have to take. And I just feel it hasn't been offered by the commission, the Real Estate Association I should say, and I don't really think there's a need for this. So, thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I've had constituents talk with me about this. They are licensed brokers and agents. Here's their case: I have a property I'm selling and I have an interest from somebody from out of state. They want to be represented by a friend who has no license in the state of New Hampshire, has no intent to be licensed in the state of New Hampshire, but wants to be a party to that transaction. I believe that this bill gives that person the opportunity after they've disclosed to all parties I'm not licensed in New Hampshire, but I'm representing my client to then draw the brokers agents partial commission on that sale. That seems to New Hampshire licensed agents to be something they don't have the privilege to do when they go to other states. Why would we then be dividing the business share of income with people from out of state that have no intent or license to practice in the state of New Hampshire? That's the way it's been explained to me. If I've got this wrong, so be it, please let me know, but if I've got this, if they've explained this right, represented it right, then I think that this is probably a bad amendment, something that I'd be voting against. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd like to point out to the body that this bill is a result of an LBA audit, that this wasn't language that somebody just sat down and drew up on their own. Our good friend from Senate District 2, this is his bill and but this is also a

housekeeping bill. So if you look at the testimony that the Real Estate Commission, they were neutral, the realtors were neutral on this legislation. So again, I'd just like to point out, this is the result, one of the results from an LBA audit, and I think that that carries a lot of weight. Thank you very much, Mister President.

(The Chair recognized Senator Daniels for a question of Senator Carson.)

SENATOR DANIELS: Earlier this year we passed a bill, actually an amendment, to a licensing bill that took all occupations into reciprocity with all states. How does this work with that?

SENATOR CARSON: I would imagine that it would, could work together with that bill, I believe you're talking about Senate Bill 334. It could work together. I don't see them as being opposed to each other, but this legislation specifically came out of an audit. And as I said I think that carries a lot of weight.

SENATOR DANIELS: Would the passage of that other amendment satisfy the results of that audit?

SENATOR CARSON: Thank you, Senator. I don't think there's any guarantee that anything is going to pass, so I don't have a problem in sending two bills on the same subject matter to the House for them to consider.

SENATOR DANIELS: Thank you.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 461, relative to continuing education for real estate brokers and salespersons.
Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration
March 7, 2018
2018-0996s
10/05

Amendment to SB 461

Amend the bill by replacing sections 1 and 2 with the following:

1 Real Estate Practice; Continuing Education Requirements. Amend RSA 331-A:20, II(a) to read as follows:

(a) Continuing education [~~3-hour core courses~~] ***of 6 hours of total core coursework*** shall cover, but not be limited to, changes in state and federal laws dealing with real estate brokerage, housing, financing of real property and consumer protection as well as changes in state enabling laws dealing with zoning and subdivision practices. The core courses shall be designed to assist the licensee in keeping abreast of changing laws, rules and practices which will affect the interest of the licensee's clients or customers.

2 Rulemaking; Continuing Education; Topics. Amend RSA 331-A:25, IX to read as follows:

IX. A minimum of [~~a 3-hour core course of~~] ***6 hours of total core coursework in*** continuing education for active and inactive license renewal, and an additional [~~12~~] ***15*** elective hours of continuing education for active license renewals. ***The initial 15 hours of continuing education for salespersons prior to their first license renewal shall be established by the commission in specified topics or courses related to the salesperson's practice.***

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 461 Ought to Pass with Amendment. This bill was brought forward as a result of a collaborative effort between the New Hampshire Association of Realtors and the New Hampshire Real Estate Commission. The legislation, as amended, makes three changes relating to continuing education; it increases the required "Core Course" from 3 hours every 2 years, to 6 hours every two years; it increased the total number of elective continuing education classes from 12 to 15; and, it requires the Commission to specify topics or courses which a licensee would need to take prior to their first renewal. This brings New Hampshire more in line with nationwide requirements for a real estate licensure. The ED&A Committee voted Ought to Pass with Amendment and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. And for the record I am a thirty-four year licensed real estate broker in the state of New Hampshire. This bill raises the amount of continuing education, making us take, or the brokers take, and the sales people take six hours more every two years of continuing education. Six. I believe it raises the core to six hours from three to six every two years. And the others twelve to fifteen in electives. That's how I read it. Any additional studies for us is unreasonable. I have talked to my parents and they told me to kill this bill, too. They're eighty-seven years old, they're still active real estate brokers in the state. These courses aren't free. They have to pay for them. And if you take a six hour course or a three hour course guess what, it takes up your entire day. They're spending and I'm spending with twenty-one hours, I'm spending three days of my life listening to these classes where you just get pizza and Pepsi at the end. So I really ask this body to vote down this bill with the amendment. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Carson.)

SENATOR GIUDA: Thank you Senator, for taking my question. I, being Italian enjoy pizza. That said, I would ask is there some compelling reason that our realtors are being found short? Are they not measuring up to some standard, or are we just trying to raise the number of hours to comply with some national metric that says this is what we should have? Is there a problem that we should require more training?

SENATOR CARSON: Thank you for the question, Senator. I think with every job there are always changes, new laws. How many laws do we pass in this body every year, every biennium that people need to be up to date on? And so I believe that the commission is arguing look, we need to educate our members, so they can be the best realtors in the state to be up to date on all the new laws, any new practices. Don't forget we just passed legislation talking about reciprocity with licensure. You want to make sure that if you have a realtor that's coming from Montana who wants to come in here in New Hampshire that there's a basic level that everyone is starting on the same foot from. So what it does is it raises New Hampshire and it, I just don't understand the problem of taking three additional hours. It's updating you, you are a professional. You want to be on top of your game, you want to be on top of all new laws, rules and practices. And I don't see that as an imposition and neither did the rest of the committee.

SENATOR GIUDA: Are we saying then that the existing continued education requirements are inadequate? Was there testimony to that effect?

SENATOR CARSON: I don't recall whether or not it was inadequate, but I think that our Real Estate Commission and our realtors are interested in being the very, very best that they can be and they want to ensure that if anybody buys property in the state of New Hampshire and deals with a realtor that they are getting the best and the most educated realtor.

(The Chair recognized Senator French for a question of Senator Carson.)

SENATOR FRENCH: Senator, you keep mentioning the word realtor. Do you realize that's a trade name to a specific group? And there are thousands of independent brokers such as myself and my mother and father who live in the state that aren't part of this realtor board or group and they do oppose this legislation?

SENATOR CARSON: Well, thank you for your comments, Senator. But no one contacted me or the committee to be in opposition. So we can only go by the testimony that we've heard.

SENATOR FRENCH: Thank you.

(The Chair recognized Senator Daniels for a question of Senator Carson.)

SENATOR DANIELS: Just for clarification, you mentioned three hours of continuing ed. I'm looking at the bill and it looks like it's three additional hours of core courses and three additional hours of electives. Is that not correct or am I reading that wrong?

SENATOR CARSON: Yes, there's three hours in the core course and they're requiring a total number of elective continuing education classes from twelve to fifteen.

SENATOR DANIELS: So is that six hours–

SENATOR CARSON: I would imagine, I don't know if the some of these continuing education classes, how they are classified. Whether these electives sometimes I would imagine be more or less. You might take one class that's worth three hours or three classes that are worth one hour. We didn't have that information in front of us.

SENATOR DANIELS: Okay, thank you.

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: Bradley, Watters, Gray, Ward, Lasky, Carson, Cavanaugh, Soucy, Birdsell, D'Allesandro, Gannon, Morse.

The following Senators voted No: Woodburn, Giuda, Hennessey, French, Sanborn, Kahn, Daniels, Avard, Feltes, Reagan, Fuller Clark, Innis.

Roll Call, Yeas: 12 - Nays: 12. Failed.

Senator Bradley moved to Lay on the Table SB 461. Adopted.

SB 466, relative to political activities of commissioners of state agencies. Inexpedient to Legislate, Vote 3-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move Senate Bill 466 Inexpedient to Legislate. The bill states, that if you are a commissioner in state government you may not hold a campaign for elective office, serve as an officer of a political party or political committee, or act as a lobbyist. The language in this bill was questioned in committee

because it indicated that a commissioner could not use his or her own money to donate to a political campaign; that commissioners come before standing committees and provide testimony on legislation, which could be construed as acting as a lobbyist, and the legislation would forbid a commissioner from going to any kind of an activity and speaking. This legislation targets a true freedom of speech concern. The ED&A Committee voted Inexpedient to Legislate and asks for your support in their recommendation. Thank you very much, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition to this recommendation, and would simply state that this bill says we certainly do have rights. You have rights of free speech but when you're in your office as a commissioner drawing a salary, the honor of representing impartially, the state of New Hampshire, being appointed by a Governor who cannot fire you, that you have a solemn responsibility to stay clear of partisan political activities. Do you believe the commissioner should be contributing to candidates? Do you believe they should be serving in political office? Do you believe they should be attending partisan political events? If your answer's no then let's vote against this. This is based on common sense. I mean our postal employees and the Hatch Act, which says you limit your political activity, you do not reward political activity, these are government jobs. This is all about transparency, it's all about making sure commissioners are appointed to serve every person in the state of New Hampshire regardless of their political party, regardless of their political ideology. It does not prohibit them from doing the good work that they do and while I may not agree with that particular direction, but that is the job of the commissioner regardless who the Governor is. And I would just say, this idea is based on other states; state of New York, state of New Jersey, where they prohibit that type of political activity by commissioners. So basic common sense, let's overturn this and not let politics get in the way of this.

(The Chair recognized Senator Birdsell for a question of Senator Carson.)

SENATOR BIRDSELL: Thank you for taking my question. Just as clarification, 98-E, freedom of expression, doesn't that allow state employees to give their expression?

SENATOR CARSON: Yes it does, Senator and thank you for reminding me because I've been to a number of events where there have been state employees picketing outside any event, voicing their opinion and their displeasure with things that we have done. And if we're going to do this, we should do it for everyone who works for the state.

SENATOR BIRDSELL: Is the commissioner considered an employee of the state?

SENATOR CARSON: I would imagine so. I think they serve at the pleasure of the Governor.

SENATOR BIRDSELL: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. A commissioner can be removed. Clearly it takes an action of the Governor and Council, but a commissioner can be removed from office for cause. I'm not certain whether we don't have ethics rules in place already, and that might be a form of a question to ask but they are removable from office and it is

a freedom of speech issue and this is a conflict where we have an obligation to represent the entirety of the state and perform every duties without prejudice one way or the other versus your right to free speech. That's a question for the body to decide. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I just want to make a clarification. It's my understanding that commissioners serve fixed terms and do not serve at the pleasure of the Governor. That is my understanding of the way things operate in New Hampshire.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. Point of clarification. I was just informed by Senate attorney that commissioners are considered to be employees of the state. Thank you.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Fuller Clark, seconded by Senator Birdsell.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS
SB 342, requiring written disclosure of certain default budget items during the deliberative session.
Ought to Pass with Amendment, Vote 4-0. Senator Gray for the committee.

Public and Municipal Affairs
March 7, 2018
2018-1009s
06/01

Amendment to SB 342

Amend the title of the bill by replacing it with the following:

AN ACT requiring identification of specific items in the default budget.

Amend the bill by replacing section 1 with the following:

1 Default Budget. Amend RSA 40:13, XI(a) to read as follows:

XI.(a) The default budget shall be disclosed at the first budget hearing held pursuant to RSA 32:5 or RSA 197:6. The governing body, unless the provisions of RSA 40:14-b are adopted, shall complete a default budget form created by the department of revenue administration to demonstrate how the default budget amount was calculated. ***The line item details for changes under subparagraph (2) shall be available for inspection by voters.*** The form and associated calculations shall, at a minimum, include the following:

(1) Appropriations contained in the previous year's operating budget;

(2) Reductions and increases to the previous year's operating budget ***including identification of specific items that constitute a change by account code, and the reasons for each change***; and

(3) One-time expenditures as defined under subparagraph IX(b).

2018-1009s

AMENDED ANALYSIS

This bill requires identification in the default budget of specific items that constitute a reduction or increase to the previous year's budget.

SENATOR GRAY: Thank you, Mister President. I move Senate Bill 342 Ought to Pass with Amendment. This bill as amended requires a school board, in a district that has adopted the official ballot referendum form of meeting, to provide written documentations identifying certain specific cost items in the default budget at the deliberative session. This documentation will specify details for changes in the default budget to allow for absolute transparency. The information will be made available for inspection to the voters at the budget hearing to help create a greater understanding of where the tax dollars are being spent. I would ask you to please support the committee's recommendation of Ought to Pass with Amendment on Senate Bill 342. Thank you Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Daniels offered a Floor Amendment.

Sen. Daniels, Dist 11
March 7, 2018
2018-1014s
06/10

Floor Amendment to SB 342

Amend the title of the bill by replacing it with the following:

AN ACT requiring identification of specific items in the default budget.

Amend the bill by replacing all after the enacting clause with the following:

1 Use of Official Ballot; Default Budget. Amend RSA 40:13, IX(b) to read as follows:

(b) "Default budget" as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget ***and by salaries of positions that have been eliminated***. For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, as determined by the governing body, unless the provisions of RSA 40:14-b are adopted, of the local political subdivision.

2 Default Budget. Amend RSA 40:13, XI(a) to read as follows:

XI.(a) The default budget shall be disclosed at the first budget hearing held pursuant to RSA 32:5 or RSA 197:6. The governing body, unless the provisions of RSA 40:14-b are adopted, shall complete a default budget form created by the department of revenue administration to demonstrate how the default budget amount was calculated. ***The line item details for changes under subparagraph (2) shall be available for inspection by voters.*** The form and associated calculations shall, at a minimum, include the following:

(1) Appropriations contained in the previous year's operating budget;

(2) Reductions and increases to the previous year's operating budget ***including identification of specific items that constitute a change by account code, and the reasons for each change***; [~~and~~]

(3) One-time expenditures as defined under subparagraph IX(b)***;***
and

(4) Appropriations contained in the previous year's operating budget minus salaries of positions that have been eliminated.

3 Effective Date. This act shall take effect 60 days after its passage.

2018-1014s

AMENDED ANALYSIS

This bill requires identification in the default budget of specific items that constitute a reduction or increase to the previous year's budget.

SENATOR DANIELS: Thank you, Mister President. There is currently a situation when people get confused when they see a default budget that is higher than the operating budget. One of the reasons that happens is that a community, whether it's a town or a school, may eliminate positions but because the statute currently says that the default budget is last year's budget, you could have let's say, that you had three employees with $150,000 worth of salary. Currently you're not allowed to take that $150,000 worth of salary out of the default budget because the statute says that it's last year's budget plus or minus other things. So what my amendment does is to say that in the calculation of the default budget, that it would be reduced by the salaries of those positions which have been eliminated. I brought this in to the committee during work session and at that time I had referenced one part of it which was down on the second part on how the default budget was built, neglected and overlooked the part that there was a definition of the default budget which you see under section 1 of the bill. DRA and Newton New Hampshire Municipal Association weighed in on this. The only comment that they had was that the discrepancy between the two parts. So the amendment before you brings that uniformly in so that reduction of those salaries for eliminated positions exists both in the definition and the building of the default budget. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. The part of this that gives me pause is that it's emphasizing positions that have been eliminated and not giving consideration to those positions that might be added in the budget as well. So I obviously there are reallocations that happen, you eliminate some positions, you add some others for instance you might have a councilor position that vacates, and the need for an increased kindergarten class. It's just that's the kind of consideration I would hope takes place. I think one of the problems that we have here is that we ask our school boards, we expect our elected officials to pass operating budgets. When they don't pass, when we don't have an operating budget to pass, we have a default budget so that they continue to operate. The default budgets have guidelines. If you don't like the default budget then they should have worked to get an operating budget that the citizens would approve. So I'm just, I appreciate the way that the amendment was structured, the way that the bill is presented because its emphasis was on transparency. This begins to take the shape of doubting, or just taking a part of the budgets preparation about reduction without giving consideration to the other parts of the budget that should have been considered. And for that reason I just am not in favor of this amendment at this time, and I will be voting against it. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. The concerns of the good Senator from District 10 are taken into consideration because in the operating budget you would reflect that position that you are putting in. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. It does not though, it takes into account that in the operating budget, I just heard my colleague from District 11 say, but it doesn't take it into account in the default budget. So now we're asking something of the default budget on deleting of positions and not giving consideration to what the operating budget would have done to reallocate those. It just, it seems like we've given view to one part of the budget development and the default budget but not to the other party, the operating budget development and that seems to disadvantage the way that schools ought to be operating, moving dollars to the areas of greatest need.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. There's confusion here about what budget we're talking about. So the amendment gives an honest picture of what the default budget is. And it's up to the budget writers to give an honest picture of what the operating budget is. So this eliminates some of the chicanery that goes on in municipal budgeting to mislead people and how they vote on their operating budget. So I would encourage people to pass this, having worked on town budgets, that this makes it a more honest deal.

Recess. Out of recess.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President and colleagues. I rise to speak against this amendment in light of what happened in one of my towns, in Rollinsford a couple of years ago when it failed to pass an operating budget and actually the default budget was a larger budget than the operating budget would have been but you know those things happen. I think the problem here is that what this says. Let's say during the year of the budget that you're under, somebody resigns and you decide to reallocate those funds to another area, this is what our budget committees do in our towns, right? They make these kind of adjustments during the year. So what this bill would say is that if that kind of thing happened we essentially are contravening or stripping away the authority of the budget committee in the towns that have made that kind of adjustment during the year and say no as a matter of fact, if you ever did a change where somebody left their position or changed the position during that year, sorry that's done and in effect you lose that money that you might have reallocated. So I just think it really intervenes in the town budget making authority in a way that we should not do. 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 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.

A roll call was requested by Senator Kahn, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

SB 395, relative to access electronic records under the right-to-know law. Ought to Pass with Amendment, Vote 4-0. Senator Gray for the committee.

Public and Municipal Affairs
March 7, 2018
2018-1010s
01/06

Amendment to SB 395

Amend the title of the bill by replacing it with the following:

AN ACT relative to access to records under the right-to-know law.

Amend the bill by replacing all after the enacting clause with the following:

1 Right-to-Know Law; Minutes and Records Available for Public Inspection. Amend RSA 91-A:4, I to read as follows:

I. Every citizen during the regular or business hours of all public bodies or agencies, and on the regular business premises of such public bodies or agencies, has the right to inspect all governmental records in the possession, custody, or control of such public bodies or agencies, including minutes of meetings of the public bodies, and to copy and make memoranda or abstracts of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5. In this section, "to copy" means the reproduction of original records by whatever method, including but not limited to photography, photostatic copy, printing, or electronic or tape recording. ***If a citizen requesting access to governmental records is not able to appear during the regular business hours of a public body or agency of the political subdivision, the person may request an accommodation from the public body or agency. The public body or agency shall make a reasonable effort to accommodate the request. A reasonable effort to accommodate the request shall be at no additional cost to the public body or agency and may include making the records available for inspection at an alternative time and place. A public body or agency may, in consultation with the director of the division of archives and records management, develop guidelines for posting and providing records in portable document format/archival (PDF/A) or other approved format. The guidelines shall identify any costs which shall be paid by the requester such as printing the record or converting the format of the records. A public body or agency shall not be required to post or provide records electronically unless it is feasible to do so with reasonable effort.***

2 Effective Date. This act shall take effect 60 days after its passage.

SENATOR GRAY: Thank you, Mister President. I move Senate Bill 395 Ought to Pass with Amendment. This bill as amended clarifies access

to electronic records under the right-to-know law. Currently, if a citizen requests access to governmental records who is not able to appear during the regular business hours of a public body or agency it may create a barrier to the right-to-know. With this legislation a person may request an accommodation from the public body or agency to receive digital copies in PDF/A format or at another time or place specified by the town officials. This accommodation of such requests will be decided by guidelines created by the local governing body. The committee found that providing digital copies of records in PDF format allows right-to-know requests to be filled efficiently, inexpensively, and reinforces accessible government. I ask for your support the committee's recommendation of Ought to Pass with Amendment on SB 395. 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.

WAYS AND MEANS
SB 403-L, relative to the exemption for recreational vehicles from property taxation.
Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

Senate Ways and Means
March 7, 2018
2018-1012s
08/05

Amendment to SB 403-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 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.

2 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.

3 Effective Date. This act shall take effect April 1, 2019.

2018-1012s

AMENDED ANALYSIS

This bill removes the requirement that recreational vehicles exempt from property taxation have a valid motor vehicle registration and number plate. The bill also 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. Finally, the bill amends the definition of recreational campground or camping park to include a reference to an undetermined or indefinite amount of time.

SENATOR GIUDA: Thank you Mister President. I move Senate Bill 403 Ought to Pass with Amendment. This bill removes the requirement that recreational vehicles exempt from property taxation have a valid motor vehicle registration and a number plate. The Committee Amendment will protect the privacy of campers by ending the current practice of campground owners having to reveal the names of their guests to local assessing officials for the purposes of assessing property taxes. Furthermore, the amendment will treat all unregistered recreational vehicles the same regardless of where they are stored. This bill as amended by the committee will have no effect on mobile homes or trailer parks. Campground owners will continue to pay property taxes both on their entire parcel and on individual improvements on each of the sites. The Ways and Means Committee asks your support for the motion of Ought to Pass with Amendment. I thank you, Mister President.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. Again, I have the pleasure of introducing fourth graders from one of the prestigious schools in the state of New Hampshire, the Henry Wilson Memorial School in Farmington. I'm sure that we've got at least a Governor or a Senator up there in the gallery right now. And I thank them all for coming.

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, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: French.

Roll Call, Yeas: 23 - Nays: 1. Adopted, bill ordered to Third Reading.

SB 405, enabling municipalities to adopt a separate exemption against the statewide property tax for certain long-term residents.
Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

Senate Ways and Means
March 7, 2018
2018-1013s
05/04

Amendment to SB 405

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the effect of current use taxation on small and rural municipalities.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Current Use Taxation; Commission to Study the Effect of Current Use Taxation on Small and Rural Municipalities. Amend RSA 79-A by inserting after section 26 the following new section:

79-A:27 Commission to Study the Effect of Current Use Taxation on Small and Rural Municipalities.

I. There is established a commission to study the effect of current use taxation on small and rural municipalities.

II. The members of the commission shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) One member of the house of representatives, appointed by the speaker of the house of representatives.

(c) A representative of the New Hampshire Municipal Association, appointed by the association.

(d) A representative of the current use advisory board established in RSA 79-A:3, appointed by the board.

(e) One selectman from a town with current use and conservation easements, appointed by the governor.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study the effect of current use taxation on small and rural municipalities.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Three members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2018.

2 Repeal. RSA 79-A:27, relative to the commission to study the effect of current use taxation on small and rural municipalities, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

II. The remainder of this act shall take effect upon its passage.

2018-1013s

AMENDED ANALYSIS

This bill establishes a commission to study the effect of current use taxation on small and rural municipalities.

SENATOR GIUDA: Thank you, Mister President. I move Senate Bill 405 Ought to Pass with Amendment. The original bill sought to enable municipalities to adopt a separate exemption against the statewide property tax for certain long-term residents over 65 years of age; however, the Committee Amendment replaces the bill in its entirety. The Committee Amendment establishes a commission to study the effect of current use taxation on small and rural municipalities. However, I am asking the body to vote down the Committee Amendment so that I may offer a substitute Floor Amendment which simply adds greater detail regarding what the committee is tasked to study. The Ways and Means Committee asks your support for the motion of Ought to Pass with Amendment but please vote no on the Committee Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Failed.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
March 14, 2018
2018-1094s
05/10

Floor Amendment to SB 405

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the effect of conservation restrictions on the property tax in small and rural municipalities.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Current Use Taxation; Commission to Study the Effect of Conservation Restrictions on the Property Tax in Small and Rural Municipalities. Amend RSA 79-A by inserting after section 26 the following new section:

79-A:27 Commission to Study the Effect of Conservation Restrictions on the Property Tax in Small and Rural Municipalities.

I. There is established a commission to study the effect of conservation restrictions on the property tax in small and rural municipalities.

II. The members of the commission shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) One member of the house of representatives, appointed by the speaker of the house of representatives.

(c) A representative of the New Hampshire Municipal Association, appointed by the association.

(d) A representative of the current use board established in RSA 79-A:3, appointed by the board.

(e) One selectman from a town with property under current use and conservation easements, appointed by the governor.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study the following issues:

(a) Whether property under conservation restrictions is constitutionally eligible for current use assessment.

(b) Existing valuation and assessment methods for properties under current use and properties under conservation restrictions.

(c) The financial impact of current use and conservation restriction assessments and tax rates on the overall property tax rates in small and rural communities.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Three members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2018.

2 Repeal. RSA 79-A:27, relative to the commission to study the effect of conservation restrictions on the property tax in small and rural municipalities, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.
II. The remainder of this act shall take effect upon its passage.

2018-1094s

AMENDED ANALYSIS

This bill establishes a commission to study the effect of conservation restrictions on the property tax in small and rural municipalities.

SENATOR GIUDA: Thank you, Mister President. This amendment establishes a commission to study the effect of conservation restrictions on property taxation in small and rural communities. Lines 27 through 33 lay out the duties of the commission and they're very specific; they'll study whether property under conservation restrictions is constitutionally eligible for current use assessment. It will study existing valuation and assessment methods for properties under current use and properties under conservation restrictions. And it'll study the impact of current use and conservation restriction assessments and tax rates on the overall property tax rates in small and rural communities. I ask you for your support for the Floor Amendment. Thank you, Mister President.

(The Chair recognized Senator Carson for a question of Senator Giuda.)

SENATOR CARSON: Thank you for taking my question, Senator. I'm looking at who was actually on the commission and could you tell me why there isn't representation from the Forest Society or the Timberland Society on here?

SENATOR GIUDA: Thank you. It's a good question and I thank you for that. We are not looking for people with a vested interest in or against what might come out. We're looking for technical analysis of those three issues. From this commission will come a report, and I would strongly believe that anything that might emanate from that report would involve all of the people that have an interest in conservation easements and so forth. This is looking at the taxation question, okay? And that's why we limited it to a small group, the current use board is part of DRA. A selectman with a community that has both current use and conversation easements and a member of the Senate and a member of the House. And a member of the Municipal Association.

SENATOR CARSON: Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I rise in opposition to the Floor Amendment. I think the Floor Amendment is not a balanced commission either in composition or the duties of the commission. I think we just heard a question answer that signifies an imbalance with respect to the composition itself. The duties as well, drive to a potential certain conclusion. I think if this moves forward it needs to be much more balanced both in terms of composition and duties. And for that reason Mister President, I oppose the Floor Amendment. Thank you.

(The Chair recognized Senator Ward.)

SENATOR WARD: Thank you, Mister President. I will vote in opposition to the amendment. The current use is not something new in New Hampshire, we've had it for many years. It's part of the constitution which allows for taxation of real property based on its current use. Current use has been there to encourage open space in the state, and we all benefit from open space. It's good for our tourism, it's good for our health and it's good for all kinds of recreational activities. And my question, or one of my questions

about this amendment, how do you define small and rural municipalities, what is the definition for that? We have to realize that New Hampshire, almost 53 percent of New Hampshire is in current use. That means there's an awful lot of people who have property in current use and in addition to conservation easements. And I am questioning having five people with very limited experience on this board. It is not going to represent all the interests that are in New Hampshire as far as open space is concerned. And I think that commission should be expanded significantly. There are a lot of areas, a lot of groups that are interested in current use and conservation easements and I think we ought to have them as representatives on the board. We need to have landowner community. I would suggest the Forest Society, any other group that is interested in preserving the open space in New Hampshire which we all cherish very much. So for all these reasons I will be opposing the amendment. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd like to thank the good Senator from District 8. She took a lot of what I wanted to say. But I do think that this amendment has merit, I do think this is an issue that should be studied because as the chair of ED&A we have had bills coming in front of us that deal with land use and there are a lot of questions. My concern is with the makeup of the commission, and I agree with the good Senator from District 8 that I think that we need to include everybody who has an interest in this on this commission. And for that reason Mister President, I'd like to move to table this bill to give the good Senator from District 2 an opportunity to perhaps create another amendment. Thank you.

PRESIDENT MORSE: Senator, you can't make a motion after you've spoke.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I think we need to clarify even more explicitly what the language in this amendment says, okay? Current use is constitutional, but the premise of current use depends on removing land that is able to be developed from consideration for being developed by the owner. When you sign a conservation easement generally in perpetuity, you have foreclosed on development ever happening on that land. So that creates a constitutional question here, and that is really what we're looking at. This commission will just try to take a look at using the current use board member, okay, who's probably no one more versed in that law and in its application, a selectman, and the New Hampshire Municipal Association, just to look at the constitutional question and at the taxation issues that flow from that. We don't need the Forest Society, we don't need the environmental or any other groups. This has targeted a crucial constitutional issue and I might remind you, as our towns are scrapping for revenue, if land that is in a conservation restriction, is not constitutionally eligible for current use, we will then have to look at developing another layer or level of taxation or type of taxation, okay? I'm not an advocate for new taxes but I am an advocate for the constitution. We don't need Forest Society's never going in on their own vested interests to maintain the status quo. The status quo may very well be maintained but the question here is the technical people to look at this from a constitutional basis and a taxation basis. And that does not require a broad base of all the interests that want conservation easements and certainly this amendment does nothing to harm them. Thank you, Mister President.

Senator Carson moved to Lay on the Table.

A division vote was requested.

Yeas: 17 - Nays: 6. Adopted.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Watters.)

SENATOR WATTERS: I'm sorry I don't have the rules completely memorized but is it permissible to table an amendment?

PRESIDENT MORSE: We've tabled Senate Bill 405.

SENATOR WATTERS: Thank you.

SB 412, relative to agritourism.
Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

Senate Ways and Means
March 7, 2018
2018-1011s
08/04

Amendment to SB 412

Amend the bill by replacing all after the enacting clause with the following:

1 Agricultural Uses of Land; Existing Agricultural Uses. Amend RSA 674:32-b, II to read as follows:

II. Any new establishment, re-establishment after abandonment, or significant expansion of a farm stand, retail operation, or other use involving on-site transactions with the public, including agritourism as defined in RSA 21:34-a, may be made subject to applicable special exception, building permit, or other local land use board approval and may be regulated to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety. ***No municipality shall adopt an ordinance, bylaw, definition, or policy regarding agritourism activities that conflicts with the definition of agritourism in RSA 21:34-a.***

2 New Paragraph; Duties of Commissioner of Department of Agriculture, Markets, and Food; Agritourism Disputes. Amend RSA 425:4 by inserting after paragraph VIII the following new paragraph:

IX. Adjudicate disputes concerning activities that constitute agritourism pursuant to RSA 21:34-a. Prior to a party filing a land use application with a municipality, or after such land use application is denied, an applicant may petition the commissioner for a declaratory ruling regarding 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 question of whether or not a municipality's ordinance, bylaw, definition, or policy on agritourism conflicts with RSA 21:34-a. The commissioner, or the commissioner's authorized representative, shall notify the parties, hold a hearing within 30 days of such request, and shall issue a declaratory ruling within 15 days of the hearing. The commissioner's declaratory ruling shall be dispositive, including in future land use applications with a municipality where such ordinance, bylaw, definition, or policy is at issue. A party aggrieved by the declaratory ruling may petition the commissioner for reconsideration within 20 days of the declaratory ruling, and thereafter,

within 30 days of the decision on reconsideration, may appeal such decision to the New Hampshire supreme court. If the applicant petitions the commissioner for a declaratory ruling, all municipal appeal processes, including those defined in RSA 677:2 shall be stayed. The 30 day time period in which to request a rehearing shall begin on the next calendar day after the commissioner issues the declarative ruling, or after any appeal of the declarative ruling is complete. The commissioner shall adopt rules pursuant to RSA 541-A relative to the declaratory ruling process, including, but not limited, an allowance for timely intervention of an aggrieved party. A municipality shall furnish the commissioner with a copy of any non-confidential appeal decision on any land use application involving whether or not a municipality's definition or policy on agritourism conflicts with RSA 21:34-a.

3 Effective Date. This act shall take effect 60 days after its passage.

2018-1011s

AMENDED ANALYSIS

This bill prohibits municipalities from adopting an ordinance, bylaw, definition, or policy regarding agritourism that conflicts with state statute.

This bill also allows the commissioner of the department of agriculture, markets, and food to issue a declaratory ruling on whether agricultural activities constitute agritourism.

SENATOR GIUDA: Thank you Mister President. I move Senate Bill 412 Ought to Pass with Amendment. The bill is relative to the definition of agritourism. It's intended to address instances where a town denies a farmer's request to conduct an agritourism activity on their property. The bill in no way challenges the town's ability to challenge it. What it does is level the playing field between municipalities and individual farmers. The bill as amended by the committee will give a landowner an alternative method to address the rejection without going to court, which serves to chill individuals from taking the process forward even when they have a righteous complaint. So under this bill, they'll be able to seek a ruling from the Commissioner of Agriculture who supports this bill. Should the town disagree with the commissioner's ruling, they can appeal to the Supreme Court. Due process is preserved. The commission will only be ruling on whether the activity in question conforms or conflicts with the state's definition of agritourism. It does not get into parking, it does not get into life safety issues. It is totally left within the purview of the community as they should be. This just says is this definition of agritourism good with the activity that's contemplated or not? The Commissioner of Agriculture would make that determination. There is an appeals process if the community disagrees. The Ways and Means Committee asks your support for the motion of Ought to Pass with Amendment. I 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.

PRESIDENT MORSE: We're going to move on to the calendar 12A, but before we do that there's been several bills put on the table. It's my understanding that those bills may come back. If we could work on the amendments to bring those bill off the table, we can do them at the end of the session today or we can do them next week. We're on calendar 12A, which is the Committee on Finance.

ADDENDUM REGULAR CALENDAR

FINANCE

SB 309-FN, 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 Senate Bill 309-FN Ought to Pass. This bipartisan bill requires the Commissioner of the Department of Environmental Services to adopt a state drinking water standard relative to perfluorochemicals (PFCs,) establish ambient groundwater quality standards relative to PFCs, and establish surface water quality standards relative to PFCs. The Senate Finance Committee unanimously recommends passage of Senate Bill 309-FN, and asks for your support. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 331, prohibiting Medicaid from paying for sex reassignment drug or hormone therapy or surgery.
Inexpedient to Legislate, Vote 3-3. Senator Reagan for the committee.

SENATOR REAGAN: Thank You, Mister President. I move Senate Bill 331 Inexpedient to Legislate. The bill sought to disallow the coverage of sex reassignment drug or hormone therapy or surgery under the state Medicaid plan. After discussion that included the suggestion that the proposal would run afoul of the Affordable Care Act, and that funds to pay for such coverage would take money away from more needy recipients, such as the DD Waitlist, the committee was unable to come to agreement on the bill. Therefore, the motion of Inexpedient to Legislate is offered by the Senate Finance Committee on Senate Bill 331. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise in opposition to the Inexpedient to Legislate motion and would ask that the body overturn that motion so that an Ought to Pass motion can be brought forward. I'd like to start by saying that whether or not one chooses to go through transgender reassignment is a personal choice, and as such should be paid for with personal funds not public funds. In this last budget we spent a lot of money trying to address the opioid crisis, improving access to mental health, working to create and maintain a good economic environment so that people had jobs as well as several other initiatives that benefit the people of New Hampshire. In spite of all that a recent report indicated that we still have 161 people on the disability waiting list. People who through no choice of their own truly need the assistance of government to meet their daily needs.

If we are to continue down the path of publicly funded gender reassignment the money is coming from within the current budget. Most likely to the detriment of those on the DD waitlist who need the assistance most. Gender reassignment is not an inexpensive process. Consider the following cost reported in Teen Vogue Magazine by someone who went through the process. Hormone therapy; at least $1,500 a year to have hormone levels checked and to renew medication prescriptions. The cost for this person had reached $13,500 and the plan was to continue at $1,500 a year for the rest of their life. Transgender reassignment surgery; $30,000 plus. This step in the transition is very expensive and the average cost

is upwards of $30,000. In addition to the actual procedure there are also travel costs and hotel accommodations if a good physician does not live in the vicinity. Facial feminization surgery; $25,000 to $60,000. There's also a high price to pay for this procedure. Board certified surgeons that are qualified to do these procedures will charge anywhere from 25,000 to $60,000 depending on the amount of work that they have to do. Breast augmentation; $5,000 to $10,000. Breast augmentation surgery will cost between 5 and $10,000 and it all depends on the surgeon you choose, where that person is located and what type of implant you want. When all is said and done, this procedure could cost well over $100,000.

I want to make it clear that this has nothing to do with discrimination as some might claim. As of December 31, 2017 the developmental services waiting list was at 170, and it was projected that by the end of June 2018, this would grow to 190. In addition it's projected that an additional 126 people will go without services in fiscal year 2019. The projected number of people that will go unserved in the biennium is 316. To fund those additional people that are projected to need services for the remainder of the fiscal year, assuming an April 1, 2018 start date, it's expected to cost 1.16 million in general funds. To serve those projected, to need services in fiscal year 2019, another 2.7 million in general funds is needed.

My colleagues, this has nothing to do with discrimination, it has everything to do with prioritizing our financial spending. It has everything to do with taking taxpayer money that could be used by people who have been on the waitlist some for up to seven years, and giving it instead to people for elective surgery so that their bodies can be altered by cutting off healthy body parts. In conclusion, I will state again that the choice to go through transgender reassignment surgery is a personal choice and as such should be paid for with personal funds, not public. Please overturn the ITL motion so that an Ought to Pass motion can be brought forward. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise in support of the ITL recommendation to this bill and I also would like to just make a couple of comments on the notion of personal choice, being the inspiration for gender reassignment surgery. Now I'm going to spare you all, I'm not going to sing Lady Gaga's Born This Way, okay? Be grateful for that alright? But you know anyone who has a friend, family member or a colleague who has realized their transgender identity and has done what they really feel they must do to be who they are; I think would have a difficulty with the description of personal choice here.

And secondly, I just think it's quite unfortunate to essentially set up folks who are going to be needing Medicaid funding for their medical procedures over against folks who are dealing with opioids or over against the disabled community. I really think that's a very unfortunate comparison to suggest that people who are undergoing essential in their view, medical procedures which are allowed under Medicaid, that that somehow is taking money away from some disabled family or someone undergoing opioid treatment. I also remind the body that we will soon see a constitutional amendment on transgender issues and I think that's a very important statement that has come from the House and I hope we'll see success here and I think that this bill flies in the face of what the intent of that amendment will be.

And finally, just as on kind of personal note here, with students and dear personal friends who have been through gender reassignment, that we're talking about individuals who are trying to live their full lives as who they are and I really appreciate the chair of Senate Finance, of course you must be concerned with budgets and you do good work there, but I just think that sometimes that we have to look past the numbers to the people here and I do hope we'll vote this bill down. Thank you.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. In JLCAR we conducted a two hour hearing on a rule change brought by the Department of Health and Human Services to allow these expenditures for a recognized medically diagnosed condition called gender dysphoria. So these aren't people who want to cross dress, and they're certainly not pedophiles and they're certainly not people who are dying to get into somebody else's bathroom. These are people with a genuinely, honestly diagnosed, a medical diagnosis that is allowed by the CMS, the Center for Medicaid and Medicare Services and this is proven by medical evidence, by psychiatric evidence and it is not something, from my investigation, that's done lightly. This is a years and years long process for people who suffer from gender dysphoria.

Now, one in about every 2,000 live births were presented with an infant who has an indeterminate sexual description. And I said, well what do you do with these infants? And they said they do a lot of snipping and tucking and so that this child looks identifiable as a boy or a girl. But then when they get a little bit older, and they're interacting with, on the playground and in school and their families and in their neighborhoods, they find that something's not really comfortable here, something's wrong. So unfortunately child, you suffered an unfortunate stroke of fate that has you, and you know it, in the wrong body. So what can we do about this? And it leads to some very serious mental illness, horrible outcomes for people that are ignored or ridiculed. But modern medicine and modern psychiatric medicine has found a path for these people to lead as much of a normal life as they can ever expect to receive. That's what the therapies are about and that's why the medical community does not take this lightly and no, I don't believe there are twelve year olds who go to a doctor and have their parts altered. This is something that you work into adulthood while you make these determinations and while you and your mental health professional are able to reconcile in your mind that you're making a correct decision.

And we all wish that we didn't have to pay for things that we're squeamish about. But this is where we are and to think that people suffering from gender dysphoria are taking money from people on the DD waitlist, which is constantly misrepresented in this chamber, it's not a correct conclusion. We don't come in here and decide that we're going to approve one thing because we're trying to take the money from something else or we're trying to give it to some other thing that we approve of. We deal with each issue individually. So if you disallowed gender reassignment surgery, that money's not going over to people on the DD waitlist. So let's decide this on a recognized, medically diagnosed, psychiatrically diagnosed condition and decide that we're going to turn our back on this segment of our population or we're going to treat them with the same measurement that we do in all the psychiatric and medical procedures that we approve and pay for through Medicaid.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise in support of the motion of Inexpedient to Legislate. We've heard articulations by two Senators that I think we're just monumental in terms of their sincerity and their truth. Why is it that in this life we pit one group against another group? We shouldn't do that. What we should do, is we should do the best for both. And I think Senator Reagan articulated that. We're here to do the best for both. A person's life is a precious commodity. How that life is lived is precious. We don't have that long to live, and if the person has the wrong situation, the correction is needed to make that life worthwhile and to make that life better. And I don't think anybody could have said it better than Senator Reagan. Indeed, we can't pit people against each other, we've got to be for people, we have to be for things. And if the developmental disabilities waitlist needs more money, we're going to appropriate more money. But we're not going to shortchange another portion of the budget by pitting one against the other. You know I talk about doing the right thing. My colleagues have articulated much better than I could. Let's do the right thing and vote Inexpedient to Legislate.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I rise in opposition to the motion to ITL and support a motion of Ought to Pass. I too sit on JLCAR Mister President, and I was there at that hearing. And we heard testimony Mister President, from one mother who has to hydrate her daughter, has to hydrate her daughter by buying a special powder. It's 35 cents a box because her daughter cannot drink water. And also, this daughter also needs particular diapers. There's no money for her. She fell through the cracks under the managed care. We heard from another mother who has a daughter whose spine is curving. And there wasn't money for that operation for that daughter to fix that spine, so as this child grows up, she's going to be paralyzed from her waist down. Another one fell through the cracks. In my district there's a woman, she's fifty-two years old with Down Syndrome, can't get the medication because she fell through the cracks. I have another little boy who basically throws up because of a special disease that he has. There's nobody in New Hampshire, there's nobody in Massachusetts, there's nobody in New England that will cover this little boy's particular disease. Has to go to Michigan in order to get it treated and, my gosh, fell through the cracks. There's no money. Can you tell these parents that you're not choosing one disease over another, one ailment over another, one condition over another, and look them in the eye if that's the case? I objected to the rules because there wasn't a proper, in my humble opinion, fiscal analysis. I got numbers like well, it's 50 cents, 70 cents. What does that mean? Per taxpayer? How much is it going to cost the New Hampshire taxpayers for this one particular condition? I agree with you that we should not be putting one against another, however in effect, that is what we're doing. We're saying to the mom who wants to hydrate her daughter, sorry the diapers aren't coming, sorry you can't hydrate your daughter with this particular box, it's 35 bucks. These are personal cases that have come to me, I have a drawer filled with people asking me to help them through this whole process for managed care and the situation we have now. But there are people that are falling through the cracks. I can't say, yeah, we're not pitting one against another, I can't say that. We are. We're choosing, we're prioritizing, one condition over another. Thank you, Mister President.

(The Chair recognized Senator Lasky for a question of Senator Avard.)

SENATOR LASKY: Thank you for taking my question. You said on the one hand I believe I heard you to say, you don't want to pit one medical condition against another, but I don't understand why you're voting to find this Ought to Pass. Is that, am I correct is that what you would like to see done?

SENATOR AVARD: I believe in effect that we are allowing these people that have cried out for help to fall through the cracks and give preference to one group.

SENATOR LASKY: What do you say to the mother whose four year old child is born male, crying out to be a female, been through all kinds of psychiatric, you know whatever, been medically diagnosed that that person is in the wrong body? You are pitting, in my understanding, you are pitting one condition against another. And so I'm not quite sure I understand.

SENATOR AVARD: I don't know how I can properly answer that.

SENATOR LASKY: Thank you.

SENATE CLERK'S NOTE

The roll call vote below on SB 331 was inadvertently entered in the Daily Journal and has been corrected in the Senate Permanent Journal from 12-12 to 13-11.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Feltes, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Innis, Morse.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

Senator Bradley moved to Lay on the Table SB 331.

PRESIDENT MORSE: Senator Bradley, I'm in an awkward position. I voted in the wrong direction on this bill. I'd like to reconsider. That's what I was looking to you for. You've put a tabling motion on the floor.

Senator Bradley withdrew the motion to Lay on the Table on SB 331.

MOTION OF RECONSIDERATION

Senator Watters, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 331, prohibiting Medicaid from paying for sex reassignment drug or hormone therapy or surgery. Reconsider the vote on Inexpedient to Legislate. Adopted.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Avard, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Giuda, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Innis.

The following Senators voted No: Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon, Morse.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

MOTION OF RECONSIDERATION

Senator Giuda, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 331, prohibiting Medicaid from paying for sex reassignment drug or hormone therapy or surgery.: Reconsider the vote on Inexpedient to Legislate. Adopted.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Lasky for a parliamentary inquiry.)

SENATOR LASKY: Thank you. If, in fact, I'm sorry, the motion is Inexpedient to Legislate, so if in fact I feel that prohibiting Medicaid from paying for sex re-assignment drugs or hormone therapy or surgery is not warranted, that we should not prohibit it, I would vote in favor of the Inexpedient to Legislate motion.

PRESIDENT MORSE: If you're in favor of Inexpedient you're going to say aye, if you're opposed, you're going to say nay.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Daniels for a parliamentary inquiry.)

SENATOR DANIELS: Thank you, Mister President. If I believe that taxpayer money should not be used for something that is a personal choice, would I now vote no?

PRESIDENT MORSE: If you're in favor of Inexpedient you're going to say aye, if you're opposed, you're going to say no.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator D'Allesandro for a parliamentary inquiry.)

SENATOR D'ALLESANDRO: Thank you, Mister President. If I believe that in a just manner, everyone should be treated equally, would I vote for the Inexpedient to Legislate?

PRESIDENT MORSE: If you're in favor of Inexpedient you're going to say aye, if you're opposed, you're going to say nay.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Hennessey for a parliamentary inquiry.)

SENATOR HENNESSEY: If I've read the literature on sex change children who feel they've been born, usually they realize it four or five years old, and I've studied it thoroughly, and read the literature, and know that it is not a choice but in fact leads to children committing suicide much greater than others if they can't afford it or get that kind of treatment, would I now vote yes for Inexpedient to Legislate?

PRESIDENT MORSE: If you're in favor of the Inexpedient motion, you're going to say aye, if you're opposed, to the Inexpedient motion, you're going to say no.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Avard, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Innis.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon, Morse.

Roll Call, Yeas: 12 - Nays: 12. Failed.

Senator Bradley moved to Lay on the Table SB 331. Adopted.

SB 404-FN-A, phasing out the tax on interest and dividends. Inexpedient to Legislate, Vote 3-3. Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: Thank You, Mister President. I move Senate Bill 404-FN-A Inexpedient to Legislate. The bill sought to phase out the Interest and Dividends Tax over a 5-year period, and would repeal the tax on January 1, 2024. Comments such as SB 404-FN-A would send a positive message and perhaps lure individuals back to the state of New Hampshire, contrasted with the revenue impact of a loss of $100 million, left the committee members unable to come to agreement. The Senate Finance Committee offers a motion of Inexpedient to Legislate, and hopes you'll support it. Thank you, Mister. President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise opposed to the Inexpedient motion and would ask that you overturn that so I can bring an Ought to Pass forward. What this piece of legislation does is it lays out a plan starting in 2020 to reduce the interest and dividends tax over the next five years, through 2025. This certainly would send a message that New Hampshire is some place that people might want to come back to if they've moved out of state because other states are offering a better deal for them on interest and dividends, so this is looking forward. We've laid it out in a five year plan, so that we can look at the revenue as it comes in. But we're not dealing with it in this biennium, again it starts in 2020. I would ask that you overturn the Inexpedient so Ought to Pass can be brought forward. Thank you, Mister President.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Feltes for a parliamentary inquiry.)

SENATOR FELTES: Thank you, Mister President. If you know and I know that the adoption of 404 would lead to a revenue hit of approximately $100 million in the next budget and 80 percent of the benefits of that revenue hit would go to the top 10 percent of income earners in the state, would you now vote yes on Inexpedient to Legislate?

PRESIDENT MORSE: If you're in favor of Senate Bill 404, you're going to say aye, if you're opposed, you're going to say nay.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Daniels for a parliamentary inquiry.)

SENATOR DANIELS: Thank you, Mister President. If I know that the fiscal note on this bill was incorrect in that it showed an aggregate of the amount of revenue that would be lost and that it is not $100 million but actually only comes out to about $13 million per year, would I now vote to overturn and vote no on the motion of Inexpedient? Thank you, Mister President.

PRESIDENT MORSE: If you're in favor of Inexpedient, you're going to say aye, if you're opposed, you're going to say nay.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Avard, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Gray, French, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators filed a Declaration of Intent: Bradley.

Roll Call, Yeas: 11 - Nays: 12. Failed.

Senator Feltes moved to Lay on the Table on SB 404-FN-A.

The question is on the adoption of the motion to Lay on the Table.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Daniels for a Parliamentary Inquiry.)

SENATOR DANIELS: Thank you, Mister President. If I wish to pass this bill would I now vote no on the tabling motion?

PRESIDENT MORSE: If you're in favor of tabling, you're going to say aye, if you're opposed, you're going to say nay.

A roll call was requested by Senator Sanborn, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Gray, French, Ward, Sanborn, Daniels, Avard, Birdsell, Gannon, Innis, Morse.

The following Senators filed a Declaration of Intent: Bradley.

Roll Call, Yeas: 12 - Nays: 11. Adopted.

Recess. Out of recess.

SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program.
Ought to Pass with Amendment, Vote 6-0. Senator Feltes for the committee.

Senate Finance
March 12, 2018
2018-1072s
08/10

Amendment to SB 450-FN-A

Amend RSA 149-Q:2 as inserted by section 1 of the bill by inserting after paragraph XII the following new paragraph:

XIII. The Great Bay Piscataqua Waterkeeper.

SENATOR FELTES: Thank You, Mister President. I move Senate Bill 450-FN-A Ought to Pass with Amendment. The bill establishes an advisory commission for the Department of Environmental Services to study delegation of the authority for the National Pollutant Discharge Elimination System. The Committee Amendment adds a member to the advisory commission that specializes in the protection of seacoast waters, in particular, the Great Bay. The Senate Finance Committee recommends passage of Senate Bill 450-FN-A 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.

SPECIAL ORDER

Without objection, Senator Bradley moved to special order SB 526-FN and SB 548-FN to the next session. Adopted.

SB 528-FN-L, relative to dam registration fees and relative to permit fees for constructing or reconstructing a dam.
Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance
March 12, 2018
2018-1073s
08/10

Amendment to SB 528-FN-LOCAL

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2019.

SENATOR D'ALLESANDRO: Thank You, Mister President. I move Senate Bill 528-FN-LOCAL Ought to Pass with Amendment. This bill increases the annual registration fees for dams, and increases the application fee for permits to construct or reconstruct a dam. The Committee Amendment changes the effective date of the proposal to July 1, 2019, to coincide with the next budget cycle. The Senate Finance Committee recommends passage of Senate Bill 528-FN-LOCAL as amended, and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 529-FN, requiring the department of environmental services to conduct a study regarding the Baker River in the town of Warren and making an appropriation for such study.
Ought to Pass, Vote 6-0. Senator Giuda for the committee.

SENATOR GIUDA: Thank You, Mister President. I move Senate Bill 529 Ought to Pass. This bill requires the Department of Environmental Services to study, design, and permit a solution to the incessant and every year erosion of the Baker River's banks in the town of Warren. An estimation of $400,000 has been made to undertake the study, with the goal of minimizing the harmful environmental impact of the river on nearby property and preventing the washout of the state highway that runs adjacent to it. Currently, the bill has an appropriation of $1.00; this is so that the House can gain a better estimate of the availability of funds as the bill works its way through the second half of the session. The Senate Finance Committee recommends passage of Senate Bill 529-FN, and asks for your support. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 532-FN, relative to group II status of certain department of corrections officials.
Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance
March 12, 2018
2018-1068s
05/10

Amendment to SB 532-FN

Amend RSA 21-H:8-b as inserted by section 1 of the bill by replacing it with the following:

21-H:8-b Status in Retirement System. For purposes of classification under RSA 100-A, any person who is or becomes the assistant commissioner, the director of professional standards, the director of community corrections, the director of security and training, the director of field services, or the director of medical and psychiatric services, shall be included in the definition of correctional line personnel, as defined in RSA 100-A:1, VII under the retirement system, if such person was a group II member for at least 10 years prior to appointment in his or her position and shall remain in group II status for the duration of service in that position with the department.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move Senate Bill 532-FN Ought to Pass with Amendment. The bill allows certain Department of Corrections officials to be classified as Group II members of the New Hampshire Retirement System if such individuals were Group II members for at least 10 years prior to appointment in their respective positions, and continue to be certified under RSA 106-L. The Committee Amendment merely adds the position of Assistant Commissioner of Corrections to the list, correcting an oversight in the original draft of the proposal. The Senate Finance Committee recommends passage of Senate Bill 532-FN as amended, and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 535-FN, relative to licensure for the practice of professional art therapy and establishing an advisory council on alternative mental health therapies, and relative to certain revenues from the sale of commemorative liquor bottles of historic significance.
Ought to Pass, Vote 6-0. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 535-FN Ought to Pass. This bill establishes the practice of professional art therapy and licensure for individuals engaging in such practice. Initially it directs sales of any commemorative liquor bottles to the New Hampshire Bicentennial Education and Commemoration Fund. Senate Bill 535 also allows for license fees to be established through the rulemaking process by the Office of Professional Licensure and Certification. The Senate Finance Committee overwhelmingly recommends passage of Senate Bill 535, and asks for your support. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 538-FN, including police officers of the state office complex police force in group II of the retirement system.
Ought to Pass, Vote 6-0. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move Senate Bill 538-FN Ought to Pass. This bill clarifies the status of police officers of the State Office Complex Police Force, and includes such officers in the Group II of the New Hampshire Retirement System. The Senate Finance Committee unanimously recommends passage of Senate Bill 538-FN, and asks for your support. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 543-FN, relative to health care premium payments for certain retired state workers.
Inexpedient to Legislate, Vote 5-1. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move Senate Bill 543 Inexpedient to Legislate. This bill sought to change premium contribution requirements for retired state employees and/or spouses who are eligible for Medicare Parts A and B due to age or disability, and are, therefore, eligible for retiree coverage under the State Health Benefit Plan. SB 543-FN does not affect non-Medicare-eligible retirees who qualify for premium-paid coverage under the plan. Currently, Medicare-eligible retirees (subscribers and spouses) with a date of birth on or after January 1, 1949, make a premium contribution that is not lower than ten percent of the total premium attributable to those members. Medicare-eligible retirees with a date of birth before January 1, 1949, are exempt from any premium contribution. SB 543-FN replaces the Medicare-eligible retiree date of birth provision with a requirement based on employment with the state. The new provision requires Medicare-eligible retirees whose employment with the state began on or after September 1, 2009, pay the premium contribution of not less than ten percent of the total premium attributable to those members. Those Medicare-eligible retirees hired prior to September 1, 2009 shall be exempt from any premium contribution. Therefore, Medicare-eligible retirees, the largest group of retirees, will be exempt from paying a premium contribution until 2029.

The loss of the plan's premium revenue beginning in fiscal year '19 will require action to meet estimated plan expenses, including one or more of the following: Funding from the General Fund. Funding from self-funded agencies such as DOT, Safety, Liquor, and Lottery. An increase in the non-Medicare eligible population's premium contribution. Changes in the plan's design, so that fewer services and products are covered, and/or higher co-pays and deductibles are required. or Implementation of a defined contribution plan.

Committee members were reminded of the work that brought about last year's compromise on this subject, developed by Representative Ober. A majority of committee members caution making any change at this point may not be prudent. Stay the course, and monitor how the situation plays itself out before we make any changes. The Senate Finance Committee therefore recommends SB 543-FN, though well-intentioned, be found Inexpedient to Legislate, and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition to the motion of Inexpedient to Legislate on Senate Bill 543. For a very long period of time our state workers were told that they wouldn't have to pay a health insurance premium cost or tax, whatever you want to call it. That changed in September of 2009 when retired workers under the age of sixty-five first started paying a premium on their health insurance. Since then Mister President, colleagues, retired state workers have paid over $40 million in premiums to support the retiree health care system. Over $40 million. Well, Mister President, that's excluding other costs, like additional copays, on medicines, that's excluding deductibles and other costs and fees. Over 40 million bucks.

What happened in terms of the history of this issue is long and we've debated it a lot and the Senate has traditionally taken a much more, if

I can characterize it, a much more pro-state retiree health position than the House has. What happened in 2015-2016 is the Fiscal Committee needed to make adjustments based on existing law and the absence of enough money to meet the plan. They made adjustments, we filed a bill, I filed the bill, Senate Bill 465 in 2016, that next year of the biennium. We passed a bill to help shore up, working in a bipartisan way, the fund and we sent it to the House. What happened then, if you may recall for those who were here, is the vice-chair of House Finance replaced the bill I filed and that we worked on a bipartisan way, erased it and replaced it with a bill to allow folks to eat sandwiches in cigar parlors. I want to repeat that. State retiree health care bill that we worked on in a bipartisan way and we sent over to the House was replaced with a bill to allow people to eat sandwiches in cigar parlors. I don't think it was germane, but that's what happened. Again, this body in my view Mister President, has been taken this issue, a better view of it, I think than our House colleagues.

Coming into the budget this year, Governor Sununu proposed a 10 percent premium across all workers age sixty-five and older. That generated a lot of debate and discussion. The vice-chair of House Finance this time said if you were born before January 1, 1949 you don't pay it. That was the so-called compromise. I never understood the logic behind picking randomly January 1, 1949, nor does a lot of folks who are subjected to this premium hike, tax, whatever you want to call it understand that either. It was put in place and then now we have a situation where we were projected to have close to zero or maybe not even our statutory reserve in this fund, but we not only have the statutory reserve of 3 percent, they got it set at 5 percent. There's 4.6 million in the statutory reserve. Not only that in this fund, there's close to 10 million additional. Some people call it a surplus. It's been called a surplus for decades. The Department of Admin. Services testified they're going to change how they call it they're going to call it a cash flow reserve now. Alright? Well, 10 plus 4.6 is about $14.6 million, in this account that can only be used for these purposes. And if you look at the fiscal note, what is the impact in FY '19; 687,000. I think we can afford this. I think we can afford this. This isn't going to bankrupt the fund.

And what this does is it says if you began work after September 2009, when those premiums first went into place, you're on actual notice that the state could put a premium on you. There's all this debate of when did the state represent that you could get hit with a premium when they didn't blah, blah, blah; the reality is they did it in September of 2009. So if you began work after September of 2009 and now you're retired state worker, you don't have much to necessarily complain about because you knew prior to working for the state that this could be a distinct possibility because the state just started doing it September of 2009. That's the logic behind this bill.

The impact of the bill is that less retirees over the age of sixty-five pay the 10 percent. That's why the fiscal note says 687,000 in FY '19. That reflects the differential and the number of state retirees sixty-five and older that will be paying this. I think this bill is a compromise. I think this bill reflects some logic and some policy that makes sense because it makes sense to pin the grandfathering so to speak, to when the premiums first went into place.

Now you'll hear folks say well look we can't do this, we can't pivot you know, midstream. We're going to have to send out new notices. I think if

I was a retired state worker and I got a notice that said, you know what you just got a notice you've got to pay 10 percent, you got a new notice that says you don't have to pay 10 percent, I think that state retiree would be fine getting a new notice. And these are folks by the way, who in many cases worked for decades for the state. There are folks in my own neighborhood in the south end of Concord who spent years doing road maintenance or you know, and they're living on fixed incomes, and paying an extra at least 36.24 a month on a fixed income. That's 36.24, at least, that you're not spending on rent or housing or medicine or food or other things that you need as a senior citizen.

So Mister President, I would implore this body to do what it has traditionally done on this issue, which take a different view than the House. A, for lack of a better characterization, a more pro-state retiree health care view than the House. And you may say, well Dan, that's great, we'll send it over to the House, they'll just beat it up. I think it's worth a try. I think it's worth a try for both seniors on fixed incomes who never expected to pay this, who were never told they were going to pay it and now by virtue of when they were born, being born after the arbitrary date of January 1, 1949. Picked out of the sky, they have to pay this. That doesn't make any sense. Let's overturn ITL, let's move this forward, let's send it to the House and let's have the debate in the House. Thank you very much, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise in favor of the motion of Inexpedient to Legislate. We had Administrative Services come in and testify on this bill. One of the things they mentioned was there's going to be a significant change from the budget. This cash reserve that they're talking about or the statutory reserve. They talk about $9 million in it. They indicated that this is equal to about one month's reserve, that that thing fluctuates up and down and at one time actually was at a 10.6 percent deficit. And now as of October 1st '17 had 9.1 million into the surplus, they said ideally they should have about 2 to 3 times the current amount in there. So now is not the time to go and be raiding that, we should be building that up so that it is a stable fund in which we can count on being there when we need to dig into it because things like the prescription drugs, a lot of the increases are driven by that, so there is a big draw on that. So I would ask you to vote for the Inexpedient to Legislate on that and follow the advice of DAS and make sure that that account is stable for the future. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Cavanaugh, seconded by Senator Feltes.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Daniels, Avard, Carson, Reagan, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Soucy, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.
Inexpedient to Legislate, Vote 3-3. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 555-FN-A Inexpedient to Legislate. This bill sought to establish procedures to streamline the resolution of complaints under RSA 91-A. It would amend RSA 91-A:7 concerning petitions to the superior court regarding right-to know violations, and would establish an alternative complaint resolution process through the Office of the Right-to-Know Ombudsman. The Ombudsman's final ruling would be appealable to the Superior Court. The Citizens' Right-to-Know Appeals Commission would be responsible for hiring an Ombudsman and establishing rules pursuant to RSA 541-A. The commission would be administratively attached to the Department, which would provide clerical and administrative support as needed. This proposed legislation would create an entirely new forum for dealing with certain complaints arising under RSA 91-A, but also maintain the current procedure in which complaints may be handled in court. Unable to reach an agreement, the Senate Finance Committee offers a motion of Inexpedient to Legislate on Senate Bill 555-FN-A. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in opposition to the motion of Inexpedient to Legislate. Under current statute an average citizen approaches any government body, the Planning Board, the Zoning Board of Adjustment, Board of Selectmen, the state, and requests information under 91-A, and the government body says we don't think so, that citizen is required to go to court against the government. That in and of itself has a terrible chilling effect on the rights of average citizens to fork out $400 for a filing fee and possibly thousands of dollars for an attorney to exercise a right we're guaranteed by the constitution.

What this bill does is level the playing field. It will also save communities significant amounts of money because communities will not have to get lawyers themselves. If the citizen feels that the decision of the municipality is wrong, he appeals to the ombudsman, the ombudsman collects whatever data he or she needs, makes a determination. That determination is not final, but it is considered when the court, if the appeal is made, gets to the Superior Court. What this does is level the playing field.

I've heard concerns about structure. There are ten individuals, one from each county, why would that be? Because the most important function of that commission is not hiring, because they won't do the hiring. The Governor and Council will do the hiring. The most important function of that commission is to educate, and rather than having one person only or a very small commission we figured one from each county would be a resource within that county to which municipalities or individuals could turn and maybe foreclose or forestall having to go the ombudsman or on to Superior Court. So there's very good rationale.

This is the work of a study commission that included New Hampshire Municipal, included the Press Association, included the attorney general's office, a senator, two representatives and numerous testimonies. One of the testimonies that came forth was from a former chairman of the school board of the town of Windham. The chairman of the school board requested information relative to an internal controls audit that had over 100 discrepancies and material deficiencies and internal controls for the schools, for the superintendent for the district, and was rejected. That's heinous. Those deficiencies were found by a licensed

auditor in the internal workings, they were a secret checking accounts being signed with the treasurer's signature and stamped without the treasurer's knowledge. This is going on in our state today and a citizen who is no longer on the board but was at the time was told you're going to have to go through the Schoolboard to get that.

Ladies and gentlemen, this is transparency in government, and I would ask you to please overturn the Inexpedient to Legislate so we can serve our citizens with the constitutional rights they were guaranteed many years ago. And to help them level that playing field so they can get information they're entitled to by law, but being denied now by process. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Giuda, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 11 - Nays: 13. Failed.

Senator Giuda moved Ought to Pass.

A roll call was requested by Senator Giuda, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 13 - Nays: 11. Adopted, bill ordered to Third Reading.

SB 557-FN, establishing a board of housing development appeals.
Ought to Pass, Vote 5-1. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move Senate Bill 557 Ought to Pass. This bill establishes a Housing Appeals Board with authority to hear and affirm, reverse or modify appeals of final decisions of municipal boards, committees and commissions regarding questions of housing and housing development. The board shall have concurrent, appellate jurisdiction with the Superior Court, and may adopt rules under 541-A necessary to carry out its functions. Members of the board shall be appointed by the Supreme Court, and commissioned by the Governor for a term of 3 years. The board is directed to hire at least one researcher, who will be a classified employee, plus additional clerical and technical staff within the limits of the appropriation made. The board shall be provided with an office in Concord. There is, however, no appropriation of funds included in the legislation. The plan is to fully fund it in the next budget. The Senate Finance Committee recommends passage of Senate Bill 557-FN, and asks for your support. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 560-FN-L, relative to updating the state trails plan and making an appropriation therefor.
Ought to Pass with Amendment, Vote 6-0. Senator Feltes for the committee.

Senate Finance
March 12, 2018
2018-1071s
06/05

Amendment to SB 560-FN-LOCAL

Amend the bill by replacing section 2 with the following:

2 Appropriation; Department of Transportation; State Trails Plan. The sum of $1 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of transportation for the purpose of updating the New Hampshire state trails plan under RSA 21-L:12-c. This appropriation is in addition to any other funds appropriated to the department of transportation. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 560-FN-LOCAL Ought to Pass with Amendment. This bill requires the Department of Transportation to update the state trails plan and makes a general fund appropriation of $150,000 for said purpose. Wanting to keep tabs on the budget as we continue through the fiscal year, the committee revised that appropriation amount to the sum of $1.00. The Senate Finance Committee recommends passage of Senate Bill 560-FN-LOCAL as amended, and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 563-FN, establishing a recovery friendly workplace initiatives tax credit against business taxes administered by the community development finance authority.
Ought to Pass, Vote 6-0. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I couldn't find my notes but, what this does is it gives a tax credit against business taxes administered through the community development authority, finance authority, helping to create the recovery friendly workplace. This is going to enable us to put people into work giving an opportunity for businesses to be a partnership in creating the recovery environment that we're looking for. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 573-FN-A, relative to the controlled drug prescription health and safety program and making an appropriation therefor.
Ought to Pass, Vote 6-0. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 573 Ought to Pass. This bill authorizes the Chief Medical Examiner and delegates to access the Prescription Drug Monitoring Program for the purpose of investigating causes of death. In support of the PDMP, SB 573 contains an appropriation equal to 5 percent of the revenue collected by various boards for the biennium ending June 30, 2019. These include the Boards of Pharmacy, Medicine, Nursing, Dentistry, Veterinary Medicine, Naturopathic Medicine, Podiatry and Optometry. The restricting of 5 percent of the revenue collected by these identified boards will result in an equal decrease in unrestricted general fund revenue, with the total

appropriation estimated at $215,735 for the biennium. The Senate Finance Committee recommends passage of Senate Bill 573, and asks for your support. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 578-FN, relative to unclassified positions within the department of health and human services.
Ought to Pass, Vote 6-0. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 578 Ought to Pass. This bill clarifies the terms of appointment and salary for the following positions in the Department of Health and Human Services: Deputy Commissioner, Associate Commissioner of Human Services and Behavioral Health, Associate Commissioner of Operations, and Associate Commissioner for Population Health. The Senate Finance Committee recommends passage of Senate Bill 578, and asks for your support. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 583-FN, establishing a pilot program to eliminate employment barriers for certain parents.
Inexpedient to Legislate, Vote 4-2. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 583 Inexpedient to Legislate. This bill sought to establish a 2-year pilot program for case management and employment counseling for certain parents enrolled in the New Hampshire Employment Program or otherwise eligible for Temporary Assistance to Needy Families. The pilot program would have been funded exclusively with federal TANF funds. These funds would be withdrawn from the TANF Reserve. The Department of Health and Human Services projected total planned spending on the program at no more than $500,000. The Senate Finance Committee recommends finding Senate Bill 583-FN Inexpedient to Legislate, and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I rise in opposition to the ITL motion. I want to talk about three things; what this does, who it helps and why it makes good public policy sense.

What does it do? It helps provide legal support, assistance and annulment of prior criminal convictions and/or expungement of arrest records that may hinder a parent's employment opportunities and long term connection to the labor market.

Who does it help? It helps parents enrolled in the New Hampshire employment program or TANF who are at or below 200 percent of the federal poverty guidelines and who are approved by a transitional program administered by the Department of Corrections, to work or to seek work opportunities in the community.

Why is this important, why does it make good public policy sense? Because helping people get jobs, as they transition out of the Department of Corrections and into the community, helps reduce recidivism rates and re-incarceration rates, and helps people on a pathway to work and independence which we all believe in. It makes good fiscal sense too,

because although we are using TANF dollars as my friend from District 17 and a co-sponsor of the bill noted, it will save TANF dollars in the long run because people get employed.

And third, to my friend from District 2 and my friend from District 12, who talk about due process a lot and talk about people having the opportunity to at least exercise their rights under existing law, this will provide low income individuals the opportunity to have legal assistance and services to do what their rights are under existing law in terms of annulments and expungement of arrest records, so that they can have an opportunity to get employed which is a major impediment to employment right now.

So this makes good fiscal sense, Mister President. It's going to save money, it's going to reduce recidivism and it's going to promote jobs and at a time when we need more people entering the workforce, it makes a lot of sense. So, I'd encourage us to vote no on ITL and do a substitute motion of Ought to Pass. Thank you very much, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Feltes, 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.

JUDICIARY
SB 335, relative to disclosure of asbestos trust claims in civil actions. Interim Study, Vote 3-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I rise to ask the body to overturn the Interim Study motion so that I may offer a subsequent motion with a Floor Amendment.

The question is on the adoption of the motion of Interim Study. Failed.

Senator Carson moved Ought to Pass.

Senator Carson offered a Floor Amendment.

Sen. French, Dist 7
Sen. Carson, Dist 14
March 15, 2018
2018-1117s
06/08

Floor Amendment to SB 335

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to review compensation in asbestos litigation and to study ways to promote transparency, fairness, and timeliness of payment in asbestos litigation.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to review compensation in asbestos litigation and to study ways to promote transparency, fairness, and timeliness of payment in asbestos litigation.
2 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.

3 Duties.

I. The committee shall review the current compensation system specific to asbestos litigation and study ways to promote transparency, fairness, and timeliness of payment in the asbestos litigation system in New Hampshire.

II. The committee may receive input from the state veterans advisory committee, other local and national veterans groups, and any other person or organization it deems relevant to gain an understanding of how the asbestos litigation system impacts veterans and others affected by asbestos.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2018.

6 Effective Date. This act shall take effect upon its passage.

2018-1117s

AMENDED ANALYSIS

This bill establishes a committee to review compensation in asbestos litigation and to study ways to promote transparency, fairness, and timeliness of payment in asbestos litigation.

SENATOR CARSON: Thank you, Mister President. In the committee we talked about this bill, it is extremely complicated and it would ask us to create an asbestos docket here in New Hampshire which we currently do not have. The committee decided to Interim Study it but, upon further reflection, and in discussion with the committee members it seems like a more appropriate action would be to actually create a study committee to look at asbestos claims and what can we do to make these claims work faster, to go through the process faster, and create transparency at the same time. So if you look at the amendment, it has one member of the Senate, which Senator French has most graciously offered to serve on, and three members of the House, and they're going to take a look at the current compensation system, specific to asbestos litigation and study ways to promote transparency fairness and timeliness of payment. They're also going to be getting input from the State Veterans' Advisory Committee, other local and national veterans' group and any other person or organization it deems relevant to gain an understanding of how the asbestos litigation system impacts veterans and others affected by asbestos. So again, Mister President, I would urge the body to support Floor Amendment number 1117. Thank you very much.

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.

SB 501, relative to immunity for campground owners.
Inexpedient to Legislate, Vote 2-2. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I rise again to ask the body to overturn the committee recommendation of Inexpedient to Legislate so I can offer a subsequent motion along with a Floor Amendment. Thank you.

The question is on the adoption of the motion of Inexpedient to Legislate. Failed.

Senator Carson moved Ought to Pass.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14
March 13, 2018
2018-1078s
04/01

Floor Amendment to SB 501

Amend the bill by replacing all after the enacting clause with the following:

1 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.

2 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.

3 Effective Date. This act shall take effect upon its passage.

2018-1078s

AMENDED ANALYSIS

This bill provides immunity for campground owners and establishes exceptions to immunity under certain circumstances.

SENATOR CARSON: Thank you, Mister President. I rise to present the amendment because I think we finally found a solution. This bill was extremely complicated with a lot of moving parts to it. And there were meetings between the parties to see if we could come to some sort of an agreement. And the amendment you have in front of you is an agreement between the campground owners, the trial lawyers with the exception of one word. And that word you will find on page 2, line 25, and that word is grossly. And here we're talking about negligence. I think we can all agree that there are inherent hazards to people that when you go camping. Things happen. You're out in the middle of the woods, you're not staying in a hotel room. And there are things in nature that sometimes are not very kind to us. And what's been happening has been lawsuits have been filed, by people who have gone camping, who have fallen, there

was, we heard about a lawsuit where someone fell and got cut by a leaf. And because of these types of lawsuits, campground owners are finding it increasingly difficult to get insurance.

So, again Mister President, I'd just like to point out the one word difference. And I'd just like to talk a little bit about what the difference is between negligence and gross negligence. When you talk about negligence, it's the omission to do something which a reasonable person, guided by those considerations would ordinarily regulate the conduct of human affairs would do so, or do something which a prudent or reasonable man or woman would not do. It must be determined in all cases by reference to the situation and knowledge of the parties and all attendant circumstances. When we speak of gross negligence, we're talking about a severe degree of negligence. Taking as reckless disregard and blatant indifference to one's legal duty, other safety or their rights as examples. So for example Mister President, say someone in this body decided they wanted to go camping. They got their camp all set up and there was a bathroom facility close by and they went into the facility and there were hanging live wires from the ceiling. That is true gross negligence. Someone is going to get hurt. As opposed to someone walking out on a trail at night and tripping and falling. There's a big difference between the two. So again, this is why the word gross was put into the bill to address those situations where there was a problem, the campground owner was aware of the problem, the campground owner should have fixed it and the campground owner didn't and someone got hurt. Thank you very much, Mister President.

(The Chair recognized Senator Feltes for a question of Senator Carson.)

SENATOR FELTES: Thank you. If I read this correctly, if this passes, campground owners are no longer liable under any negligent action, cause of action. Is that correct?

SENATOR CARSON: No Senator, I believe you're mistaken. Because if you look on the first page and if you give me a couple of seconds I will look, there is language that speaks to negligence, just plain negligence and I'm sorry. Okay, here we go on line 25 it says another person at a recreational campground or camp park acting in a negligent manner, where the campground owner or employees were not involved.

SENATOR FELTES: But the conduct of the campground owner itself, no longer liable for negligence cause of actions, correct?

SENATOR CARSON: Yes, it has to be a gross negligent, a grossly negligent act.

SENATOR FELTES: And for example the cause of action of negligent hiring, if someone had, God forbid, a long history of assault, including on minors, and a campground owner hired them knowing that, and that person assaulted a minor as a campground employee, campground owner hired them, this would negate the ability to do a cause of action by that parent of that kid for negligent hiring, correct?

SENATOR CARSON: I would disagree because I believe that would be considered gross negligence.

SENATOR FELTES: Thank you.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I am rising in opposition to what I believe is now an Ought to Pass with Amendment.

On the amendment, I'd like to speak in opposition to the amendment, and here's why. I sit on the committee and there were a lot of people there from campgrounds. What we learned was that in fact the reason this is happening is because the major insurance company that covered all these campgrounds has decided no longer to cover any of the campgrounds. So all of a sudden, they have to pay higher premiums in order to get their insurance. So they, and many other insurance companies don't want to cover them because of the inherent risks. It's clear to me that if you, well first of all, I asked to people's consternation I think, I asked almost every single campground person who got up, those in fact the head of the whole campground association, I asked him how many times have people sued, how many times has anybody claimed anything from the insurance agency. Nobody could tell me, in fact everybody who did respond said never. And those who should know said I don't really know, like the Director of Campgrounds. I don't know, I mean my guess is that you would know if there had been major lawsuits against these campgrounds.

I am extremely concerned about the term gross negligence being the only thing that does not have immunity. So for example, in a legal analysis of it, if immunity encompasses gross negligence, the camp owners would be immune to anything short of criminal behavior. Or even as with I believe just said if an employee of the campground has been drinking and is then going out working and ends up hurting or killing a child, they would have immunity. What's next? I mean my business had to do with psychology and working with children. Should I have had complete immunity, if I were to do something negligent with children in my practice, should I have total immunity? I actually had to pay a fair amount of insurance in order to be sure that I could be covered and it was required.

So I don't think it's fair for campgrounds to be singled out as getting this immunity when there are plenty of other options, there are campgrounds that actually are certified and have insurance. So I think this is a very limited bill that I don't think is all that complicated. I think it's just a way for campground owners not to pay insurance. Thank you. So I suggest you vote against the amendment. Thank you.

(The Chair recognized Senator Lasky for a question of Senator Carson.)

SENATOR LASKY: Thank you, Senator Carson for taking my question. If a young person is a lifeguard at one of these campgrounds, he or she is distracted, and unfortunately a youngster drowns. As I understand it, this would absolve, that would not be gross negligence?

SENATOR CARSON: Senator, thank you for the question. I'm going to refer you to page 2 line 10, where they actually talk about and define willful disregard, which means conduct committed with an intentional or reckless disregard for the sanctity of the act or the others. And if you go down to beginning on line 12, RSA 216-I:17 where they actually talk about the immunity. In section 2 it says, the provisions of paragraph I will not apply if the campground owner including the employee officer or agent of a campground owner seeking immunity and then it goes down to say intentionally causes death or injury and b, actual willful disregard for the safety of another person. So I think this issue of willful disregard as it's been defined and applied in here would cover that situation that you're talking about.

SENATOR LASKY: I'm sorry, just to clarify, further question. So if in fact that person that was hired as a lifeguard had a particular history

of you know of turning away, of being derelict in his duties, his or her duties. Would that qualify as gross negligence then or would that just be something that it would be up to the courts to determine?

SENATOR CARSON: I think it could go either way. I believe that someone could get charged or a claim could be made of gross negligence because the campground owner knew that this person had this history of doing this and hired them and put them in a position of oversight over children at a pool. Or you could use the willful disregard aspect as well.

SENATOR LASKY: Thank you. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. For the record I must declare that I have a relative that own a campground, could affected by this legislation. I have no interest in that but I have a relative, but I will be participating. Couple of points I think of clarification. This is civil immunity, nothing in this exonerates anybody from criminal liability. And I would assert that if you were found criminally guilty of something that that would certainly represent a liability for the campground.

We're a state that, particularly in the North Country, depends on tourism, campgrounds, hiking, all manner of outdoor activities. We're also an increasingly litigious society and with the number of frivolous lawsuits provoked by over-zealous attorneys, for reasons that no normal person would file suit, are taking lawsuits against people with deep pockets, or against insurance companies with deep pockets. I would submit that the absence of any certain knowledge whether someone, lawsuits in this realm have occurred or not, does not constitute a reason not to provide protection from them. If we're interested in protecting the businesses that are providing a significant portion of the revenue and drawing the tourists from out of state into our state. We are here to set the business environment for the state, campgrounds are a big part of that, this bill if you can't get insurance you are not going to run a business, it's just that simple. This bill is a protective mechanism for good businesses. It is a balance between obviously gross negligence, there was a sand pit with a hole eight feet and you knew about it, you're grossly negligent, okay? If there was a rotten tree there for three years, you know about it, that's negligence. But I'm out walking on a trail and I trip over a branch, that's a normal hazard but you're going to get sued anyway in many cases and this protects from frivolous lawsuits. It does not exonerate anyone from criminal acts, it does not protect people from gross negligence, but it does establish a better business climate for a very significant portion of our state's economy. Thank you, Mister President.

(The Chair recognized Senator Hennessey for a question of Senator Carson.)

SENATOR HENNESSEY: I wondered if you remember, I think it was a question asked by the good Senator from District 7, in the committee meeting about how many other states actually provide this immunity.

SENATOR CARSON: Yes. One. Wisconsin.

SENATOR HENNESSEY: Yes, one. Just Wisconsin. Another question is do you remember any of the people that we talked to; did I miss anybody who did say that in fact they'd ever had a claim?

SENATOR CARSON: Thank you, Senator, yes. And I would refer the members to the hearing report. One campground owner talked about a woman who had her dog and she was out walking the dog and the leash

wrapped around her legs and she fell and she sued the campground owner. There was also another claim, and this one came from an insurance agent who talked about, there had been a $1 million claim from someone who drowned in public waters, because they entered from a private area from a campground. So again, those are here in the committee report. So we did have testimony from campground owners and insurance agents that talked about the types of claims that were coming forward and why it is so difficult for them to get insurance. It's because of these little claims that keep coming forward and for many instances it's easier for the insurance company just to pay these claims, but it gets to the point where they can no longer afford to do that and they pull out of the insurance market and it makes it very difficult for these campground owners to get insurance.

I believe, and I'd have to go back and review the committee report but, I want to say that there used to be five companies that would do insurance for campground owners. I believe there's only two now and this is becoming a big problem for them. They keep getting sued over what I would call the inherent risks of going camping. You're out in nature, you know? You might come across a critter that lives in the woods who's not exactly friendly to humans. You're out walking, there's rocks, there's tree limbs, there's all kinds of things out there and that changes with just about every kind of weather situation. I just think that we need to seriously look at this and as the good Senator from District 2 said, it doesn't absolve anybody from a criminal act. If someone has done something illegal, they're still responsible for that. But what it does do is it offers our campground owners a measure of protection against frivolous lawsuits.

SENATOR HENNESSEY: So you do understand the difference between, negligent and inherent risks? Because you're comparing, you know walking out in the woods. So you're okay with giving immunity to campground owners who've been negligent?

SENATOR CARSON: Senator, again it depends on what we're talking about. If we're talking about a trail, and it might not even be a trail, that the campground owner has created and somebody falls, that is not the problem, that is not, should not be on the campground owner. But if they've built the trail and they have a small bridge over that trail, and they haven't maintained that bridge and you're on it and it collapses, in my opinion that's gross negligence. They have built something and they did not maintain it and because of that someone has gotten hurt. And again, remember Senator, there's also the definition of willful disregard as well as in here.

So I think that the addition of the word gross negligence is appropriate. I think it provides protections to the campground owners from really and quite frankly for the campers as well. Because again as I said, you're going into a facility that's been built, they haven't maintained it. You've got live electrical wires hanging from the ceiling, and they know that it's there and they haven't repaired it. They will be responsible for something like that as opposed to someone walking out and there's a rock and they stepped on a rock and their ankle twisted and they fell, and now they're suing the campground owner because the rock was there. I mean at some point we just have to say, we need to differentiate between these two and I think when we talk about gross negligence that's what we're doing.

SENATOR HENNESSEY: I respectfully disagree.

SENATOR CARSON: Thank you very much, Senator.

(The Chair recognized Senator Soucy for a question of Senator Carson.)

SENATOR SOUCY: Senator, are you aware of any other class of New Hampshire business that's immune from liability for gross negligence?

SENATOR CARSON: I would have to say, as far as I know perhaps the ski areas, and I'd have to go ahead and I would have to re-read that statute. Because one of the things that I thought about doing was taking campgrounds and putting it into the immunity that we have for ski whatever they are, ski grounds, we'll say ski grounds. Ski areas. That that would work but it just didn't seem to mesh well together.

SENATOR SOUCY: It would seem to me that we are frequently talking about trying to create an equal playing field for business, and if we create this immunity for campgrounds, we're putting hotels and inns at a complete disadvantage. Would you believe?

SENATOR CARSON: Senator, I would respectfully disagree with you on that. I think someone who's camping and I learned about something that's called glamping, where it's glamorous camping where I guess it's kind of like a hotel room that's moved outside in a tent. They're very, very different. I mean one is in a physical structure, a building that's inspected. The other is you deciding one weekend I'm going camping, you've got your tent, you pack up all of your stuff in your car and you go off to go camping. So I think we're talking about apples and oranges.

SENATOR SOUCY: Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I suppose I need to declare a conflict because I camp, I don't glamp, but I do go camping, I enjoy it and I want to go camping this summer including with my now seven month old daughter, and I have an interest in if I'm injured, or if she is injured, being able to have recourse in the courts based on negligence. That's what this is about. Hear a lot about frivolous lawsuits. This has nothing to do with frivolous lawsuits. The courts deal with that already. A lawsuit's going to be filed, a lawsuit's going to be filed. Getting rid of causes of action just impairs people's rights, that's it. That's what it does. And I'd read Part I Article 14 of the New Hampshire Constitution. Every subject of this state is entitled to a certain remedy by having recourse through laws for all injuries, he may receive in his person, property or character to obtain right and justice freely without being obliged to purchase it completely and without denial promptly and without delay, comfortably according to laws. All injuries, whether they're consequence of negligent hiring, negligent supervision, negligence per se, which means violating a statute. Campground owners can get away with violating a statute and injuring people? No liability there? Quite frankly I think this is one of the worst bills that has been filed this session. I honestly believe that we are going down a bad path with this and we should vote this down. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. My good eloquent friend from District 15 makes a point about the constitution. But I'd like to remind all of you, ski areas have immunity. So we already have a class of people and that has been on the books for many years. Mister President, this bill protects campground owners from lawsuits. There are inherent dangers when you go camping, and people are usually aware of that. But people are filing lawsuits and quite frankly we heard from

number of campground owners in Senate District 1, our good friend Senator Woodburn. They have a lot of campground owners and these folks are going to go out of business, because they can't afford the insurance anymore because of the types of lawsuits that are being filed. All they're asking is for some protection against frivolous lawsuits. That's all they're asking for. 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, Giuda, Bradley, Watters, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Carson, Reagan, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Hennessey, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro.

Roll Call, Yeas: 18 - Nays: 6. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 593-FN, relative to the penalty for capital murder.
Ought to Pass, Vote 3-1. Senator Lasky for the committee.

SENATOR LASKY: Thank you, Mister President. I move Senate Bill 593-FN Ought to Pass. This bill changes the penalty for capital murder to life imprisonment without the possibility for parole, subsequently abolishing the death penalty here in New Hampshire. We here of course in this body are all extremely proud of our state. To live here is a blessing, and because of its amazing natural landscape, limitless opportunities, and largely for its deserved reputation of a population of fiercely independent and decent people, with a long tradition of respect for human rights.

This is an issue that is not new to most of us and certainly not new to this legislature. Once again, last week, the Senate Judiciary Committee held a hearing for Senate Bill 593 which would repeal the death penalty. As expected, the room was filled. During the hours of discussion, most of the testimony heard was in favor of repeal of the death penalty. People from across the state including former law enforcement officers, clergy of all faiths, and loved ones of murder victims all gave their thoughts and deep feelings. There was also testimony from one of many who have previously been wrongly convicted. One thing became evident; it's time for New Hampshire to join our five other New England states and every other civilized democracy in the world and outlaw this barbaric practice.

In reality there's no proof that this form of punishment acts as the deterrent that proponents claim it is. In fact the committee heard testimony that when examining similar neighboring states where one state has the death penalty and one does not, there is no significant difference in the murder rate these states experience. It's been shown that the death penalty does not protect public safety or work as a deterrent for future murders.

While our justice system I believe is the best in the world, it's certainly not infallible. People make mistakes. Since 1989, 354 people have been exonerated, and twenty of those were on death row, using DNA evidence, and still more were found to be innocent after they had already been put to death. How then can we, a civilized society, be comfortable making irreversible life and death decisions that are potentially wrong? State sponsored execution is not justice. We stoop to the level of the killer and it changes nothing.

The extinguishing of another life, no matter how repulsive or unworthy we deem them to be, does not ease the pain anyone feels over losing a loved one. All any grieving person, of course wants is their loved one back. Unfortunately we all know nothing can make that happen. Vengeance, revenge, is a raw human emotion. But in the end is it the most effective way to deal with violence in our society? We want justice, and of course we want punishment. I believe and so many others believe a lifetime in prison without parole means just that. There has not been one single case in our state where a person receiving that life sentence has ever been released.

Mister President, let our legacy in this chamber today be one of enlightenment, not death and darkness. Now is the time for New Hampshire to finally do the right thing by abolishing the death penalty. Now is the time for all of us to come together to support the Judiciary Committee's Ought to Pass recommendation for Senate Bill 593. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Top of the afternoon to you, Mister President. I rise on behalf of the Chiefs of Police in New Hampshire, on behalf of crime victims in opposing the repeal of the death penalty. Ninety-five percent of families in the United States who have lost a loved one to a death penalty eligible murderer, support the death penalty. Is there a problem with the death penalty in New Hampshire? I think that's what we should be asking. Under New Hampshire law the death penalty can be sought in cases involving the murder of a police officer, a judge, murder for hire, and/or murder connected to a drug deal, rape, kidnapping, and home invasion.

New Hampshire hasn't executed anyone since 1939. Nor sentenced anyone to death until Michael Addison killed Officer Michael Briggs in the line of duty, leaving behind a widow and two young boys. Clearly New Hampshire is very sparing in the use of the death penalty and its use has been very judicious. Ninety-two percent of all criminologists agree that the death penalty may deter some murders. I believe that having the death penalty on the books is a deterrent. Maybe one killer would be deterred and think twice before he or she commits a capital murder in any form. I believe that heinous killers have forfeited their lives and this calls for their death and the death penalty. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to speak against the Ought to Pass motion. My good friend from Senate District 23 took a lot of what I was going to say and I won't repeat it here. But I'd like to remind everyone of something. That when someone has been given life in prison as opposed to the death penalty, they get to see their families. Their children can come and visit them, they can watch their children grow, albeit from afar. The person that's in the grave doesn't have that. They've been taken away from their families. They will never get to see their children grow up. They will never see their parents again, they will never, ever enjoy what we all enjoy here today. It is fitting punishment to be considered for the death penalty and my good friend from District 23 is right. We haven't used it since 1939. We are very, very, very careful under the circumstances under which it is used. We just don't go executing people left and right. We are very careful.

Now the testimony that we had, we did have people that came in and talked about being wrongly accused and being on death row. But that

wasn't New Hampshire. We don't do that here. We are very careful, and there have been instances where police officers have been murdered, and courses of sexual assault and rape, where people have not been given the death penalty because it wasn't appropriate. Our judicial system is very, very, very careful in using this. And quite frankly I was a little astounded at some of the testimony that basically accused our law enforcement of being corrupt and our judicial system being corrupt. That is not the case. This is New Hampshire and we don't operate that way. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise against the motion of Ought to Pass. I came to this legislature in 1973. In 1973 we debated the death penalty. I voted for the death penalty in 1973 because it was a very narrow death penalty and that remains today. It's a very narrow death penalty. We've only used it once since that time and it was in the Addison case. Your vote today would be a vote of conscience, I understand that, and everyone can defend their vote because of their feelings and how they've looked into it. Let me tell you why my vote is important to me and to my conscience and to where I'm going.

The murder that everybody's alluded to was in my district. Officer Briggs was in my district. Officer Briggs was a great guy. People loved Officer Briggs. When I see Officer Briggs' family, I see a disjointed family. Why is it disjointed? Because their father's gone. How'd the father go? He was killed. He was shot defending us. Now I talk about public service all the time. Police officers, firemen they defend us. I told you one time that I'm here because firemen risked their lives to save me from a burning home. Anyone who would take the life of another individual, police officer, firemen in the line of duty, deserves a punishment. We've said over and over again, is the death penalty something that's effective as a deterrent. Maybe it is, maybe it isn't.

I don't know if any of you have ready Caryl Chessman's book, *Catch Me Before I Kill More*. He was killed, he was given the death penalty in Utah. Some of you may remember Richard Nixon was in Venezuela at the time as Vice President of the country and they postponed the election. They postponed the execution because of the political ramifications that were taking place in South America. But the fact of the matter is this; Michael Briggs' children will never grow up with their father. I had Mrs. Briggs, his mother in class. Mrs. Briggs will never mature with her son. Now those of us that have children understand that. What in God's world would it be like to lose your child, or to lose your parent because of a heinous crime?

Officer Doherty, again shot seven times in my district. He got a life sentence. You know what that life sentence is? His body will never be the same. It'll never be the same. He took seven bullets. His body will never be the same. That man is going to suffer for the rest of his life defending us. Why? Because he took seven bullets on the West Side of Manchester, in my district. Officer Doherty, what's his life going to be like? What's it like for the rest of your life when your bladder begins to fail? When your internal organs begin to fail? Because of the fact that you took seven bullets.

We're all Christians, we all have strong beliefs, and as I said, this is all a matter of conscience. But indeed, if you have witnessed something like I have witnessed in my lifetime in my district I reaffirm my sentiment. And I've talked to many people about those who have been executed inappropriately. But I say this is not Mississippi, this is not Alabama, this is

not the prejudiced situation that existed in the south for years and years and continues today. We're good thinking people. We believe strongly in justice, we believe strongly that justice should be administered properly, and evenly. As a result of that Mister President, I will support the death penalty and I will be in opposition to this piece of legislation.

And I'm not asking anyone to make a conscious decision that's opposed to what their gut beliefs are. What I'm asking each and every one of you to do is think about it. Put yourself in the position of losing someone via a murder or a criminal act, and how would you feel? How would you feel? I went to the Briggs wake, I saw the line, we, some of us in this room marched down Elm Street and went to Fisher Cat Stadium and sat there for the funeral, and me, the city of Manchester, you know, sort of wept in unison for the fact that we lost this wonderful young man. So I ask my colleagues, do what you think is the right thing to do. You know where I stand. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you. Everyone who has spoken so far, thank you for your very thought provoking comments on this and we all struggle with this but there are things that I think we need to consider that I haven't heard in the discussions with others. And I come from discussion from two different perspectives. The first one is who will protect those that protect us? What do we say to the men and women in blue, what do we say to the correction officers who we have charged, have to stand and protect us, from some of the most violent, heinous people on earth, who frankly, if this bill were to pass would have nothing to lose? What's to stop someone that's doing life from taking a shank and going after a corrections officer for it? What stops them from that is the potential for a higher penalty. The potential that if they actually take someone's life like a correction officers' life, there is a higher form of penalty that they would be subject to.

I think it's very important for us to recognize we have charged corrections officers, police officers with a responsibility to protect us from these bad people. And don't we have a responsibility to protect them in return. The other thing that I think about a lot when I think about the death penalty is a young family in Mont Vernon back in 2009, when a mother and her eleven-year old daughter home alone and their house got broken into. The mother hacked to death with a machete, the daughter hacked up and left for dead. Innocent woman, innocent child. I'm not sure this is something we should be condoning. Now in this case in the body, those of you who were here I think in 2011, we actually as a result of that murder made a minor expansion of the death penalty. Where if you hurt an innocent child or a woman with malice and intent, there should be an ultimate penalty for that.

Now at the same time, I've had a number of people call me up with a religious exemption, and try to say Andy, if you're a good Christian how can you support killing someone? And it's something that I wrestle with. But at the same token, we know both in the New Testament and the Old Testament and for the record our good friend from District number 12, he's not there right this second, speaks of the bible much more than I do, but it specifically talks in the bible about government's right to bear the sword. To reconcile those who have done heinous crimes like murder or rape. So for someone like me, I hear and see this ability and recognition that there needs to be some reckoning for bad things. But at

the same token probably the most important thing to me is I'm someone, who most of you know, don't always trust my government. I am concerned about too much government power. Which is why in the state of New Hampshire, while we may pass a law and have a death penalty on the books, our government cannot put someone to death in this state. It is not the decision of our government to determine who can live and who can die. That's something that is reserved for the people of the state. That only the citizens of the state have that ability to determine death. And I believe that provides us a balance that our current death penalty is narrow, it protects those men and women in blue and correctional officers that we have charged to protect us. It recognizes if you're a woman or innocent child that you have some protections and that it's a decision made by the people of this state. So I'd recommend to the body that we do not pass a repeal of the death penalty because it's something we should consider. Thank you.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in support of the death penalty, and I want to talk about one of our elected officials, and that is Representative Renny Cushing, who for years has been advocating for abolishing the death penalty in this state. And many of you may know, but not all of you know, that his father was murdered by the next door neighbor when Renny was a young man. So we talk about this issue of the victim and how the victim deserves to have retribution through the death penalty, and yet someone in our very own legislative family is arguing just the opposite. And I would side with him and say that life imprisonment is the way that we should deal with these heinous crimes.

There is another concern that we have in the way that our statutes currently exist and that we have placed the value of certain types of citizens above other types of citizens when we say that for instance our police officers, if someone is found guilty of murdering a police officer that they should be put to death. But what about the family who has lost a family member, but they don't fit into that hierarchy, but their emotional pain and their emotional loss is the same. We should be treating all of those crimes where murder has occurred in the same way, and that again is with life imprisonment.

We are the only Western country in the world that continues to keep in place the death penalty. It's not the value that I want to pass on to the next generation, to my children, to your children, to following generations. That the way that we deal with a heinous crime goes all the way back to the issue of an eye for an eye, a tooth for a tooth. But we don't accomplish anything in terms of moving our society forward into a more humane and forgiving entity if we continue to keep the death penalty in place, and say that the way that we should deal when a murder is committed, that we should allow the people of our country to respond by murdering another individual.

And while we acknowledge here in New Hampshire that we have used the death penalty incredibly sparsely, we do know that in other states across the country that people who have been on death row have been exonerated and the best way to ensure, even though we have a lot of trust in our state, we aren't infallible, and in order to ensure that that opportunity for mistake never occurs again, we can put in place life imprisonment. That means that we have the opportunity to reverse that decision if later on evidence should come forward that the individual is

actually not guilty. If you put someone to death, you can't reverse that decision. So I don't say that to say that we would make that mistake here in New Hampshire, but again, you know, our system, our people are no less fallible than what we've seen across this country.

So I would ask you to stand up and support the concept of life imprisonment. Make sure that we have the right boundaries in place for that, that we treat all individuals who are accused and found guilty of murder the same, we don't set the loss of one individual's life and the value of that life against the loss of another individual and the value of that life. And so thank you very much, and I would urge you to move forward in supporting the abolishment of the death penalty for New Hampshire.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I'm very proud of this Senate, every time we debate this, the seriousness, the soberness, the concern and respect for each other this Senate has shown on this issue. I think it's something we can all be very proud. Each of us I'm sure has gone through a torturous path of coming to a decision on this and I just wanted to share mine.

When I first came, I didn't have a clear position or understanding of this and I felt obligated to go to the state prison in Berlin and talk to the correctional officers because they are the ones who put their lives on the line as well as our police officers and law enforcement officials. And having went up that evening before the vote, I did that night tour and having a conversation with one of COs who opposed, who supported, the death penalty. But the conclusion he said by the way could you help me out, I saved, I interrupted a suicide, I cut down an inmate who was trying to hang himself and I was supposed to get a pin or a badge or some kind of recognition and it hasn't come yet. And I just couldn't shake that. And as I drove home that night, I couldn't shake that we would give a pin, or give a medal, or some kind of a recognition to someone who saved a life yet the very next day he might take a person down and fill his or her veins full of poison and watch them die. And I've always been concerned if we're going to do this, we're probably not going to do it in Concord, we're going to do it in Berlin. We're not going to do this heinous state sponsored murder in Concord, we'll do it in a far off place, so it'll be my constituent that has to administer that.

So as I thought about that, I was introduced to a case in 1984, Joel Bill Caulk who was a thirty five year old inmate in the state prison here in Concord. And he had multiple convictions for rape, known as the Want Ad Rapist, who classified ads, people responded he would rape them. And he decided that he didn't want to live and he stopped eating. He fasted. And as he continued to do this and deteriorated, the state of New Hampshire stepped in and said you cannot do this. We own your body. You cannot stop eating. So they hooked him up and gave him nourishment, brought him back to life. And in the state of New Hampshire, in my view, that's how we responded to that situation. It left me with the feeling that we are essentially responsible, we're wardens of their bodies and we have a moral obligation and a personal obligation to be not in the business of killing people, not in the business of ending life in this circumstance and that we are far better with all the sympathy for anyone who's been harmed by anyone and particularly those heinous crimes that were discussed here today. Justice means behaving in a just and decent way and I think we have no choice in a society like ours to move in the direction of other places and end the death penalty. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. And I actually have now heard from others, much of what I wanted to say, so I thank you. When listening to the testimony in the committee, I was incredibly moved by what the large group had to say. And many of them, as has been said, were from religious groups, retired policemen, and others who I expected might be in favor of a death penalty but were not. I think it's extremely risky as a society for us to, and as a government, for us to make ethical decisions of this sort we are assuming how other families feel, we are assuming, you're assuming that I as a female feel like there should be a death penalty for somebody who kills me or my child. How are we putting values on these lives?

I'm devastated for the Briggs family. I'm devastated for anyone who meets with this kind of crime. More than one person dies, you know the families have different lives, I'm sure Mister Briggs' wife has died in some way as well. But we didn't hear one person say that taking the life of the person who killed them made them whole again. There is no way to make them whole again. In fact we heard from the representative whose brother-in-law I believe, and father were murdered, that it does not do that. That it does not make you whole, that instead you are often haunted by the repercussions of the consequences of putting somebody to death.

We teach our children, at least I hope we teach our children, that it doesn't make it better if somebody hits you to hit them back. We're just, if you hit your child, and I'm sure we differ on this too, but if you hit your child, you're teaching your child to hit. This is an extremely emotional and very personal issue and I don't fault anyone for voting the way they're voting but I also don't feel like we are in any position to decide how families become whole again, or whether they become whole again. And not only that, I don't think we're in any position to decide which is worse, being put to death or having a lifetime in prison without parole. The people who have lifetime in prison without parole are likely the ones who are trying to commit suicide because they'd rather die and not have to put up with this anymore, their punishment.

And we haven't even talk about the costs because I'm not even sure that they're completely relevant but the fact is it costs our government significantly more to have somebody on death row than it does to have them committed to life without parole. So I hope we can avoid value judgements about how others of us make these decisions and be careful not to assign certain values to one life over another. Because in my mind each one of our lives is exactly equal. Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd like to applaud this body for a great debate that we've had today on the death penalty. This is not an easy issue for many of us. It is a vote of conscience and how you believe and I don't believe anybody is going to change anybody's mind here today. But I do believe in having a full vetting on this issue because it is going to change, it is going to change New Hampshire's law. And I'd like to thank the good Senator from District 21 with her discussion on Representative Cushing. I have respect for Representative Cushing because he's forgiven, and quite frankly Mister President, I don't think I could. And I don't know if anybody else in here could do the same thing if one of your loved ones was a victim of a heinous crime

like his father was. But Mister President, this is not about forgiveness, this is about justice. And we need to think about justice when we talk about the death penalty.

I believe there had been a previous question about whether or not even our death penalty was constitutional, and I received a memorandum from our attorney general outlining the death penalty and he says that in the *State v. Addison* in 2013 our Supreme Court determined that the death penalty did not violate our constitution.

I'd also like to just have you think about something for a minute. Because we do for the first time in many years have an individual on death row. This person. During his trial, his attorney said yes, he killed Officer Briggs, there's no doubt about it. None whatsoever. And this person was given the death penalty, but by your vote today to repeal the death penalty, you are basically wiping that conviction out and you're converting the death penalty sentence to life in prison. How is that going to affect the Briggs family? I've spoken with Mrs. Briggs, and she struggles every day. It is a very difficult issue for her and she deserves our support and our respect for what she's going through.

But, and again Mister President, I'm referring to the memorandum that I received from the attorney general, and the question was can the General Court repeal the death penalty without disturbing death sentences that have already been imposed? And the short answer is probably not. He goes on to say that with the vote to repeal the death penalty it's really sent a signal that, and I would like to read, that society has determined the death penalty no longer comports with contemporary standards of decency, is no longer necessary and no longer serves any legitimate penological purpose i.e. that it constitutes cruel and unusual punishment and therefore that a complete and immediate prohibition against executions is required even if the repeal was prospective. So by voting today against the death penalty you are voting to commute the sentence of Michael Addison from the death penalty to life in prison. And I think that's something that everyone needs to consider very seriously. Thank you very much, Mister President.

(The Chair recognized Senator Ward.)

SENATOR WARD: I just heard from my good Senator from 14. She mentioned the word forgiven. I feel compelled now to tell you I lost my father when I was eight. He was shot down. My mother was left with four kids, a fifth one on the way, and we talked about it many times afterwards, and she said God will take care of us. He will punish, I forgive the person. That's how I grew up. I never had any strong feelings about this person who took my father away from me. And listening to your comment here about the family was disrupted. I think my mother did very well. She raised five kids and I don't believe that I am terribly, I never felt myself being disadvantaged. If anything was, I grew up very fast and I'm probably a little bit more bossy than I need to be sometimes. But anyhow, this struck me, you can forgive somebody, she had, my mother had, an incredible faith and she trusted that whatever happened to us, she was in God's hands and he will take care of us and her. So I just wanted to thank you for mentioning the word forgiven.

(The Chair recognized Senator Daniels for a question of Senator Carson.)

SENATOR DANIELS: Thank you, Senator. Just ask a question regarding clarification. You made a statement that Michael Addison would be subject to life imprisonment, but yet I'm reading in here that section 1 of the

act applies to persons convicted of capital murder on or after the effective date of this act which is January 1, 2019. So could you please explain how the death penalty would not apply to him but life imprisonment would?

SENATOR CARSON: Thank you. I'll try, because again I have the memo and I believe the last time we talked about the death penalty this was an issue that came up. It has to do, and I can't remember what the term was, equal protection, because now you have passed a law getting rid of the death penalty but now you have a person who's sitting on death row and you're going to treat that person differently from a law that's already on the books. And that creates a problem. And that is what the attorney general talked about in here. There have been two states, there are only two legislatures in two states, Connecticut and New Mexico, have expressly stated that in their complete repeals of the death penalties were prospective, meaning going forward. So anybody that was on death row they're going to stay there. And he says however the Connecticut Supreme Court has done so, holding that the Connecticut Constitution no longer permits the execution of individuals sentenced to death for crimes committed prior to the enactment of the prospective repeal. And he goes on to say that the way that it was framed to the court was whether the state's prospective repeal of its capital felony statutes rendered its continued imposition of the death penalty unconstitutionally excessive and disproportionate punishment and then he talks about the five different criteria that they looked at. So basically again, I'm repeating what I had said earlier that it's very difficult when you create a law going forward but you have someone here who was convicted under the old law which is now wiped out. So they're going to be, Mister Addison is going to be able to go to court and argue due process and unequal treatment and he will in all probability the court will convert his sentence to life in prison.

SENATOR DANIELS: Thank you for the clarification.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. This is the second time we filed this bill and I know that this is a matter of conscience. And I don't think we're going to change anybody's mind today, I'm sure of it. I'm convinced that we're doing the right thing. In recent history 4,000 cases of DNA were tampered with in our neighboring state. If any one of those were used in a death penalty, we'd have a big mistake on our hands. Can anyone in this room assure me 100 percent that that cannot happen here in New Hampshire, ever?

I looked at four exonerees and I interviewed them on my TV show. I looked at them in the eye and they were telling me about their cases, and being on death row for eleven years. The prosecuting attorney withheld exculpatory evidence. Can that happen in New Hampshire? Can anybody convince me that 100 percent of the times, it will never happen?

There are testimonies that I've heard of false confessions being pushed on witnesses. Well, you're going to get the death penalty if you don't confess to this or turn this person in. Those were used and false confessions produced a false answer and that absolutely it happened in this one case where DNA exonerated the person.

Human nature. We're dealing with human nature. We make mistakes, we make bad choices. The cost just in one case alone, if this Addison person were put in prison for the rest of his life, it'd be $1.3 million to the taxpayers. Now because of appeals it could potentially be 5 to $10 million, anywhere in between there. That in itself is an injustice to the taxpayers.

Some people don't believe in the death penalty because of religious reasons. That goes to the core of your belief. Some people don't have religious faith, but they believe that it's just wrong and that the government doesn't have the right to do this, to take a life and it's a slippery slope. I respect that as well. I, for a long time, since I was a child actually, since I was fifteen, believed in the death penalty. But I also believe that if we execute somebody, wrongfully, their blood is on our hands. And I don't think I want anybody's blood on my hands, when I have to meet my maker whom I believe in. I respect everybody's ability to disagree and I wanted to be brief. Just vote your conscience. Thank you, Mister President.

(The Chair recognized Senator Carson for a question of Senator Avard.)

SENATOR CARSON: Thank you Senator, for taking my question. You talked about being assured that mistakes were not going to be made. So I'm going to ask you a question; can you assure those of us that do not support the repeal of the death penalty that someone who should have gotten the death penalty but doesn't they get life in prison will not kill somebody in prison? Can you assure me that this person is not going to be erroneously let go? Because we know that prisons around the country have made mistakes, and they have let murderers, people who should not be out in the general public, they've let them go because they've made a mistake. Can you assure me that that will never happen?

SENATOR AVARD: No.

SENATOR CARSON: Thank you very much.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Avard, seconded by Senator Carson.

The following Senators voted Yes: Woodburn, Giuda, Watters, Hennessey, French, Ward, Kahn, Daniels, Avard, Lasky, Feltes, Reagan, Soucy, Fuller Clark.

The following Senators voted No: Bradley, Gray, Sanborn, Carson, Cavanaugh, Birdsell, D'Allesandro, Gannon, Innis, Morse.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

President Morse Ordered SB 593-FN to Third Reading.

SPECIAL ORDER

Without objection, Senator Bradley moved to special order SB 318 to the next session. Adopted.

COMMERCE
SB 423, relative to noncompete clauses for low-wage employees.

Floor Amendment #2018-1018s, Pending Motion. Senator Watters for the Recommendation.

Sen. Watters, Dist 4
March 7, 2018
2018-1018s
04/06

Floor Amendment to SB 423

Amend the bill by replacing section 1 with the following:

1 New Section; Protective Legislation; Noncompete Agreements for Low-Wage Employees. Amend RSA 275 by inserting after section 70 the following new section:

275:70-a Noncompete Agreements for Low-Wage Employees.

I. In this section:

(a) "Employer" shall have the same meaning as in RSA 279:1, X. "Employer" shall not include employees of governmental or quasi-governmental bodies.

(b) "Low-wage employee" means an employee who earns:

(1) An hourly rate equal to 200 percent of the federal minimum wage; or

(2) An hourly rate equal to 200 percent of the tipped minimum wage pursuant to RSA 279:21.

(c) "Noncompete agreement" means an agreement between an employer and a low-wage employee that restricts such low-wage employee from performing:

(1) Work for another employer for a specified period of time;

(2) Work in a specified geographical area; or

(3) Work for another employer that is similar to such low-wage employee's work for the employer who is a party to the agreement; and that is entered into after the effective date of this section.

II.(a) No employer shall require a low-wage employee to enter into a noncompete agreement.

(b) A noncompete agreement entered into between an employer and a low-wage employee shall be void and unenforceable.

2018-1018s

AMENDED ANALYSIS

This bill prohibits an employer from requiring a low-wage employee to enter into a noncompete agreement.

Senator Watters withdrew the Floor Amendment.

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4
March 8, 2018
2018-1041s
04/03

Floor Amendment to SB 423

Amend the bill by replacing section 1 with the following:

1 New Section; Protective Legislation; Noncompete Agreements for Low-Wage Employees. Amend RSA 275 by inserting after section 70 the following new section:

275:70-a Noncompete Agreements for Low-Wage Employees.

I. In this section:

(a) "Employer" shall have the same meaning as in RSA 279:1, X. "Employer" shall not include employees of governmental or quasi-governmental bodies.

(b) "Low-wage employee" means an employee who earns:

(1) An hourly rate less than or equal to 200 percent of the federal minimum wage; or

(2) An hourly rate less than or equal to 200 percent of the tipped minimum wage pursuant to RSA 279:21.

(c) "Noncompete agreement" means an agreement between an employer and a low-wage employee that restricts such low-wage employee from performing:

(1) Work for another employer for a specified period of time;

(2) Work in a specified geographical area; or

(3) Work for another employer that is similar to such low-wage employee's work for the employer who is a party to the agreement; and that is entered into after the effective date of this section.

II.(a) No employer shall require a low-wage employee to enter into a noncompete agreement.

(b) A noncompete agreement entered into between an employer and a low-wage employee shall be void and unenforceable.

2018-1041s

AMENDED ANALYSIS

This bill prohibits an employer from requiring a low-wage employee to enter into a noncompete agreement.

SENATOR WATTERS: Thank you, Mister President, and colleagues. I would like to take us all back a week ago to one of the happiest moments in recent Senate history, that I was speechless. I know it was appreciated but apparently what I had said before then and overturned the ITL motion was worth hearing and we came to the Floor Amendment at that time which had been incorrectly drawn. As a reminder, the Floor Amendment at the suggestion of members of the Commerce Committee, instead of pegging this at $15 an hour said let's do twice the tipped minimum wage which had not been included in the original bill which should have been and then say go 200 percent of the minimum wage so it's actually at 14.50 here. And you know as we discussed last time, we have approved several non-compete bills previously for people at the higher income levels and I noted that for people, who are just plain working people, who really do have a, just a fundamental constitutional right to their free labor, and to pursue the professions that they wish, that this bill, this amendment, this bill would say that yes, you are able to move from one sandwich shop or another or one job to another without being withheld the right to employment in the geographical area or in the same sandwich making operation or otherwise. I think it's an issue of fairness, I think it's an issue of free labor, conservative principles and being sure that people can get a job, support their family without being I think rather gratuitously prevented from doing so by non-compete agreements. Thank you, Mister President.

(The Chair recognized Senator Reagan for a question of Senator Watters.)

SENATOR REAGAN: I'm curious as to how many instances you found of this occurring?

SENATOR WATTERS: Thank you for your question, Senator. We know the Jimmy John's chain which is in this state, was the one which has had these non-compete agreements and was prosecuted for it in the state of New Hampshire. I have also heard that particularly in the title loan industry in our state that there are similar non-competes for minimum wage people. I think one of the issues of answering your question fully, is that I do think there are people feel intimidated or may not be familiar with what they are signing until they face the consequences.

(The Chair recognized Senator Innis for a question of Senator Watters.)

SENATOR INNIS: Senator, you mentioned that we have non-compete for high wage employees and this would present a non-compete for low wage employees. What about the employees in the middle? Should we take care of them in the same way and if so why and if not, why not?

SENATOR WATTERS: Thank you for your question, Senator. And we did discuss this in the committee hearing and you know it seems to me this is

a larger issue and I personally would support non-competes throughout and I told the Senator from District 9, you know why I supported his bill previously, because I do think it's a bad idea. I think the argument is made pretty clearly for these low wage earners; that they do not have trade secrets, not necessarily client lists and so forth. But I do understand the arguments were made about the trade secrets, about who spent a couple million dollars to set up a lab for somebody, and they're going to go across town to another university. You know I get those arguments, so I think that's a larger discussion. I do think that this is a step we can take now and I really would be supportive of working on a bill next year to address the other issues.

SENATOR INNIS: Thank you for taking my question. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Watters, seconded by Senator Woodburn.

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 question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Woodburn, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Sanborn moved Inexpedient to Legislate.

A roll call was requested by Senator Woodburn, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

SB 553-FN, relative to mental health parity for workers' compensation. Interim Study, Vote 4-0. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. Senate Bill 553 establishes a workers' compensation claims for police officers, fire fighters and emergency medical providers for PTSD disorders and certain mental health conditions. Although we want to protect our first responders from any PTSD disorders derived from their jobs, this bill creates a presumption of liability and would add additional costs in workers' compensation premiums to cities and towns and a cost for mental health examinations which is the reason the committee believes that it should be studied further. I believe that one of my colleagues has a Floor Amendment to

create a study commission on this issue and I ask the body to vote down the Interim Study motion so the Floor Amendment may be introduced. 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
Sen. Innis, Dist 24
March 15, 2018
2018-1116s
01/04

Floor Amendment to SB 553-FN

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Commission to Study the Incidence of Post Traumatic Stress Disorder in First Responders and Whether Such Disorder Should be Covered Under Workers' Compensation. Amend RSA 281-A by inserting after section 17 the following new section:

281-A:17-a Commission Established.

I.(a) There is established a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation. The members of the commission shall be as follows:

(1) One member of the senate, appointed by the president of the senate.

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(3) The labor commissioner, or designee.

(4) The commissioner of safety, or designee.

(5) The insurance commissioner, or designee.

(6) A representative of the New Hampshire Municipal Association, appointed by the association.

(7) A representative of the New Hampshire Association of Counties appointed by the association.

(8) A representative of the National Alliance on Mental Illness New Hampshire, appointed by the alliance.

(9) A fire chief, appointed by the New Hampshire Association of Fire Chiefs.

(10) One member appointed by the New Hampshire Association of Chiefs of Police.

(11) One member appointed by the New Hampshire Police Association.

(12) A representative of the Professional Firefighters of New Hampshire, appointed by that organization.

(13) A representative of the New Hampshire Association of Emergency Medical Technicians, appointed by the association.

(14) A representative of the New Hampshire Ambulance Association, appointed by the association.

(15) A representative of the New Hampshire Public Risk Management Exchange, appointed by that organization.

(16) The adjutant general, or designee.

(17) An attorney, appointed by the New Hampshire Association of Justice.

(18) An attorney practicing in the field of workers' compensation defense, appointed by the governor.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II.(a) The commissions shall study:

(1) The prevalence of post traumatic stress disorder (PTSD) among first responders.

(2) The prevalence of PTSD, or factors contributing to PTSD, among first responders at the time of hiring.

(3) The extent to which first responders' employment benefits provide health insurance coverage for treatment of PTSD.

(4) The degree to which employers who hire first responders are capable of reassigning affected workers to less stressful positions that would allow employees to continue working while receiving mental health treatment.

(5) The degree to which employers currently provide peer-to-peer counseling programs for first responders, the effectiveness of such programs, and the degree to which such programs should be expanded.

(6) The degree to which workplace culture prevents first responders from seeking assistance for mental health issues that may be caused or exacerbated by workplace stress.

(7) The extent to which prior military service may contribute to the rate of PTSD among first responders.

(8) The difficulty first responders currently have establishing that a PTSD diagnosis is causally related to employment.

(9) The difficulty employers would have establishing that a pre-employment condition or experience caused PTSD, rather than a first responders' current employment.

(10) The cost that creating a rebuttal presumption that PTSD was caused uncured during service in the line of duty would impose on public employers, private employers, and taxpayers.

(11) Other issues the commission deems relevant to its study.

(b) The commission may solicit input from any person or entity the commission deems relevant to its study.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Ten members of the commission shall constitute a quorum.

IV. On or before November 1, 2018, the commission shall submit a report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

2 Repeal. RSA 281-A:17-a, relative to a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

II. The remainder of this act shall take effect upon its passage.

2018-1116s

AMENDED ANALYSIS

This bill establishes a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation.

SENATOR BRADLEY: I'm like my friend from Dover, speechless. Let me first start out by thanking the members of the Commerce Committee and in particular the Chair of the Commerce Committee for working with me on this amendment and also thank the prime sponsor of the bill, our friend from Hanover. Several of us also co-sponsored this bill. I think it goes without saying that ensuring that police officers, fire fighters, EMTs and others in the first responder realm, when they have PTSD or the potential of mental health issues that we need to consider that in terms of workers' compensation. At the same time I think there's a recognition of a potential cost, and so I worked with our friend from Manchester as well as our friend from New Castle on this amendment which creates a balanced commission that will thoroughly examine the issue, and will look at not only whether PTSD should be treated in the way the workers' compensation treats but also how to re-assign effective workers back into the workplace. So I think it's a balanced amendment in terms of who the members are, and what their scope of looking at it is. We ask for a report by November 1, 2018 so that we can consider the merits of this in the next legislature. So thank you, Mister President. I hope that everybody can support this Floor 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 the Committee on Finance (Rule 4-5).

EDUCATION

SB 525-FN, prohibiting the distribution of higher education and adult education financial assistance to any student who is not a legal resident. Inexpedient to Legislate, Vote 5-0. Senator Watters for the committee.

SENATOR WATTERS: Thank you, Mister President. I want to start by declaring that I have a potential conflict of interest in that I am a board member of the Dover Adult Learning Center, but the Dover Adult Learning Center would be affected no differently than any other adult learning center under this bill so I choose to participate.

Thank you, Mister President. I move Senate Bill 525-FN Inexpedient to Legislate. This bill would prohibit the University System and Community College System from distributing state funded financial assistance to any student who is not a legal resident of the United States. The bill would also limit the availability of adult education programs funded by state or local sources to legal residents of the state of New Hampshire. This legislation fails to recognize lawful, non-citizens such as green card holders and asylum seekers, who must wait a certain period of time in order to gain legal resident status. The committee believes it is unfair and unnecessary to deprive these adults of educational services while they seek to achieve legal resident status. Further, it is illegal to ask adult education students for their social security number, so there is no method for determining legal resident status. Therefore the majority of the Education Committee asks for your support in the motion of Inexpedient to Legislate on Senate Bill 525. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I feel I must make a declaration. I am employed by the Community College System and I will be participating.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: I rise and ask the body to vote to overturn the motion of Inexpedient to Legislate so I may be able to introduce an amendment to clarify some of the challenges with the bill that was introduced. So again, I'd ask the body to overturn the ITL so I can introduce an amendment for clarification. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I thought I would take just a moment to further explain some of the points that were made previously in my introduction of the bill. And I do understand that there is a desire by the sponsor perhaps to limit this bill to part 3, not the community college and the university system, but only to adult education. But what I'm going to say now will be focused primarily on what the effects on adult education, but I think that some of the main points I make also apply to the bill in its entirety, the community college, the university system in New Hampshire and I think that we really should just vote ITL on this. And let me explain why.

First, you know whatever you may feel about the underlying issue here, about whether certain folks ought to be able to take, you know to get an education, learn English or get work for the government. Whatever you feel about the issue, there are problems with the bill. They start with the concept of legal resident. Legal resident is not defined in federal statute or in state statute. So we have a problem there.

From Catholic Charities we heard that if this implies legal permanent resident, then we immediately run into problems in terms of green card holders. Because they are not legal permanent residents, they are green card holders. And if they are green card holders who are prohibited by this legislation, that immediately violates the equal protection clause of the constitution under the ruling of *Graham v Richardson* in 1971. And you know really, read the committee report. These things are laid out there. But let's consider who is on this pathway to legal permanent residence. And particularly these are refugees and are asylum seekers. Now what do they have to do, you know if you're a refugee asylum seeker, you got to come, you got to wait six months before even applying for a green card to make sure you haven't done any violations in that period of time. And then when you get the green card, you know it might be one to six years before you're able to get that status and then you have to go through citizenship.

Now, who are these folks? I mean from my community I have many, many Nepalese, they were put, ethnic cleansed out of Bhutan, they were in camps in the Himalayas for almost twenty years and a lot of them got their refugee status, finally came here and they particularly wanted to go into the Health and Human services because they said people took care of us, they remembered that Americans had donated money, take care of them in camps so when they got here, they wanted to give back. And a lot of them are home health care aides in my area. But how did they get to be that, well they went to Dover Learning Center, they went to Community College, they got the credentials they need.

Or think of the refugees who came out of Yugoslavia, when that broke up in those brutal wars there or think back a little, it farther, Jews from

the former Soviet Republics who came here as refugees and asylum seekers. And by the way, if they're going to get their citizenship, they've got to learn English. And where are they going to go to learn English, but adult learning centers. They need those language classes. Also let's note that it's through the adult learning centers that we do the YLO programs for workforce training. And you know these people are on the pathway to legal residence and the citizenship and they want be able to get a job and become productive members of it.

There's also as I mentioned before, a great problem of enforceability here. Who can we ask what their documented status is? We have a lot of laws throughout our statutes saying we cannot ask people for their social security numbers, right? There's privacy concerns and in particular this bill under the section on adult learning amends RSA 186:63 which is in the high school education area. Now many adult learning centers do high school education. They do the ISAT and this and that and the other alternative programs as well, and you know you talk to DOE and you look at our state statute and it's illegal to ask that high school student for their social security number. And there are many statutes to prohibit us from doing that. So again, whatever you think of the issue this bill is just impossible to enforce and to implement for the reasons I've outlined. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise to give some rebuttal to my friend from Dover, and I'd like to remind the body that this is a bill that does not talk about refugees, does not talk about people with green cards, because those people are legally allowed to be in America. And when we talk about whether or not someone is a legal permanent resident, again, you'll see in legislation there is no word permanent because it is not considering permanent versus non-permanent residents. So I'd love the opportunity to introduce an amendment to have a more robust discussion about this, but I felt it was important that we talk about although with respect to my friend from Dover, this bill, if someone is legally allowed to be in America, which would include refugees, which would include green card owners, they are legally here so they'd be exempt from what this bill would do. So again I ask the body to vote down the motion of Inexpedient to Legislate to allow me to bring forth a clarifying amendment. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I'm sorry that I have to rise again, but let me note that either here in this bill or as I understand in the amendment that term legal resident does not fly. It is not defined in the bill, I suspect it's not going to be defined elsewhere and why? Because we cannot define it in a way that accords with state statute and with federal law. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Birdsell, seconded by Senator Fuller Clark.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 11 - Nays: 13. Failed.

Senator Sanborn moved Ought to Pass.

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9
March 8, 2018
2018-1023s
04/01

Floor Amendment to SB 525-FN

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting the distribution of adult education financial assistance to any student who is not a legal resident.

Amend the bill by deleting sections 1 and 2 and renumbering the original sections 3 and 4 to read as 1 and 2, respectively.

2018-1023s

AMENDED ANALYSIS

This bill limits the availability of adult education programs funded by state or local sources to legal residents of the state of New Hampshire.

SENATOR SANBORN: Thank you, Mister President. Mister President, this bill originally came to me this past fall and although I can't use my electronic device to the level that I'd want to in the building, but if I could use my electronic device to the level that I want to in this room, I'd pull up and read to you an email from November 23rd, and an email from February 15th from Cheryl Keenan who's the director of adult education from the office of Career and Technical Education in Washington, D.C. at the Department of Education and Jeb Harris who is the attorney from an office called OGC, which I'm not even sure what it is but was referred to me again from the Department of Education at the federal level. And what they had indicated was the fact that we have an adult education program that was expanded under President Obama, and through no fault of anyone's the question was left open as to whether or not there was a prohibition on anyone getting adult workforce training programs, could receive these training programs for jobs, but the challenge is if you're not in this country legally you can't work. So are we spending money to train adults specifically for adult education job training programs to people who cannot actually legally have a job.

Now this is a program that is actually paid for 70/30. Seventy percent coming from the state of New Hampshire general funds, 30 percent coming from federal funds. So in the conversation that we have had with the Federal Department of Education as well as the New Hampshire Department of Education, who were both involved with the bill as it was introduced and the amendment, and I'll get to that legal resident thing in a second, it raises that question and it said specifically that the policy creators should consider and determine whether or not we should be providing workforce training, adult workforce training, for people who are not legally allowed to have a job. Now I would contend personally that although I believe in adult workforce training, we've talked regularly about whether or not we have fourteen or fifteen different programs in our state, and I'm sure that's a debate we'll have on another day again, that using taxpayer dollars to train people for jobs, this is a specific job training program, who can't legally work here, probably is not a good use of the taxpayer dollars.

Now that said, this program does not, does not prohibit anyone who is here as a refugee. Does not prohibit anyone who is here with a green card. Does not prohibit anyone who is here legally. Now there is some question about what the term legal resident is, and again this is language that was provided to me by the Federal Government and overseen by the New Hampshire Department of Education. And I'm assuming when we start talking about how to determine whether or not someone is a legal resident here, that we'll be seeing that through the rules process like we always do in these bills, although I would say, I find it unique to hear from my good friend from Dover that people are not required to show their social security card but many people in this room actually voted for Real ID last year, which required I had to bring my social security card. So I would love to have that conversation on the other bill, Senator Watters because I agree with you in the sense that I don't believe people should be compelled to show their social security card.

So in conclusion, I'm asking the body for support on a very narrow simple question. Should we use New Hampshire taxpayer dollars and federal taxpayer dollars specifically for job training programs for adults for people who are not legally allowed to be here? If you are legally allowed to be here, the program still exists. We're spending $4 million a year in this state on this program. We're doing a fair amount of job education. This would just say if you're not legally allowed to work here, should you still get the job training program. I would submit to you that you should not. So I'd ask the body to support passage of the amendment and final passage of the bill.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in opposition to the bill, the amendment, this idea. Why did we have a hearing? Eighty-eight people signed in for this hearing. Three people signed in in favor, the remainder, eighty-five signed in in opposition. What was the testimony that we had? There is confusion over the term legal resident. We got the testimony from the Department of Education, state Department of Education, we received it from three adult learning center directors, from Catholic Charities and from others who were testifying. Nobody's collecting the information on legal residency, in fact there's a fiscal note that says it's indeterminable but because nobody collects it at the Department of Education, this kind of thing is going to add some costs to the state.

Who does this legislation target? We've already heard from my colleague from District 4 who sat in the same hearing I did, there is the confusion about those who are here with green cards, those who are here seeking asylum, who might be here for six years doing so. But I think we also need to call out that this seems like a bill that is aimed very much at the national debate about the deferred action for foreign arrivals, the DACAs. Because if my colleague from Senate District 9 is saying that everybody knows that if you're here with a green card or seeking asylum, that you've got access to citizenship which is undefined by this bill and people in the field say that it's undefined, then who's left, but those that were having a national debate about DACAs, deferred action on children arrivals.

Next point. It's not because of cost and it's not because of lack of definition. What are these educational programs? Because that was also testimony that we received. You can't separate the educational programs. Are they workforce related? Are they literacy related? Are they language courses? An obvious need for citizenship. I don't know where we're go-

ing to be limiting educational programs which, adult education is a very broad term. It doesn't limit itself to any one of those three areas. People in the field are confused where this arrow is supposed to land. So, I just feel this is not a good step for our state, it's not a good sign of where we are as a legislature. I would ask that this body vote down this amendment and return to this basic bill and defeat it as was recommended unanimously by the Education Committee. Thank you, Mister President.

(The Chair recognized Senator Feltes for a question of Senator Kahn.)

SENATOR FELTES: Senator, thank you for taking my question. It's probably the reason why the unanimous vote coming out of Education Committee of ITL, was that because of the murkiness of the term legal resident?

SENATOR KAHN: Yes. And because of the murkiness of the term adult education. Adult education covers all three areas language, literacy and workforce training.

SENATOR FELTES: Thank you, Mister President. So if there was a very broad reading of the term legal resident, people who are here legally who are seeking programs to speak English, to get into jobs that could be potentially prohibited from participating in these programs?

SENATOR KAHN: Yes.

SENATOR FELTES: Thank you.

(The Chair recognized Senator Fuller Clark for a question of Senator Kahn.)

SENATOR FULLER CLARK: I'm reading in the hearing notes that it says here there are many people who have a legal right to be in the state or country who are documented but are not yet a legal permanent resident. If we were to pass this amendment, it would make it impossible for those people who are allowed to be here but are not defined or given the status of legal resident to participate, is that correct?

SENATOR KAHN: It is correct. There is no definition for legal resident. It doesn't confuse it with other people who are here legally and permitted to be here.

SENATOR FULLER CLARK: Thank you.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. With all due respect to my colleague from District 9, let me note that there's a slipperiness between saying here legally and the term that is actually in the bill, legal resident. Legal resident has no status as a definition and any construction of it that would exclude people who are here with green cards, or on the pathway to citizenship as refugees, would be illegal under the case that I cited. We're in the business of making sure we pass laws that are written in such a way that they can be interpreted, they can be enforced, let alone whether it's a good idea or not. Sometimes I'm on the one side of that, sometimes I'm on another. But make no mistake that term legal resident is not supported federally, it is not supported in state statute. And as a previous member of JLCAR, I don't know how JLCAR is supposed to come up with rules defining legal resident when there's no guidance from the legislature as to what the heck that means.

And let me correct another misstatement that has been made about this. Okay this is amending chapter 186:63. Now let's look at those chapters; chapter 186:61 is the establishment of adult high school education pro-

grams. Here the State Board of Education shall establish and promote educational programs for adults to earn a high school diploma or equivalent. You go to 186:62 and it says these are the workforce kind of development programs that adult education can offer and can receive grants and funding to do from the Federal Government, from state or from local school boards. Then you go to 186:63. And it says in this section, all monies shall be raised and granted from grants, state and local sources. So 163 refers back to the high school degree programs. It refers to the YLO programs and the workforce programs, and those funds come from all over the place. Businesses give funds to locals, they have contracts with adult education centers. Because they want training for folks. So let's be clear about this, this bill as written cannot be enforced and would prevent people from, who are on the pathway to citizenship, or have a green card, from getting a high school diploma, from learning English or getting workforce training. So again, put aside what you think about DACA or about you know who's here or who shouldn't be here. This bill doesn't work. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President, and again my apologies. I'm not looking to overly correct my friend from Dover but he does refer to section 183:63. But the paragraph actually starts specifically by saying adult education. Funding of education programs. This is about adult education, Mister President. And again in the subset from the feds and from the state about job workforce job training programs. This is specifically all this is about. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. There is a huge issue at stake here. It's very simply put. We are either a nation of laws or we are not. We are either a state of laws or we are not. I was one of the folks that voted for the ITL. I'm reversing my vote because in research that I've done subsequent some of the information presented there was actually not accurate. Without exception every single entity or person that testified at that bill had a vested financial interest in maintaining the status quo. That should tell you something. All legal residents of the country have a government issued form of identification. It is not a social security number. At present time we are rewarding people who have cheated the system and in so doing de facto penalizing those who wait outside the gates to lawfully enter the country and get access to programs we implemented with the best of intentions, lawfully for those who comply and live by the law, not to reward those who scoff it. With respect to mixing funds, this is not about where the funds come from, it's about where the funds go to. And within the Department of Education they have the ability to determine who is legal, who is not and which programs those people can qualify for so they can segregate them from English as a second language or learning to run a drill press. It makes no sense whatsoever to spend millions of dollars on programs to educate illegals when by law they're not allowed to have a job. Common sense would tell us, this is a good bill. It's very narrow, it's very targeted. It allows us to exercise and express our support and belief that we are a nation of laws and a state of laws, and not selectively. Thank you, Mister President.

(The Chair recognized Senator Feltes for a question of Senator Giuda.)

SENATOR FELTES: Thank you for taking my question. What is your definition of legal resident in the bill?

SENATOR GIUDA: I will leave that to those smarter than I to figure out. I would offer that someone who is a legal resident is someone that has a valid form of identification identifying them as such.

SENATOR FELTES: What would be in your opinion a valid form of identification that would qualify as being evidence of a legal resident?

SENATOR GIUDA: A government issued form of identification, okay? Generally federally because immigration is a federal purview. So in the absence of that, if I don't have that, I'm not able to get a job. Why would I spend money to train a person that doesn't have the requirements to get the job?

SENATOR FELTES: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. We are a nation of laws but we're also a nation that welcomes people into this country. We resettle refugees, we give them a path for citizenship. That path includes education. We have adult education programs in Manchester, the Nepalese, the Bosnians all of these people have come here and we give them a path to citizenship. Why would we deny them this? Why would we deny them the ability to move forward? What the Hell is this? You know when are we going to wake up and smell the coffee? My parents had the benefit of two immigrants who came here, who learned English. That was many years ago. Today we're welcoming people here, we're providing an opportunity for them. They're good workers. They enter the workforce and they're very productive. Why should we curtail this? Why should we put limitations on this? They pay their taxes, they become productive members of the society. I don't understand why this is going on. What the heck are we doing here, at 4:00 in the afternoon? Curtailing the ability of an individual to move forward in this society. Come on. Let's wake up. Let's move forward. Thank you, Mister President.

(The Chair recognized Senator Giuda)

SENATOR GIUDA: Thank you, Mister President. Your parents or your parents' parents and mine legally immigrated to this country through Ellis Island. They took their turn, I have the documents to prove it as I'm sure you do. They didn't come across a border, and everyone that you're talking about is not excluded by this program. They have documentation that shows they're here legally. That's how the country's supposed to work. The absence of that documentation and the influx of illegals continues not only to plague but to endanger the nation, its finances, its health, all of those things. That's why we have legal immigration and checks and balances so that we don't bring in people with tuberculosis, which is exploding in our population. We don't bring in criminals because we try to find them. The immigration process needs to be enforced and to the degree that it is, we are compelled by our oath to support the constitution, to support the laws that exude from that constitution, okay? To imply that these people are here legally as your grandparents and mine came, is not correct. We are a nation of laws. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, I'd like to rise in response to my colleague from District 20. As the sponsor of the amendment, as the sponsor of the bill originally, let me be clear for legislative intent. So there is no question. If someone is a refugee that has come here legally and knowingly by our government, if someone is here with a green card which is

applied and is here legally and knowingly by our government, they should not be denied, and I would not support them being denied education. We have to remember that under the Obama administration, across America, increased penalties for any employer who hired, or was found to have hired, those not legally able to work, to be working. That administration itself across America made sure that any employer that had hired someone who is here illegally should not work, could not work and penalized the business community for hiring anyone that did. All this says, again get back to the premise. If you are not here legally, you shouldn't not be spending money to train you for a job of which you're not legally allowed to have. If you are here under a green card, if you are a refugee, if you have come to this process legally, everything still applies, everything is still available. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I do wonder if that was the intent of the legislation, why the kind of reckless term legal resident was used. We have a federal term, legal permanent resident, there's your green card holders, the people on a pathway to citizenship. The choice was made not to use that language, not only at the time the bill was introduced and the time since its introduction and work in Education when the issues came forward, to the time we had it in the calendar a week or so ago and then to the time of this amendment. So I don't trust the fact that this, what we may pass and this language here would be construed the way that the Senator from District 9 wants it to. Also, let me say for enforcement. We had referenced the Department of Education. So what we're imagining here is the Department of Education is what we're going to authorize a police force so they can go out to the adult education centers in all of your districts and they're going to grab people out English class and say let me see your ID. Or is it going to be that the directors of those centers would so carelessly select somebody coming in to learn English or take a YLO program or to finish their high set and get their high school degree, that they're going to be taken and put into jail. Well there's no penalties here so I guess, you know maybe we aren't a nation of laws after all. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I rise in opposition to this Floor Amendment and in support of the great work that a number of places are doing in the state of New Hampshire to help people become productive Granite Staters and American citizens, including Second Start right here in Concord. And this is, I'm holding up letters from students at Second Start. I don't know how many are here, a lot, but let me read a couple of them for you.

> This is from Babita Magar. Dear Senator Dan Feltes, I am a student at Second Start in Concord. I am learning more about English grammar as well as reading and writing in English. I have lived in New Hampshire for one and a half years. I come from Nepal. Currently I work at DS Cole Growers as a production employee. Going to Second Start as helped me improve my reading and writing skills. In the future I hope Second Start keeps helping me to learn English. I want to be a good English speaker and get a good job. Sincerely, Babita.
>
> This one's from Babitra Kavadar. I am a student at Second Start in Concord. I am learning more about how to read and write Eng-

lish. I have lived in New Hampshire for four years. I come from Bhutan. I am so happy now to learn in America, because I want to get a good job. Going to school will help me reach my goals. Please support adult education funds. It's so important to the state of New Hampshire. Thank you so much.

Dear Senator Feltes, I'm a student at Second Start in Concord. I'm learning basic skills and I'm learning English. I've lived in New Hampshire for one year. I come from Sudan. Currently I'm a full-time student. Going to Second Start has helped me a lot improve my English. In the future I hope to become an engineer in America.

There's like fifty, sixty letters. These are people who could potentially be roped up in your definition of legal resident. We hear the derogatory phrase uttered sometimes in our society, 'learn English.' These folks are learning English. They're working to become productive, and we're going to cut them off at the legs? That's not appropriate, Mister President. This is about, I agree with the Senator from District 2 that it's about America. It's about the American Dream for these folks and their opportunity to live it out. And we're going to pass this and rope them all into it, and say you know what; you don't have opportunity. All of these letters, all of these folks, potentially implicated. Let's vote this down, let's move on and let's move on to some of the concrete issues that are not so politicized. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President, members of the Senate. Respect to my colleague from District 4. We're not going to be rounding people up and putting them in jail. This bill has nothing to do with that. This is hyperbole, it is fear-mongering, it is unacceptable in this body. This is a deadly serious issue. The application process, a person would probably be able to show a government, a Federal Government ID of some sort. And if they are not then they are not admitted to the program. As far as Senator from District 15; how many of those people have legitimate government IDs from the Federal Government? Do you know? I would venture not. If they don't, they're not being cut out from English. They're being segregated from job training programs. English is not part of that, it is part of literacy. Totally different category, totally segregatable, totally protected by the intent of this legislation. Nobody's going to jail, nobody's getting rounded up. We are protecting the American way which is the nation that lives by law and the state that does the same. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Watters.)

SENATOR FULLER CLARK: I'm again looking at the actual legislation in the original bill, and it says here that this legislation will prohibit the disbursement of state funds to students who are not legal residents. And that no institution of the university system shall distribute state funded financial assistance to any student who's failed to demonstrate legal residency in the United States. It goes on to say that this is equally true for our community college systems as well and for our adult education programs. So while I'm hearing that this separates out work training programs from other type of educational opportunities, there's nothing that I understand in the legislation that does that.

SENATOR WATTERS: Thank you for your question, I'll answer in a couple parts. First let me note that we're now on an amendment which

just deals with the adult learning center, but the issue is kind of the same in that first we have, we actually prohibited by state law from asking people for documentation identification and even if someone had a so-called federal identification paper, if that's a green card, this bill as written would unconstitutionally prohibit those folks from getting these adult services. And lastly I'll say the bill, the amendment is just plain mis-drafted. Because if it wants to do what it's doing, it's amending the wrong section of law. Maybe if it amended 186:62 which are more particular work programs, but by doing 186:63, that is a catch-all that goes back into the language programs, the high school education. It's just plain drafted wrong. If it were drafted right, I'd argue against that too, but right here with this amendment, it unfortunately is not just work programs, it's adult education centers, it's all their high school programs, it's all their language programs.

SENATOR FULLER CLARK: We heard from the Senator in District 2 that we wouldn't be rounding up individuals in relationship to this statute. But could you speak to your experience with our Indonesian population on the Seacoast and what has been happening there? Thank you.

SENATOR WATTERS: Well thank you for the question, and you know I think we all know, I've been at the ICE headquarters in Manchester and our modern day trail of tears where families are being brought forward and potentially separated out, the children are here as they're born here, they're residents and the parents are applying for refugee status so they would not be legal residents under this. But in talking to Dover adult education center directors, they say that the Department of Education has informed them it is illegal for them to ask for the social security number or for identification. It's illegal for them to do it so you have to break the law to follow the law. Because there's no procedure in this bill as to how it's enforced, or how one determines someone is this mythical legal resident category. So really though, you would get down to the point where someone would have to come in and actually inspect an English language class and ask the people whether they were here appropriately, because how else are you going to know whether the funds are being expended appropriately or not and if the Department of Education says to the director of adult learning center that well, you know we're going to ask you to break the law and ask people for identifications, and we'll give you the money if you agree to do that, well they can either agree to break one law or they can say okay and then when they get into their class, how are they going to know who's there and then it's the Department of Education what consequences would there be, would those monies be withdrawn, will the center be fined, will the director be found in violation of a law? I mean there are no penalties here, I mean would it be a misdemeanor? So anyways, quite a rabbit hole.

SENATOR FULLER CLARK: Thank you.

SENATOR AVARD: Mister President, I move the question.

PRESIDENT MORSE: Several people want to move the question, Senator Birdsell started. Without objection there's two speakers left, one on each side I believe. Senator Kahn then Senator Daniels and then we'll call the question.

SENATOR KAHN: Thank you, Mister President. I rise to very simply try to summarize this, we can't define it, there are only two terms in this bill, we can't define either of them, we can't collect it, we don't have any kind of collection happening currently. That's the testimony of the

Department of Education. And finally we can't separate it, we can't take section 186, the adult education act and we can't separate what literacy workforce and language training are. They are all part, you can parse it out, you can try and say there's an arrow here but they are all part of this current RSA 186. And finally I think this is an anti-workforce kind of move in a district that's got a 2 percent unemployment rate that lost 2,000 jobs in this last year. You know there are people that want to qualify themselves for work and we're going to try to prohibit it somehow through terms that we can't define. I still believe that this is not what this legislative body should value. I think we need to defeat this amendment and move on to the main motion which is ITL. Thank you, Mister President.

Senator Bradley presiding.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: I was just going to move the question.

PRESIDING OFFICER SENATOR BRADLEY: The question has been moved. There are no further speakers.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Watters, seconded by Senator Giuda.

Recess. Out of recess.

The following Senators voted Yes: Giuda, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Morse, Gannon, Innis, Bradley.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

Senator Feltes moved to Lay on the Table SB 525-FN.

President Morse presiding.

A roll call was requested by Senator Sanborn, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 11 - Nays: 13. Failed.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Kahn, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 13 - Nays: 11. Adopted, bill ordered to Third Reading.

Senator Daniels waived referral to the Committee on Finance.

Senator Daniels waived referral to the Committee on Finance on SB 553-FN.

President Morse Ordered SB 553-FN to Third Reading.

JUDICIARY
SB 499, relative to the applicability of certain DWI prohibitions. Ought to Pass with Amendment, Vote 4-1. Senator French for the committee.

Senate Judiciary
March 6, 2018
2018-0957s
03/06

Amendment to SB 499

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Alcohol or Drug Impairment; Definitions. Amend RSA 265-A:1 by inserting after paragraph V the following new paragraph:

VI. "Drive or attempt to drive" shall not include sleeping, resting, or sheltering in place by a person in a passenger automobile parked in any place where parking is permitted, or any action or activity with respect to a passenger automobile by a person who is outside of the automobile.

SENATOR FRENCH: Thank you, Mister President. I move Senate Bill 499 Ought to Pass with Amendment. This bill clarifies the meaning of attempt to drive or to drive in certain DWI prohibitions. In many areas of New Hampshire there are few to no options for safe transportation home after consuming alcohol. And current statutes prohibit a citizen under the influence from even walking towards their car, let alone resting in it until someone is able to pick them up, or they are able to drive home safely. Under this bill, citizens who are under the influence would be able to safely sleep, rest or shelter in the vehicle that is parked in any place where parking is permitted and wait until they are safe to drive or can arrange a ride. The language of the bill would not allow an individual to park in any place where it is not permitted, such as the side of the highway or passed out at a stop sign. More than allowing individuals to rest until they are safe to drive with the passage of this bill, a young woman who is waiting for a ride home after consuming alcohol would be able to safely wait in her car, instead of having to wait outside of it in a potentially unsafe location. Ultimately, the committee believes this will help New Hampshire citizens stay safe and make safer decisions. Therefore, the majority of the Judiciary Committee asks for your support in the motion of Ought to Pass with Amendment on Senate Bill 499. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President and colleagues. I certainly appreciate the intent here of improving safety and so forth, and I just wanted to mention a couple of concerns I have. You know we often have these kinds of bills related to DWIs and so on also in Transportation but here it was in Judiciary so maybe a different perspective gets taken. I just want to reference what happened in Rollinsford a couple of years ago. A guy was drinking at the Legion, he had given his keys to the bartender, but he got really, really drunk and he grabbed the keys and he ran towards his car. As soon as he grabbed the keys they called the police. The police arrived there just a little too late. He had gotten in the car and driven off and he hits a honeymoon couple on Route 4 and killed them. I do believe that had the police officer arrived prior to his getting in the car and saw him drunk when he was running across the, towards his car with the keys he would have been able to stop him but

you know once somebody's in the car, it's suddenly a deadly weapon in these cases. And then secondly on the other point about being able to be at the side of the road and so on, well a whole lot of roadways you can park on the side of. Like, I mean a whole lot, you know in urban areas and so on, you can park on the side of the road. So what I'm wondering is if somebody is you know, skunk dead drunk, right, but they just happen to see that there's a police car coming the other way before the police car sees them weaving, and they get over to the side of the road and the police officer goes and asks them to roll down the window and the smell of alcohol and the person is clearly impaired. Under current statute they can take that as you know, prima facie evidence that the car didn't drop out of the sky by magic, you know somebody drove it there. But under this bill, the person who just happened to get the key turned off on the side of the road before the cop came over and stopped him. They're fine and then the cop eventually has to pull off or go to somewhere else, another call and then vroom, off he goes so I'm concerned about that. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you very much, Mister President. And I'm just I'm rising to talk about a personal story as well and that is that my son was twenty-two I think, and he was at bachelor party of sorts in a bar. And he had driven the group there and he ended up having one or two drinks apparently, but so he didn't feel he should drive home. So he was walking out to the parking lot to put his things in his car so that they could leave them there and take a taxi home, and he was arrested for DWI, as he was doing the right thing. And this is the kind of story that I think has led to the vote that we had in committee about this bill. And I could go on with more stories, but just in general we want people to make the right decision, we want people to get to their car and say, wait a minute, I'm not ready to drive and lock their doors and sit there and sleep there or do whatever they need to do so they're not on the road. Now I'm sure there could be incidents when somebody grabs the key and runs out and gets their car, and it's tragic, there's no question about it. But I think it's more likely that we are going to be convincing people to make the right move. I also had a daughter who was at a party she shouldn't have been at with a bunch of friends, I'm sure none of your kids have ever done anything like that. And, I have delinquent children. And so she was at a party in high school. They were not old enough to be drinking but the parents weren't home and there was a party. I don't even know if she had been drinking or not but the kids all found out the police were coming and they were scattering in different ways. My daughter went to her car and just sat there. And the police said, you have to drive home. You can't leave your car here. Well, you know that kind of thing you're encouraging somebody to, if she had been drinking, to drive home drunk. Let's make it clear what the rules are, let's make it clear so that if I'm uncomfortable coming out of a bar and I don't feel I'm in a safe neighborhood in order to stand on the sidewalk waiting for an Uber that I can get in my car and lock the door. You know, I think this is a very sensible legislation. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. The New Hampshire Police Association and I are against this bill. Drunk drivers kill 10,625 innocent souls a year. We don't think this bill will lower that rate. The good Senator from District 7, love you, Frenchie, really do. And I

wanted to give you this one, but I thought about it, we talked about it at the Gannon dinner table and it didn't float. I want the same thing as you do, I know we both don't want drunk drivers out there, and we just having a different way of getting there. But you're also thinking of one thing I'm not. I'm thinking of the families, you're also thinking of the impaired driver, and that's not coming into my thought process. I think by doing, trying to do both things you're thinking of the impaired driver on an equal basis to the families that could get hit. And again, I only have one goal. I want to send a clear message to anyone who had too much to drink; avoid getting in the car, call a taxi, call Uber, call the Senator from District 20 if you know him well, he'll come get you. Call a friend. If you had the bad judgement, you'd come get me Lou, I know you would. If you had the bad judgement when you were sober of getting drunk, you knew you had to go drive but you had too many. Do we now trust you when you're hammered to get in a vehicle and what, you're going to know when you've sobered up enough? Is an hour, two, four hours? Let's walk through this I've done with you French a bunch of times. You open the door, we've talked about this, they're going to sit in the driver's seat. Just human nature that's probably where they're going to go. It's pretty cold out there the last few weeks, you've talked about it with me that they're going to turn on the car, because they're going to want to keep warm when they're passed out. So bad situation, bad situation for the police, bad situation all around. I don't trust that guy to decide when he's sober to go home. Let me tell you a little story, and it's very quick. It's a recent case, a real case, and officer who tapped on the window of an apparent drunk driver, and he decided, I don't know if he knew him or whatever he decided, I'm going to let him sleep it off. The drunk driver later drove the vehicle and got into a DUI car crash. Liability everywhere. God forbid it's a young family like the Senator from District 15. This bill is not going to make the roads safer. It should be voted down. I like the idea, I just don't think you got it across the end zone yet, French. Thank you.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. And thank you to the good Senator from District 23. I too want to make the roads safer. I want these people to sit in their car and go to sleep. I don't want them driving home. My stepson home from Iraq, went to a party in Laconia at his boss's work. Drank a little too much. Got in his car. Went to sleep. What happened? Knock on the window. You're under arrest. Lost his license for six months. These are the things I want to stop. And with your help, we'll be able to do it. 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 Watters, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Hennessey, Gray, French, Sanborn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Innis, Morse.

The following Senators voted No: Watters, Ward, Kahn, Gannon.

Roll Call, Yeas: 20 - Nays: 4. Adopted, bill ordered to Third Reading.

HB 287, establishing a committee to study decriminalizing sex work. Inexpedient to Legislate, Vote 4-1. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. I move House Bill 287 Inexpedient to Legislate. This bill would establish a committee to study issues related to changing sex work laws in New Hampshire. The committee believes that the passage of this bill would be redundant due to the existence of the New Hampshire Human Trafficking Task Force, which recently received a three year grant and is currently working to bring together much of the information that this committee would cover. Furthermore, when this bill began in the House its charge was to study decriminalization of prostitution. Despite this bill being amended to study issues related to changing prostitution laws, there is still a concern regarding the message this could send if it were to pass. Ultimately, the majority of the committee feels that this bill would commence an unnecessary discussion on the decriminalization issues of prostitution and therefore should not be taken lightly. Due to these concerns, the majority of the Judiciary Committee asks for your support in the motion of Inexpedient to Legislate on House Bill 287. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I am the one who voted on the opposite side and it is not because I'm in favor of prostitution. It's not because I've ever been a prostitute. It's not because of any of those things, but it's because people who are doing sex work are being beaten up and they can't call the police. Because they'll be arrested. They are often people who were in sex trafficking and who now don't know how to make a living in another way and they can't get help. So if they want to leave prostitution and they're being threatened, their lives are being threatened and they're being sexually assaulted and physically assaulted, they can't get out. So I just think we need to study it. I'm not saying I want to decriminalize it. I want to study it and figure out how we can help people get out of prostitution, rather than just continuing to make it illegal. Thank you very much.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Fuller Clark, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Bradley, Watters, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Giuda, Hennessey, Cavanaugh, Fuller Clark.

Roll Call, Yeas: 20 - Nays: 4. Adopted.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 287, establishing a committee to study decriminalizing sex work. The vote on Inexpedient to Legislate. Adopted.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Fuller Clark, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Hennessey, Cavanaugh, Fuller Clark.

Roll Call, Yeas: 21 - Nays: 3. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Bradley: SB 404-FN-A
Senator Carson: SB 525-FN
Senator Feltes: SB 501
Senator Fuller Clark: SB 404-FN-A
Senator Giuda: SB 501
Senator Hennessey: SB 404-FN-A
Senator Lasky: SB 404-FN-A
Senator Sanborn: SB 309-FN, SB 318, SB 323, SB 331, SB 335, SB 342, SB 373, SB 395, SB 403-L, SB 404-FN-A, SB 405, SB 412, SB 423, SB 450-FN-A, SB 455, SB 458, SB 459, SB 461, SB 466, SB 499, SB 501, SB 525-FN, SB 526-FN, SB 528-FN-L, SB 529-FN, SB 532-FN, SB 535-FN, SB 538-FN, SB 543-FN, SB 548-FN, SB 553-FN, SB 555-FN-A, SB 557-FN, SB 560-FN-L, SB 563-FN, SB 573-FN-A, SB 578-FN, SB 583-FN, SB 593-FN, HB 287
Senator Soucy: SB 553-FN
Senator Watters: SB 404-FN-A, SB 525-FN
Senator Woodburn: SB 459, SB 461

LATE SESSION

Third Reading and Final Passage

SB 309-FN, relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.
SB 323, relative to rehiring of laid off classified state employees.
SB 335, establishing a committee to review compensation in asbestos litigation and to study ways to promote transparency, fairness, and timeliness of payment in asbestos litigation.
SB 342, requiring identification of specific items in the default budget.
SB 373, requiring rulemaking by the department of corrections.
SB 395, relative to access to records under the right-to-know law.
SB 403-LOCAL, relative to the exemption for recreational vehicles from property taxation.
SB 412, relative to agritourism.
SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program.
SB 455, relative to state employees injured in the line of duty.
SB 458, authorizing the purchase of retirement system creditable service by a certain surviving spouse.
SB 459, relative to reciprocity for licensure as a real estate broker or salesperson.
SB 499, relative to the applicability of certain DWI prohibitions.

SB 501, relative to immunity for campground owners.
SB 525-FN, prohibiting the distribution of adult education financial assistance to any student who is not a legal resident.
SB 528-FN-LOCAL, relative to dam registration fees and relative to permit fees for constructing or reconstructing a dam.
SB 529-FN, requiring the department of environmental services to conduct a study regarding the Baker River in the town of Warren and making an appropriation for such study.
SB 532-FN, relative to group II status of certain department of corrections officials.
SB 535-FN, relative to licensure for the practice of professional art therapy and establishing an advisory council on alternative mental health therapies, and relative to certain revenues from the sale of commemorative liquor bottles of historic significance.
SB 538-FN, including police officers of the state office complex police force in group II of the retirement system.
SB 553-FN, establishing a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation.
SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.
SB 557-FN, establishing a board of housing development appeals.
SB 560-FN-LOCAL, relative to updating the state trails plan and making an appropriation therefor.
SB 563-FN, establishing a recovery friendly workplace initiatives tax credit against business taxes administered by the community development finance authority.
SB 573-FN-A, relative to the controlled drug prescription health and safety program and making an appropriation therefor.
SB 578-FN, relative to unclassified positions within the department of health and human services.
SB 593-FN, relative to the penalty for capital murder.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 1201, relative to an employee's earned but unused vacation time.
HB 1262-LOCAL, relative to online driver education.
HB 1443, relative to a jury's determination as to the applicability of a law.
HB 1474, designating the New Hampshire Red as the official state poultry.
HB 1555, relative to participation by the public utilities commission in regional activities.
HB 1579-FN, requiring records to be kept for certain exempt convenings under the right-to-know law.
HB 1672-FN, prohibiting release of certain information relative to users of therapeutic cannabis to federal agencies.

HB 1682-FN, establishing a committee to study the pervasiveness of foreclosure practices that violate state or federal law.
HB 1686-FN, relative to applications for and the use of education tax credits.
HB 1725-FN,relative to wine samples and samples for consumption on the premises of a beverage manufacturer.
HB 1788-FN-LOCAL, relative to costs charged under the right-to-know law.
HB 2018, relative to the state 10-year transportation improvement program.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 143, relative to recommittal of a prisoner by the parole board.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

March 21, 2018

The Senate reconvened at 2:00 p.m., a quorum being present.

The Reverend Jon Hopkins, chaplain to the Senate, offered the following prayer:

This afternoon's prayer is actually adopted from a proclamation by President John Adams in 1798. Let us pray.

We pray today for the safety and prosperity of our nation and states Help the New Hampshire Senate to promote the blessings of a free government so that it may be enjoyed by all; as this duty at all times incumbent, is so, especially in seasons of difficulty and danger. We offer this morning our devotion to our office that seeks the common good, that our state may be protected from all the dangers which threaten us; that our civil and religious privileges may be preserved untouchable, and perpetuated to the latest generation. We pray that our public servants may be especially enlightened and directed at this critical period of time. We pray that the people of our state may be united and those bonds of cooperation and mutual confidence, and inspired with that vigor and fortitude by which they have in times past been so highly distinguished, and by which they have obtained such invaluable advantages. We pray that the health of the habitants of our lands may be preserved, and their agriculture, commerce, fishery, arts, and manufacturers be blessed and prosper. That the principles of genuine piety and sound morality may influence the minds and govern the lives of every citizen, and that the blessings of peace, freedom, and pure religion may be especially extended to all the nations of earth. We offer our fervent thanksgiving to the bestower of every good gift, not only for having protected and preserved the people of these United States and the state of New Hampshire in the dependent enjoyment of their religious and civil freedom, but also for having prospered them in a wonderful progress of population, and for conferring on them many and great favors conducive to the happiness and prosperity of all. Amen.

Senator Kahn led the Pledge of Allegiance.

Senator Cavanaugh is excused.

INTRODUCTION OF PAGES

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. We'll start with our pages for today. I would ask Gwen Morris to please stand up. Gwen is age fifteen, she's in grade ten. She was born in Germany, now lives in Concord. She is home-schooled, her favorite subject is science. Her extracurricular activities include improving my hand eye coordination through the medium of video games, playing the ukulele and piano, skiing, singing in the Festival choir at St. Paul's Episcopal Church. In the future Gwen plans to study to be a medical examiner or coroner. Let's give a round of applause to Gwen.

I'd like Sam to stand up, who is Gwen's brother. Sam Morris, age thirteen, grade eight, born in China, lives in Concord. He is home-schooled. Favorite subject is science. His extra-curricular activities include running, skiing, traveling, playing jokes on his four sisters and in the future he plans to study engineering and be a good husband and father. Let's give a round of applause to Sam.

And Mister President, I should note that Sam and Gwen's mom is Mary and she is a Granite State Ambassador and works in our Visitor Center, so let's give a round of applause to Mary, who I don't think is here but give her a round of applause.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Today we have about twenty-five high school students from around the state here to elevate their voice and participate in our democracy, raising their concerns about gun violence in schools, the bulk of which are from Concord High School. I'd ask all of the students who came here today to please stand up and be recognized.

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, March 22, 2018. Adopted.

COMMERCE
SB 318, amending the prohibitions on youth employment.

CONSENT CALENDAR REPORTS REMOVED

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 410, by Senator Carson

HEALTH AND HUMAN SERVICES
SB 350, by Senator Bradley
SB 383, by Senator Sanborn

CONSENT CALENDAR

Senator Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered to Third Reading.

HEALTH AND HUMAN SERVICES
SB 491, relative to food protection services in New Hampshire.
Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

This bill, as amended, makes multiple changes to the produce safety act in order to ensure that New Hampshire produce and dairy producer regulations are in line with the Food Safety Modernization Act. New Hampshire has some of the safest produce and diary production in the country This bill seeks to make sure that our state's farms are in compliance with federal law. This would give the department of agriculture the ability to use federal funding to inspect produce and dairy farmers to ensure they are in compliance.

Health and Human Services
March 14, 2018
2018-1104s
08/04

Amendment to SB 491

Amend the bill by replacing section 1 with the following:

1 New Chapter; Produce Safety. Amend RSA by inserting after chapter 426 the following new chapter:

CHAPTER 426-A
PRODUCE SAFETY

426-A:1 Definitions.

I. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

II. "Department" means the department of agriculture, markets, and food.

III. "Farm" means any farm engaged in the growing, harvesting, packing, or holding of produce pursuant to the Food Safety Modernization Act, 21 C.F.R. Part 112.3.

IV. "Produce" means any produce that is a raw agricultural commodity pursuant to the Food Safety Modernization Act, 21 C.F.R. Part 112.3.

V. "Qualified exemption" means a farm is eligible for a qualified exemption and associated modified requirements in a calendar year pursuant to the Food Safety Modernization Act, 21 C.F.R. Part 112.5.

426-A:2 Authority; Enforcement. Subject to sufficient federal funding, the department shall enforce the Food Safety Modernization Act, Public Law 111-353, codified at 21 U.S.C. section 301 et seq., for standards of growing, harvesting, packing, and holding of produce for human consumption, 21 C.F.R. Part 112, as incorporated by reference including any subsequent amendments thereto.

426-A:3 Funding of Program. The commissioner is authorized to receive and expend federal funds appropriated for administration of this chapter.

426-A:4 Farm Inspections.

I. The department may inspect a farm during reasonable hours for the purpose of determining compliance with:

(a) The federal standards for growing, harvesting, packing, and holding of produce for human consumption, in accordance 21 C.F.R. Part 112; and

(b) Rules adopted under this chapter.

II. This section shall not limit the commissioner's authority to respond when an imminent health hazard is suspected in order to protect public health.

III. Upon successful inspection, the commissioner may issue a certificate at the request of the farm to include the name of the farm, date and place of inspection, and other information in compliance with the rules adopted by the commissioner pursuant to RSA 541-A.

IV. Failure to comply with the requirements of 21 C.F.R. Part 112, issued under section 419 of the Food, Drug, and Cosmetic Act, is a prohibited act under section 301 (vv) of the Food, Drug, and Cosmetic Act.

V. A farm that is eligible for a qualified exemption in accordance with Part 112.5 shall establish and keep records as required pursuant to the Food Safety Modernization Act, 21 C.F.R. Part 112.7.

426-A:5 Records. The owner or operator of a produce farm shall maintain records required by the federal Food Safety Modernization Act, rules adopted thereunder, and rules adopted under this chapter pursuant to RSA 541-A and shall make those records available to the department upon request.

426-A:6 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of this chapter.

Amend RSA 184:90-a as inserted by section 18 of the bill by replacing it with the following:

184:90-a Suspension. The commissioner may suspend a producer's permit if it is found after investigation that circumstances exist which threaten the health or safety of the public. If a producer's permit is suspended, the commissioner shall provide the permittee with written notice of the basis for the decision and shall***,*** [~~include a notification of the time and place of~~] ***upon request, schedule*** a hearing before the milk sanitation board. [~~The hearing following suspension~~] ***If a hearing is requested, it*** shall be held within 10 [~~working~~] ***business*** days of the date [~~of the suspension~~] ***requested***. No milk producer shall operate during the pendency of any administrative proceeding following suspension of the producer's permit. If a producer demonstrates that the circumstances resulting in suspension have been corrected, and no longer constitute a threat to the health or safety of the public, the commissioner may reinstate the producer's permit without requiring a hearing before the milk sanitation board.

Amend the bill by deleting section 20 and renumbering the original sections 21-25 to read as 20-24, respectively.

Amend the bill by replacing all after section 22 with the following:

23 Repeal. The following are repealed:

I. RSA 184:30-b, relative to original containers.

II. RSA 184:30-c, relative to exceptions.

III. RSA 184:30-d, relative to the use of milk containers.

IV. RSA 184:30-e, relative to enforcement.

V. RSA 184:30-f, relative to penalties.

VI. RSA 184:30-g, relative to the definition and dating of retail containers of cream.

VII. RSA 184:30-h, I-II, relative to rulemaking.

VIII. RSA 184:46, relative to renovated or process butter, oleomargarine, etc.

IX. RSA 184:47, relative to marking.

X. RSA 184:48, relative to the definition of oleomargarine.

XI. RSA 184:48-a, relative to standard of identity and label statements.

XII. RSA 184:49, relative to the labeling butter substitutes.

XIII. RSA 184:53, relative to advertisements.

XIV. RSA 184:54, relative to penalties.

XV. RSA 184:55, relative to seizure and forfeiture.

XVI. RSA 184:56, relative to definitions.

XVII. RSA 184:57, relative to official duties.

XVIII. RSA 184:58, relative to connivance.
XIX. RSA 184:59, relative to definitions.
XX. RSA 184:60, relative to weight certificates for milk.
XXI. RSA 184:60-b, relative to rules, regulations, and fees.
XXII. RSA 184:60-c, relative to penalties.
XXIII. RSA 184:61, relative to inspection stations.
XXIV. RSA 184:62, relative to inspection of dairies.
XXV. RSA 184:63, relative to the testing of samples.
XXVI. RSA 184:64, relative to owners' records.
XXVII. RSA 184:65, relative to the notice of testing results.
XXVIII. RSA 184:66, relative to further tests.
XXIX. RSA 184:67, relative to who pays fees and expenses.
XXX. RSA 184:68, relative to reports of tests.
XXXI. RSA 184:69, relative to inspections of apparatus.
XXXII. RSA 184:70, relative to rules.
XXXIII. RSA 184:71, relative to station records.
XXXIV. RSA 184:72, relative to penalties.
XXXV. RSA 184:73, relative to statements for vendors.
XXXVI. RSA 184:74, relative to the inspection of returns; changes.
XXXVII. RSA 184:75, relative to annual reports.
XXXVIII. RSA 184:76, relative to testers' licenses.
XXXIX. RSA 184:78, relative to the division of dairy services.
XL. RSA 184:87-a, relative to the requirement of reciprocity.
XLI. RSA 184:92, relative to inspections and inspectors.
XLII. RSA 184:99, relative to the application of statutes.
XLIII. RSA 184:104, relative to penalties.

24 Repeal; Effective 2021. RSA 426-A, relative to produce safety, is repealed.

25 Effective Date.

I. Section 24 of this act shall take effect June 30, 2021.

II. The remainder of this act shall take effect upon its passage.

2018-1104s

AMENDED ANALYSIS

This bill:

I. Requires the department of agriculture, markets, and food to enforce the federal Food Safety Modernization Act.

II. Requires milk served at bona fide boarding houses to be pasteurized.

III. Moves rulemaking from the milk sanitation board to the department of health and human services.

IV. Defines cream, butter, and cheese.

V. Reorganizes the milk sanitation board.

VI. Repeals RSA 426-A relative to produce safety in 2021.

The question is on the adoption of the Consent Calendar. Adopted.

REGULAR CALENDAR

COMMERCE

SB 314, relative to licensure requirements for nondepository mortgage bankers, brokers, and servicers.

Ought to Pass with Amendment, Vote 3-0. Senator French for the committee.

Commerce
March 13, 2018
2018-1089s
03/01

Amendment to SB 314

Amend the title of the bill by replacing it with the following:

AN ACT relative to regulation of mortgage bankers, brokers, servicers, and originators.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Mortgage Bankers, Brokers, Servicers, or Originators; Application of Chapter. Amend RSA 397-A:2, I by inserting after subparagraph (c) the following new subparagraph:

(d) An individual who acts as a mortgage banker, mortgage broker, mortgage servicer, or mortgage originator if the individual is not engaged habitually and repeatedly in such activities in a commercial context. It shall be a rebuttable presumption that an individual is not engaged the business of a mortgage banker, mortgage broker, mortgage servicer, or mortgage originator if the individual is not involved in more than 3 loans in any consecutive 12-month period.

2018-1089s

AMENDED ANALYSIS

This bill exempts from regulation as a mortgage banker, mortgage broker, mortgage servicer, or mortgage originator certain individuals who are not regularly engaged in such activities.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass with Amendment on Senate Bill 314. This bill allows an individual to make up to three private mortgages in a twelve-month period. In New Hampshire, there are many people that do not qualify for bank mortgages due to credit history. The amendment amends the application section of 397-A and describes that individuals who are not habitually, repetitively engaged in commercial context and not regulated by the Banking Department, and creates a rebuttable presumption so that if someone does three or fewer in a twelve month consecutive period, they are not regulated by the department but allows consumer protection by allowing the Banking Department to have the ability to rebut that presumption if they found someone repetitively giving out loans. Please join the committee in voting Senate Bill 314 Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 354, relative to pharmacy claim fees and copayments.
Ought to Pass, Vote 3-0. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. I move Ought to Pass on Senate Bill 354. This bill addresses two distinct issues. The first part of the bill however defines several terms. As many of you know pharmacy benefit managers, also known as PBMs, are not specifically regulated by one agency, but are instead regulated by multiple agencies based on the function they're performing. For example if a PBM functions as a mail order pharmacist, they're governed by the Board of Pharmacy, if

they function as a third party administrator they fall under the license of the insurance company and insurance regulation. For this reason the language in the bill appears in two different statutes. But essentially the two issues we are trying to address deal with assisting consumers. One is a provision to eliminate clawback, where a patient is charged a claim, it's deemed by the PBM to be a clean claim, and later the company tries to come back and take some of that money that the consumer paid, but doesn't give it back to the consumer or the pharmacist. The other issue is with respect to gag orders, which are in some contracts with Pharmacy Benefit Managers. This prohibits a pharmacist from being able to describe to the consumer that the cost they would pay in the co-pay is potentially more than what they would pay if they paid cash. In both of these instances, the common thread is finding a way for consumers to be more informed in making decisions about medication and also making sure that drugs are more affordable as soon as possible. And we urge your support in this bill. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 413, relative to name availability for business organizations. Ought to Pass with Amendment, Vote 3-0. Senator Sanborn for the committee.

Commerce
March 14, 2018
2018-1093s
06/05

Amendment to SB 413

Amend the title of the bill by replacing it with the following:

AN ACT relative to name availability for business organizations and relative to reinstatement of a limited liability company.

Amend the bill by replacing all after section 11 with the following:

12 Limited Liability Companies; Late Reinstatements. RSA 304-C:145 is repealed and reenacted to read as follows:

304-C:145 Late Reinstatements - In General.

I. A limited liability company administratively dissolved under RSA 304-C:136 may apply to the secretary of state for late reinstatement if more than 3 years have expired since the effective date of dissolution. The application shall be in such form and contain such information as the secretary of state may require.

II. Notice of the late reinstatement shall be published one time in a newspaper of general circulation in the county where the dissolved limited liability company's principal office, or, if none in this state, its registered office, is or was last located or the secretary of state's Internet website. The notice shall:

(a) Indicate that all interested parties are encouraged to submit comments.

(b) Include the mailing address of the secretary of state.

III. If the secretary of state determines that the information submitted in the application for late reinstatement is correct, that the limited liability company has made the notice required under paragraph II, that the application is accompanied by the fee required under RSA 304-C:191, II(f), and that the limited liability company should be reinstated, the secretary of state shall cancel the notice of dissolution and

prepare a notice of reinstatement that recites the determination and the effective date of reinstatement and mail the notice to the limited liability company.

IV. If the application for reinstatement included a change of name of the limited liability company, the notice shall set forth the change of name of the limited liability company and the fee required pursuant to RSA 304-C:191, II(d), and the notice shall constitute an amendment to the certificate of formation. If the application for reinstatement included a change of the registered agent, the notice shall set forth the name of the new registered agent and the fee required pursuant to RSA 304-C:191, II(b).

V. When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the limited liability company resumes carrying on its business as if the administrative dissolution had never occurred.

13 Effective Date.

I. Section 12 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 2019.

2018-1093s

AMENDED ANALYSIS

This bill establishes criteria for determining whether a proposed business name is distinguishable from an existing business name for purposes of registration with the secretary of state. The bill also revises the procedure for reinstatement of a limited liability company by the secretary of state.

SENATOR SANBORN: Thank you, Mister President. I move Ought to Pass on Senate Bill 413. This bill is a request from the committee to study the process by which business names are authorized by the secretary of state and establishes criteria for determining whether a proposed business name is distinguishable from an existing business name for the purpose of registration with the secretary of state. In 2007 the legislature passed Senate Bill 42, which created a process for the reinstatement of these corporations. Unfortunately LLCs were omitted from this process. This committee amendment fixes the RSA to allow for LLCs to be included in that statute, but I'd point out that we might be talking about it soon for sole proprietorships and partnerships. So please join the committee in voting Senate Bill 413 Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 418, relative to nano breweries and defining table wine.
Ought to Pass with Amendment, Vote 3-0. Senator French for the committee.

Commerce
March 13, 2018
2018-1091s
08/04

Amendment to SB 418

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definition of table wine.

Amend the bill by replacing all after the enacting clause with the following:

1 Table Wine; Definition. Amend RSA 175:1, LXIX to read as follows:

LXIX. "Wine-table" means a product obtained by the fermentation of the natural content of fruit or other agricultural products containing sugar and containing [~~more than 6 percent but not~~] ***no*** more than 18 percent alcoholic content by volume at 60 degrees Fahrenheit. The commission may approve as a table wine a higher alcoholic content product, not to exceed 24 percent, that is obtained in the same manner.

2 Effective Date. This act shall take effect upon its passage.

2018-1091s

AMENDED ANALYSIS

This bill expands the definition of table wine.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass with Amendment on Senate Bill 418. Things may change. As introduced this bill allows nano breweries to sell two pints per person for consumption and adds to the definition of table wine. We have a very similar bill coming over from the House that relates to the same issue in regards to samples and selling pints for nano breweries, and breweries. We have asked that all stakeholders get together and come up with a plan to amend the House Bill. The committee amendment only includes section 2 of the original bill in regards to the definition of table wine, which had no opposition. Please join the committee in voting Senate Bill 418 Ought to Pass with Amendment. 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
Sen. French, Dist 7
Sen. Soucy, Dist 18
Sen. Lasky, Dist 13
March 19, 2018
2018-1134s
08/04

Floor Amendment to SB 418

Amend the title of the bill by replacing it with the following:

AN ACT relative to beverage manufacturers and nano breweries and defining table wine.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Sales for Consumption; Beverage Manufacturers. Amend RSA 178:12, II-a to read as follows:

II-a. The holder of a beverage manufacturer license may sell beverage samples to visitors of legal drinking age for consumption on the premises where the beverages were manufactured. Sales of samples for consumption on the premises shall be limited to one 4-ounce glass per label ***per person and 2 pints*** per person. ***A maximum of 48 ounces total may be served to a person for consumption on the premises.***

3 Sales for Consumption; Nano Brewery. Amend RSA 178:12-a, II(e) to read as follows:

(e) Sales for consumption on the premises shall be limited to one 4-ounce glass per label ***per person and 2 pints*** per person. ***A maximum of 48 ounces total may be served to a person for consumption on the premises.***

2018-1134s

AMENDED ANALYSIS

This bill expands the definition of table wine and allows beverage manufacturers and nano breweries to sell one sample per label and 2 pints per person for consumption on premises with a maximum of 48 ounces per person.

SENATOR BRADLEY: Thank you very much, Mister President. When I sponsored this bill it was to try to combine the wine issue that our colleague from District 7 just discussed as well as the ability for beverage manufacturers to be able to sell two pints. My understanding of the current law is that a beverage manufacturer, a beer manufacturer can sell one four ounce flight or sample glass, per label of whatever beer they brew.

We talk a lot in this room about trying to reduce the overreach of government and telling businesses what they can and can't do. So the beverage manufacturer, Tuckerman's Brewery, in my district came to me and said, look, we've got this beautiful taproom. Some people would like to sample our six, seven, eight whatever labels that we have in a flight, our four ounce glasses. But some people want to come and have a pint. Why are you telling us that we can sell four ounces of the same beer in four glasses but not a pint? I mean when we talk about government regulation, wowie bazowie, that's kind of regulation. But what makes this I think a little bit different in terms of some of the issues that have been raised by folks that aren't in favor of this, is this amendment as I worked with my colleague from Manchester on this amendment, sets a maximum limit on the number of ounces that a patron can have of forty-eight ounces. So you can have twelve four ounce glasses, in three flights. That's allowed today. You could have sixteen, you could have twenty-four. There's no upper limit. Under this amendment there would be an upper limit. And remember this is all done without a food requirement and so this is what's making it different than a restaurant that sells food. Under this amendment you could have one pint in 8 four ounce glasses or two pints in four, four ounce glasses. Don't we think in this room that we ought to let the manufacturer and the patron decide how they're going to consume their adult beverage? I don't think the overarching arm of government needs to be telling the beverage manufacturer, the nano brewery or the patron all they can have is a series of four ounce glasses. And on the other hand, the setting of an upper limit of forty-eight ounces without a food requirement just simply makes sense.

We've always had a food requirement in the state. I know not everybody agrees with that, that when you go to your favorite establishment you would have to be able to at least have the opportunity to have food as you consume adult beverages. We've allowed for quite some time a beverage manufacturer to be able to serve these four ounce flights or a nano brewery to be able to serve these four ounce flights. This is setting an upper limit which Tuckerman's, when I talked to them said, they were fine with. I'm told that at least one other beverage manufacturer in New Hampshire is fine with. So let's get big government out of the beer hall and the serving of the beer hall, but set an upper limit that helps us with safety on our highways. Treat beverage manufacturers differently than establishments that are restaurants that serve food.

This is a good amendment and I would just say this; anybody that has traveled around our state, knows that New Hampshire is now becoming a destination for good quality beer. We've competed with other states and we haven't quite enjoyed the status of Maine, Vermont, of Oregon, of Colorado, all states that I've visited at one time or another. They do a very good job and we have liberalized our rules to allow nano brewers and beverage manufacturers to thrive in New Hampshire. So it's a key part of not only our job infrastructure here in New Hampshire but also attracting visitors to our state. So I would ask you to support this Floor Amendment, it's reasonable and everybody come up to my district and go visit Tuckerman's afterwards and you'll see why I think it's a great idea. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Senators. I amazingly rise in opposition to this amendment and for the record based upon our current ethics laws that I am a, the only person in this room that operates with a license in the restaurant and hospitality industry and as a past member of the New Hampshire Lodging and Restaurant Association, an association with some 4,800 licensees in the state of New Hampshire, I must declare I may or may not have a conflict but I'm obviously, clearly I'm still participating. So I want you to remember the word, the number 528,000 because we'll be coming back to that number in about a minute.

But as my friend from District number 3 said, nothing screams wowsa, wowsie, I missed it, like picking your friends and picking your enemies. This is all about picking winners and losers. And this isn't about what this body should be focusing on. Now I readily admit that I supported the Senator and supported time and time and time again, Lord the Senator from District 3 might stand up and tell me how many bills we have had to expand the opportunities for nano breweries, microbreweries, beverage manufacturers. More bills than I can guess, more times I have been co-sponsors on these bills that I can remind you. But the problem is we made a mistake. We made a mistake in not being clear enough at the time when people came to the state of New Hampshire and said that they wanted to brew beer or make wine or distill alcohol, we said that's what they should do. But the truth is it was never enough. It was brew a little bit for my friends in the backyard, it was brew a little bit more, it was brew a little bit more, now today nano breweries, micro nano breweries, we authorize 2,000 barrels of beer per year for these organizations. Now we have to remember that a barrel is actually two kegs of beer, because a barrel's thirty-two gallons and a keg is fifteen and a half. So based upon what an expected number of beers that comes from a keg, as a nano brewer, you can now sell 528,000 glasses of beer a year. I'm not sure if any manufacturer today who is selling 528,000 glasses of beer a year should qualify as an exemption from the 4,800 or 5,400 licensed restaurants we have in the state of New Hampshire today. We require the restaurant industry and have always required the hospitality industry if they are going to serve alcohol, that there had to be a food requirement, and so the body knows, it's a minimum of $75,000, it's 50 percent of their sales up to a minimum of $75,000 and above that they can sell. So why are we exempting an entire portion of an industry, while we're still requiring the other portion of the industry to have to do it? Is that fair?

Now it costs roughly 250 to $350,000 to put in a commercial kitchen today. The state of New Hampshire, we in our statutes, we require by

law, that businesses do this. Unless, unless, you make your own beer. So if you make your own beer, now we say you can go out and you can let people taste it and you can sell it. Now when I talk about this whole past about what happened with the nano breweries after it was 2,000 barrels of beer, then it was, we're making all this beer, we told you we wanted to make this beer to sell it but now we want invite people to our place, we want to let all our friends try it, let us let people try this. So we did, the legislature made a decision to allow them to try it. Then they came back and said well now we're making a lot of beer, because we love beer, and Lord knows I love beer, and now we want our friends to try all of it, so we want four ounces per label. Now I'll remind this body that I think Samuel Adams today has like thirty-seven labels, so thirty seven four ounce glasses of beer, and you know that the average beverage manufacturer today has at least ten labels, and again we passed this accommodation.

Then finally the licensees, the restaurants came up and said alright if you believe in fair play, let's play fair. We know that nano breweries and beverage brewers, the microbrewers, they're allowed to sell growlers, and I commend my friend from District number 3 , he has brought the growler bill again more times than I can count, to try to allow the restaurant industry to have the exact same accommodation that we have already provided for beer brewers. Who showed up in opposition? You guessed it, the beer brewers. Oh Jeez, we don't want to let restaurants compete with us, we don't want to allow them to have the same accommodations that we have, so we're not going to allow them to sell growlers. We need to protect that as our monopoly. We're different from all those other restaurants.

Here we come back another year and now we come back and the nano brewers again come in and say, now we want to be able to sell alcohol, we want to be able to sell pints of beer, and of course we saw an amendment that said well if the nano brewers are going to sell pints, why don't we let the beverage manufacturers also sell. And of course now we're faced with an amendment today which says we should let those who brew beer be able to sell beer and be able to compete against the some 5,000 restaurants in the state of New Hampshire, who for the record, I know everyone in this room has been contacted by that industry, there's clearly a fair amount of angst and dissatisfaction with the amendment, not that they don't believe that manufacturers should be able to sell beer, but the playing field is not equal. Because we're forcing some people to have to buy a commercial kitchen and put it in, and we're allowing other people to not have to do it. At the same time, we're specifically excluding their ability from being able to sell growlers. So I ask this body is that fair? Is it fair that we're picking winners and we're picking losers?

Now I will say for the record, I support legislation and one of my friends might stand up and say, well we should just put a piece of legislation in to say we shouldn't require restaurants to sell food, and if I had a dollar for every time I saw that piece of legislation come up in the past eight years, I'd be able to buy everybody lunch. Because we talk about it year in and year out and year in and year out but yet we don't ever seem to do it. We just take care of some, we don't take care of others.

Now the final thing I want to remind this body of and why I ask you to vote down the amendment, because I just do not believe it is ready for prime time. The provision of the wine that was in there that we have this requirement that wine sales at least 6 percent to 18 percent alcohol,

which again directed who could sell it, I apologize, it directed who could wholesale it. So if we take out a floor of the six percent, this concern that we have of who could sell it was really about stopping beer distributors from being able to sell wine so we could protect the monopoly of the wine people being the only people to sell wine. So some of you may have heard of these little drinks called Mike's Hard Lemonade and all these other wonderful little non-beer products that are fermented with wine below 6 percent. Passing of this legislation will allow more distribution and for the record, if we want to open up distribution to everyone which I agree with, we should do that. But we have got to get out of this habit that we've seen over the past six or eight years, of making specific accommodations for specific people, and specific prohibitions on other people.

And my last comment is, we hear all the time in the last couple years been a lot of discussions about the three-tiered system. Coming out of prohibition the feds said we want to protect the sale of alcohol so we're going to have a three-tiered system. You can do one, you can't do two, you can't do three. If you retail alcohol, you cannot distribute it or manufacture it. If you manufacture alcohol, you cannot distribute it and you cannot retail it. Federal law prohibits what we are doing. And I'll say, federal law's prohibiting a lot of things we're doing in this body today, and we can have that conversation on medical marijuana and decriminalizing, all these other issues. But we have to make a decision; are we going to treat people with equality and treat everyone the same, or are we picking winners and are we picking losers? Because this amendment, through no fault of anybody in here, because I know everyone's just trying to accommodate everybody, is picking specific winners and forcing specific losers. And that's just not what we're about. So I ask the body to vote down the amendment. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, and colleagues. And I thank the Senator from District 9 from rehearsing some of the history about the three-tiered system and also some of the history about the differentiation between restaurants and other facilities in terms of the food served. I also appreciate the Senator from District 3's understanding that we probably need a cap here and I am rising in opposition here and I'll just say why. I think there are many reasonable things that are trying to be done here. You know that I have supported nano breweries and developing this industry here. But on the other hand I just think we really need to step back sometimes and look at what we're saying about alcohol consumption here. You all know how highly fortified some beers are now, right? Six, seven, eight, nine, nine percent? And here we're saying go to 7th Settlement and see them in Dover. And here we're saying that you could have forty-eight ounces and then get in the car. Or you could go into one establishment, be served this amount and if it's a pub crawl go to the next nano brewery and get served this amount. And I understand about you know what was said by the Senator from District 3 about getting government out of our establishments, but the problem is that people don't stay in the establishment, they go outside, they leave, they go out the door and then it's back into the public. So you know, forty-eight ounces, four twelve ounce glasses, three pints of Guinness maybe or even have a few glasses of wine and then shift over to beer or, what are we doing? What are we doing? What are we doing? I just think this really, really needs to be rethought. That's just too much alcohol in a place where you're not going be sitting having any food. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in support of the amendment and I know a lot has already been said, but one of the things that I think we all try to do around here is to keep pace, to keep pace with things that are changing and to try to create an environment where businesses can grow and thrive. When the nano brewery statute came into effect there were a handful of businesses interested in brewing and they had a handful of labels. So a four ounce per label sample wasn't a whole heck of a lot. Now, we're always going to have a debate about establishments serving food versus not having to serve food. That's not for today. These businesses right now don't have a requirement to serve food, but what we do need to keep pace with is the fact that where there were just a handful, there are now nearly eighty around the state. Where some of them brewed three or four labels, they could be brewing twenty or thirty. Our current law says you can have a sample of each label. If somebody's brewing twenty different labels, guess what; one person can have one four ounce sample of twenty different labels. Four times twenty, that's a lot of beer, that's way too much beer and not something that I would certainly want to support the sale of in an establishment that doesn't sell food. I think what we were trying to be mindful of though is the fact that people do want to taste beer, and once they taste one that they like, they have a sample or two, they want a real glass. And that's what this bill tried to do, was to recognize that the breweries and throughout our state are a thriving industry, they're growing, they enhance tourism and this was an effort to create a bit of balance and most importantly, and the reason I was willing to put my name on this amendment, to put a limit on the consumption. Because right now there isn't any limit, and that's a dangerous situation. This amendment will at least cap it at forty-eight ounces, and that way we can continue to work with our breweries and let that industry grow. Thank you, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator Soucy.)

SENATOR SANBORN: Senator, thank you do much for taking my question. One of the concerns and you know I'm pretty in liberty in all this stuff and I'm struggling with this. But one of the concerns I'm having with this bill is how on God's green earth do we regulate it? How do we know that someone's going to come into an establishment and just have x number of four ounce flights and two twelve ounce beers if that's what it is? How do we regulate this? Because I don't see any way that there can be regulation that we have enough resources to put a liquor control officer in every establishment and start counting beers, right? We have a law in the book today about operating under the influence or being publicly intoxicated, which is the responsibility of the operator and their staff. But there's a long road between two 12 ounce glasses and incapacitated. So how do you get from wherever you stop just at two beers to we're going to make sure you don't get incapacitated. I don't see our capacity to do that, which means we just end up bars selling beer without the requirement for food. How do we do it?

SENATOR SOUCY: Well Senator, I think if we establish a law that has a limit, those entities that want to push that limit or get near it have a personal responsibility as business owners, to see to it that they have systems in place that keep it at the forty-eight ounces. And I happen to believe that whether you own a restaurant such as yourself or whether you own a brewpub, nobody wants to see anyone get hurt. And I think

that there are responsible business owners throughout the state that would adhere to the law. I don't think there's a need to have a liquor inspector at every establishment but having said that I do think that the liquor inspectors have the opportunity to stop at any establishment on occasion and make sure that people are doing what they should. I think this law as I said is a reasonable accommodation and it sets a fair limit and I think reasonable business owners will be able to adhere to it.

SENATOR SANBORN: Senator, thank you for your question, I appreciate it. So we're offering this statute to nano breweries? What is the penalty if someone exceeds the forty-eight ounces? Because I don't see one.

SENATOR SOUCY: There isn't a penalty specifically written into this piece of legislation, but I think all of the civil penalties that are on the books relative to over-service would apply in this case as well.

SENATOR SANBORN: Thank you so much.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition. We raised a confusing issue, and that's why a few years ago I volunteered to represent the Senate at the alcohol summit at the Mount Washington Hotel. And I must say the longer I was there Mister President, the more confused it was. I don't know what happened. But we have a very complicated three-tier system that grew out of prohibition and let's not forget that we gave every community local control to decide one; alcohol exists at all in your community. Do they want to have alcohol sold or consumed on or off premise, and do liquor stores get along? So we have a very complicated system when we sit here and try to look at it from the bottom up we don't see the history around the whole thing. But I think what becomes clear is we have a fragile system that's been around for eighty odd years and in the state of New Hampshire, you know we embrace change. But we bring everybody along. You don't leave anybody on the sidelines. And although this is something maybe we should consider and try to find a way to get there, we have a lot of restaurants in the state of New Hampshire that are playing under the old rules. And I don't think it's fair to them, I don't think it's fair to our system of distribution and you know, we decided historically not to have beer halls, not to be just in the business. And you know before we change this I think we need to go slow, you know and we need to take it one step at a time and maybe we ought to just have another beer Senator Bradley, and I'd love to have you join us. Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I would say this to my colleague it must be five o'clock somewhere. You know we're making way more out of this bill than should be. First of all, there's no upper limit now. Let's be real clear. Look at the amendment. Look at where the bold starts. Existing law says one four ounce glass per label. That's what existing law says. Now using the math that our friend from Bedford talked about, thirty-seven labels by one manufacturer, I calculated that, that's twelve six-packs that you could drink without any upper limits. So I thought, Senator Soucy was right; establish an upper limit. I agree with my colleague from Dover. We want to make our roads safe, guess what; this amendment does that. We're arguing about exemptions from the food requirement. Let's not kid ourselves, we've already made that decision. Nano brewers, exempt. Beverage manufacturers, exempt. The exemption already exists. So if you think there's an uneven playing

field, that's been part of the fabric of New Hampshire for some time. So we are picking winners and losers and everybody's going to be a loser if we say to a thriving, growing industry, the government is going to use its discretion to say you can't serve a sixteen ounce glass three times or two times in four flights but you can serve twelve point three six-packs worth of beer with no limitation. So that's where we're all losing. And for our friends in the food and restaurant business, remember there is a difference. This is establishing an upper limit. There's no upper limit for an establishment that serves food. Maybe there should be, but there isn't. The upper limit is the responsibility of the owner of that establishment to make sure that people leave not impaired. That's the upper limit. This establishes an upper limit if you don't serve food. This is a reasonable compromise, I ask for a reasonable vote, and I know it's after five o'clock somewhere.

PRESIDENT MORSE: I'm just doing math, Senator and I come out to thirty-seven time four is only twelve beers, so maybe that's why I'm on Finance.

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, Kahn, Avard, Lasky, Carson, Reagan, Soucy, Birdsell, Gannon, Innis.

The following Senators voted No: Woodburn, Watters, Hennessey, Sanborn, Daniels, Feltes, D'Allesandro, Fuller Clark, Morse.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 14 - Nays: 9. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator French.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Kahn, Daniels, Avard, Lasky, Carson, Reagan, Soucy, Birdsell, Gannon, Innis.

The following Senators voted No: Woodburn, Watters, Hennessey, Sanborn, Feltes, D'Allesandro, Fuller Clark, Morse.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 15 - Nays: 8. Adopted, bill ordered to Third Reading.

SB 420, relative to collective bargaining under the right-to-know law. Ought to Pass, Vote 2-1. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on Senate Bill 420. Current law allows strategy or negotiations with respect to collective bargaining to be exempted from the definition of a public meeting. This bill maintains that strategy sessions in regard to collective bargaining still remain private if only one party is present. But if negotiations are taking place between the parties, the right-to-know law would apply and those meetings would then be public. This bill encourages transparency with taxpayers so they're able to see the inner workings of the government, especially when voting on one of the highest cost items in the local budget. Please join the Commerce Committee in voting SB 420 as Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition to the pending motion of Ought to Pass on Senate Bill 420. Right now, there's plenty of transparency in terms of these contracts and people do get to vote on them in towns, city councilors get to vote on them, when they come out in the city process. But you have the public present during actual negotiations. That raises a whole host of issues, Mister President. In some cases privacy issues, some cases issues related to sensitive matters that arise between the bargaining parties. And there's a reason why basically, everybody who does these negotiations on either side, the New Hampshire Municipal Association, all the unions, they all oppose it. Because they all think that this, opening this up, every negotiation session to make it a public meeting with these sensitive matters being out there for everybody to see is going to inhibit effective bargaining. It's going to inhibit the free flow of information that happens in any conversation, in any negotiation. And it's going to raise different privacy and other issues, Mister President. So again, there's a reason why the folks that do this on both sides at the local level oppose this. Again, those contracts are presented to the communities, they're voted on, towns are voted on by the public, cities are voted on by the council, there's opportunity for public input, both before and after, but to interject into this process something that will raise a whole host of legal issues and a whole host of other issues that do not facilitate effective bargaining. That's not protecting taxpayers in my view and again, there's a reason why people on both sides of this oppose it. So I'd encourage us to vote this down. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Daniels, seconded by Senator Feltes.

The following Senators voted Yes: Giuda, Bradley, French, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Gray, Kahn, Lasky, Carson, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 12 - Nays: 11. Adopted, bill ordered to Third Reading.

SB 421, relative to insurance coverage for prescription contraceptives. Ought to Pass, Vote 3-0. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. I move Ought to Pass on Senate Bill 421. This bill would update New Hampshire's existing contraceptive equality law which has been on the books since 1999; guaranteeing women access to prescription birth control without cost sharing and with a twelve month supply as prescribed by their health care provider. According to studies, inconsistent use of contraception accounts for 41 percent of unintended pregnancies and one in four women report they have missed birth control pill because they could not get the next pill pack in time to start. Providing women the ability to obtain a twelve month supply instead of a one month supply reduces the likelihood of missed pills and unplanned pregnancies. It protects and expands access to basic preventative health care for women. Please join the Commerce Committee in voting Senate Bill 421 Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Innis for a question of Senator Soucy.)

SENATOR INNIS: Thank you for taking my question. I've heard concerns about this bill with respect to the amount of contraceptive drug prescribed. And there seems to be a misperception by some that a doctor

will write a prescription for twelve months and the patient will get a twelve month supply whether she continues on it or not. And in the case of someone who's maybe just starting contraception, where the doctor might want to monitor the patient's progress and make sure this is the right one for them. The doctor's free to write a one month or two month or three month prescription, is that right?

SENATOR SOUCY: That's correct, Senator. Thank you very much for the question. This legislation does absolutely nothing to interfere with the doctor patient relationship and as you described, there would be instances where somebody just starting a particular method of birth control might want to start with a smaller prescription on a trial basis. But what the legislation does ensure is that should the doctor prescribe twelve months, that twelve months would be covered.

SENATOR INNIS: Thank you very much.

(The Chair recognized Senator Giuda for a question of Senator Soucy.)

SENATOR GIUDA: Thank you for taking my question. Not being either of an age or a gender that is interested in this, is this not covered presently?

SENATOR SOUCY: Thank you for the question, Senator. Contraception is covered by insurance, the question is the amount. There is a limitation placed on how much of the product at one time someone could obtain. And from testimony at the hearing and having met with a number of people, that is problematic for some women, particularly for those that travel, those that live in remote areas.

SENATOR GIUDA: Thank you, Mister President. Is there a minimum, like do they prescribe one or you know I'm trying to figure out what the problem is in terms of the numerical…

SENATOR SOUCY: Sure, so as I said this does not interfere with the doctor patient relationship, so if the doctor is providing for example oral contraceptives and prescribes one month of the pill pack because they want to see the patient later on. This does not preclude that. But what this provides for is for those people who are using, those women who are using certain forms of contraception, they can get it up front and the reason for having the pills or other forms of contraception in advance is the efficacy of the product. We know that if you take a pill in particular at the same time, every day, consecutively, you will have a much more effective product, as much as 98 percent effective, to the extent you don't have it, your pharmacy closed at nine o'clock, you couldn't get it until the next day, that reduces the efficacy of the product and in some cases leads to unplanned pregnancies.

SENATOR GIUDA: Thank you.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Lasky, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 22 - Nays: 1. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

EDUCATION
SB 357, relative to safe school zones and relative to syringe service programs.
Ought to Pass, Vote 4-1. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 357 Ought to Pass. At the request of the Department of Education, this bill requires school employees to report crimes that will prevent a person from being hired as a teacher. At the request of the New Hampshire Hospital Association, the committee included in this legislation a provision to allow a school district superintendent to allow a syringe service program operated by a hospital within the 1,000 foot buffer of the drug-free school zone. I ask your support in the motion of Ought to Pass on Senate Bill 357. Thank you, Mister President.

Senator Hennessey offered a Floor Amendment.

Sen. Hennessey, Dist 5
March 21, 2018
2018-1173s
06/10

Floor Amendment to SB 357

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Subparagraph; Safe School Zones; State Board Rulemaking; Public School District Policies. Amend RSA 193-D:2, I(b) by inserting after subparagraph (2) the following new subparagraph:

(3) Allowing school boards to determine whether or not to prohibit the possession of firearms in a safe school zone.

2018-1173s

AMENDED ANALYSIS

This bill:

I. Requires school employees to report crimes that would prevent a person from being hired as a teacher.

II. Permits school district superintendents to grant certain exceptions to the prohibition on locating syringe service programs in a drug-free zone.

III. Requires the state board of education to adopt rules allowing school boards to determine whether or not to prohibit the possession of firearms in a safe school zone.

SENATOR HENNESSEY: Thank you, Mister President. This is a very simple amendment. It's easy to read, it's easy to understand and despite rather extensive attempts to get rid of it, it really is not what many people say it is. So let me tell you what this amendment is, and I believe you are all relatively familiar with it.

What this does is to clarify that we would like local control. Now local control is something I have heard to be rather a rallying call of the Republican Party, or the Republican Caucus. We've heard lots about how important local control is. This is a bill about local control. School boards get to decide what goes on in their school buildings. And they should be able to decide whether or not, and I emphasize whether or not, to allow guns or firearms in schools. That simple. That simple. This is very clearly one of the biggest issues we are facing right now.

It's in the news all the time what's going on in schools. So I understand fevers are high and people are very tempted to use what I would call the NRA talking points when this bill comes forward.

This bill, what it does is it brings local control. What it does not do, but what it has been accused of doing over and over and over again, it does not take guns away from law-abiding citizens, period. It does not do that. You can say it but it doesn't make it so. It doesn't do that. It does not, it also has no effect whatsoever on the second amendment. So, it also doesn't solve all of our problems with schools and gun violence, it's not the panacea that says we're all going to say Hooray this is all taken care of, we will have no more guns in schools. But it's a start and it's a local effort.

As I said in the hearing, I believe we're all on the same side. We think schools should be safe. I've spent most of my career dealing with schools at all levels, from elementary through college. I have every possible piece of data to tell you that when children are afraid they do not learn. Children who are– there's a book if you want to read it called *Emotion: The On Off Switch For Learning*. If children are anxious, if children are afraid, if children are looking over their shoulder every minute to try to figure out who's carrying a gun and who is not, they are not learning the same way they would be learning if they felt safe. Should we not allow school boards to make schools the best possible learning environment? That's their purpose. We elect them to do that. They know their towns, they know their schools. This is what makes a difference. I also think we all want our children to think but we also want our children to learn.

As many of you know, but I think it bears repeating, in 1999 after the Columbine incident, I remember and maybe many of you do too, I remember exactly where I was when I heard about the Columbine shooting, and innocent children and teachers who were killed. I also remember many of those that have happened since then and I refuse to become hardened to those facts. But in 1999 after that, Wayne LaPierre, the President of the NRA is quoted as saying "We believe in absolutely gun free, zero tolerance, totally safe schools." Those are his words, President of the NRA. "That means no guns in America's schools period." That's what he said, and I agreed with him. And I didn't just agree with him because it was post-Columbine, and I'm not just saying this because it's post all the others that have happened since. I'm saying this because there is nothing more important to me than our children. Nothing. I don't care what any of you think of me to be honest. I'd like you to think well of me, but the fact is I put above that, the needs and the safety of our children. That's more important. I don't even have to know them to feel that way. They are our next generation. They are our next best bet.

So I've heard people say, even in the committee, things like, as I said before, sort of NRA pat arguments about this. It's a good guy, bad guy thing. It just has to be a good guy with a gun so he can get the bad guys with a gun. If only they wore a t-shirt that said bad guy, good guy. That would make it so much easier wouldn't it? They don't. It's not a good guy, bad guy, it may be a mentally disturbed person who needed help and didn't get it. But trust me, that person is not going to stop and look at whether there's a sign that says whether or not there are guns in schools. I mean it says drug-free zone in front of a bunch of schools, how many times have you seen people lining up outside the schools to sell drugs

because the sign says drug-free zone? It says you can't smoke in the schools. I don't know why, why don't we have people selling cigarettes, rushing to the schools because the signs say that? I've heard people say, well not only that, let me stay on that issue for one minute. In the words of a very wise Concord student, with whom I was speaking earlier today, Rachael Ferrier from Concord. I asked her what do you think about the fact that people are telling me over and over again, with no data by the way, that, I didn't say that to her, but there is no data. That if you put up a sign that says no guns on campus which PS, you wouldn't have to do. But let's say you do, what do you think about that, is that going to keep, and make all the people with guns come running to the school to come in and they won't go to the school in the next town because they don't have a sign that says no guns, so they'll go to your school with the sign if there's a sign which PS there does not need to be? And you know what she said, because she's done her homework? There is no research at all saying that that's a phenomenon. In fact there is research done by the Gifford Center saying it is, debunking that myth. I understand the thinking, I understand the fact that people are very afraid of losing their gun rights. This does not do that. It keeps our children safe.

I've heard people say that if you, you could also kill people with cars, you can kill people with knives. Well I don't know if I've been following all the news, but I haven't seen any people driving cars into schools to kill students, hasn't happened in my lifetime. Yes you can die if you're in a car, we all know that. How many times in the news have you seen people being killed by knives? Knives are not allowed in most schools. Forty-eight of our fifty states do not allow guns in school, and that's not what my bill does. My bill does not say no guns in school. This is a hard audience, I knew I couldn't do that. What my bill says is that school boards should decide, it's up to them to decide what is best for their children. Period. So thank you for hearing the amendment.

I'd like to re-emphasize that words matter. Saying it does not make it so. Saying that having signs means we'll just have a, might as well have a lighted up sign saying that people are going and come and that's going to be the school where they're going to shoot up kids, does not make it so. That's why we do research, those of you who work in universities or have gotten degrees in which you have to do research know that's why we do research. This is about local control, folks. That's what this is about. 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. I've been a teacher all of my life. For the last fifty plus years I've taught at the secondary level and the post-secondary level. I've been a school board member in my school district for ten years. I spent ten years on the school board, I chaired curriculum and instruction. I've seen it as a parent, I've had all of my children go through the public school system I've got grandchildren in the school system. My daughter-in-law is a school nurse in Concord as we speak, and it seems to me rational human beings, and that's what everybody in this room is, is a rational human being, understands the fact that we always have supported the ability at the local level to control the destiny of ourselves, our families.

The state of New Hampshire has spent $13 million to make schools safe. Those contributions have come over the last six months, $13 million, safer doors, safer windows, safer locks. So we're going a long way to make our

schools safe. Many schools have resource officers in the school. Those resource officers are armed. It is up to the locals to make the decision as to what will happen in their schools.

I represented the largest school district in the state. At one time we had 14,000 students in our school district, 14,000. We have four high schools, we have three middle schools, four middle schools, we have abundance of grammar schools, we have kindergarten. Who in their right mind doesn't want every one of those children to be safe? What is the dearest possession that we have? It's our child, is it not? We all talk about how much we love our children and our grandchildren. They're precious, and we want them safe and we want them in a safe environment. But the locals have responsibility for that, they have responsibility for that, and it seems the responsible thing to do is to let people make the decision. We believe in the decision making process, we debate it here every day, we take votes. We just passed a bill, we had fourteen people support it and we had nine people against it. It became business, it became a law, right? Goes to third reading, passes then moves over to the other body. We made a decision here today, locally, because each one of us represents a segment of the society in this state. We represent one-twenty-fourth of the people in this state. We cast a vote representing them today, as the local school board will do in every local community. And really that's what it's all about.

Every one of us, every one of us has a deep concern for what's happening in this country. A deep concern. The greatest tragedy in my life was the assassination of John Kennedy. The most moving, the most significant thing, the world stood still. Nothing happened in this country for four days. So we know that an incident like that can change us. So we don't want those things to happen. Had a little situation in Maryland yesterday. God help us, we don't want those things to happen. How did that happen? We'll never know.

But in this particular issue, it's not about gun rights, I don't, that's not the issue. The issue is the safety and security of our children. And it's up to those who manage those schools to make those decisions. And as I said, we've spent $13 million in the last six months to make our schools safer, 13 million. Thanks to the Senate's budget situation, we've brought the money forward, right? Everybody should be happy about that. We're able to give all of our districts money to make them safer, because we did that in the public good, public interest. And twenty-four people made that decision. So the decision is important at the local level, and it should be made at the local level. And when I go home tonight, I've got a grammar school two streets over from my house, Parker-Varney School, all of my kids went to Parker-Varney, my wife went to the Parker-Varney School. I go by it every day. I see the kids coming in, they get off the bus, they go into the school. They ring that buzzer to get in, they ring that buzzer to get in and once they get in, their parents say, these kids are safe, they're safe and that's how we want them to be, we want them to be safe. That's our goal. Mister President, we all try to do the right thing. We all try to do the right thing. In this situation it seems to me, we have great respect for our local process. We have great respect for local control, and it seems we should continue that. Thank you, Mister President.

Senator Bradley presiding.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise in support of the amendment and I also rise to first thank the Chair of Senate Education. We had quite a hearing last week in the House chamber and then we had our executive session on the bill and it was all respectful and I feel a good example of our democracy and the way we do things to make sure that people can be heard. And they were heard. We had hundreds of petitions delivered last week at the hearing and we've gotten hundreds more since then, even today from Concord, I can't even count the hundreds of names there and they've been delivered to the Governor. This is a good process, this is good that we do this, it's good that we debate it today and we learned a lot at the hearing.

We did as my colleague from District 5 has said, we heard that forty-eight other states have some kind of prohibition, now among that forty-eight many do then have ways in which then the local folks can decide you know how the exemptions to it and what they do about concealed carry and so on and so forth. But they understand the process should be local. And it was interesting as well to hear from Homeland Security Director, Perry Plummer who by statute must receive the school safety plans and they're all local. He says well yes you know there's local authority over that, they deliver those safety plans, they have to give them to me and they get to decide what their safety plan is and that's good local control but I guess the safety plan can't include guns. You know and local control for our schools article 19 of the constitution after all says that the authority really does reside in the locality for schools.

And we also heard you know, the conflicted place that we have now put our school boards in. Some of course cited RSA 159:26 that says the state cannot regulate use, possession of other matters, the school boards cannot regulate use, possession or other matter pertaining to firearms. But you know some of the superintendents and school board members also said but wait a minute, under RSA 193:F-2 it says all pupils have the right to attend public schools including charter public schools that are safe, secure and peaceful environments. Now it should noted that that statute is the bullying statute and it says right there that this bullying is so important that we stop that in our schools that we put this as a fundamental principle to stop bullying. So you know it just could be said that well okay, so if it's a bully who brings a gun into the school, you could stop him, but if it's not somebody a bully well then they can have the gun, so what are they supposed to do? And in that context we heard from a home school mother who said she's pulling her three kids out of public school and she's going to home school them if the school board can't say there can't be guns in schools. So how do we keep our kids safe in this? And you know we heard from another superintendent from Bow and Dunbarton who said that in the current situation now what they're doing is anybody who appears on campus with a firearm, they go into lockdown, because they cannot tell the good person from the bad person with a gun. So every time it's a lockdown and that's what we're putting our students through. I was talking to a couple of high school seniors in Dover the other day and they said you know that they're doing their active shooter drills and so on but the, you one had a sibling, you know who's in fourth grade and said I don't understand this, understand this, and they were wondering how do we help the fourth graders and fifth graders understand emotionally what this is and what the danger to it is.

We also heard at the hearing you know that Rand Corporation's study of 2016 that was commissioned by the Justice Department which said

you know, yes let's try to harden our schools some but the fact of the matter is, that it makes a marginal difference what we do because we've seen that they shoot through, they shoot through it and also if you have so many locks that you might be locked in when you want to get out. So it's good to spend that money, we've got to do it but I don't think it's the answer to the issue. And I will say too, the language that we heard, I mean you know I understand the language. I'm using some language on one side and I hear some language on the other side and we know that we have our beliefs and the language is available to us and you know so we know gun-free zones and it's just awful to think that we're now using military terminology of free fire zones to describe what that's like and how this kind of language has come into our public discourse and again, cars can kill people but I've never seen a concealed carry car, you know? And I've never seen a knife with a bump stock, okay? So, you know, there is something, times are changing, times are changing in terms of the firepower here.

I remember I was on my high school riflery team and I was a riflery instructor and I remember walking across campus with a gun. Well times are changing you know. We wouldn't be doing that. And I think part of the problem is that the language of this some of the debate we've heard really deflects and in some ways drowns out the voices of our students. Our students want us to talk about getting guns out of the schools. And you know they're walking out and they're standing up, right? All across the state, walking out and standing up and I think the times are changing about this and I think we need to listen. Our children cry out from the blood stains drenched in mother's tears, mopped up by janitors when the press and the politicians depart. And our children are crying out, why have our parents forsaken us?

Now I do recall back from when times were changing in the sixties when things seemed darkest when the debate seemed completely unproductive and the votes seemed just like rituals. I remembered these words and I mean, I'm glad the Senator from District 12's not here so he can't hear me try to sing a little bit but I just thought I would share this, colleagues:

> Come Senators, Congressmen please heed the call. Don't stand in the doorway. Don't block up the hall. For he that get hurts will be he who was stalled. There's a battle outside and it's raging. It'll soon shake your windows and rattle your walls. For the times they are a-changing. Come mothers and fathers throughout the land. And don't criticize what you can't understand. Your sons and your daughters are beyond your command. Your old road is rapidly aging. Please get out of the new one if you can't lend a hand. For the times they are a-changing.

Thank you, Mister President.

President Morse presiding.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President I rise in support of amendment 1173s. I rise for two reasons, in support or stating two reasons in support.

First; I have in my hand the petitions of over two hundred Concord High School students in support of this amendment and without objection, I would like to enter this into the Permanent Record, the petitions in support.

Second Mister President, I offer not my own words but the words of students at Concord High School who have been affected by threats, including here in Concord. And their words about the importance of this issue. Many of the students who signed this petition Mister President, also wrote out letters to this Senate about why they support this amendment. And so I want to read some of those, the voices of the students who are actually affected by this.

Kris says; it is important and necessary for school districts to have the ability to enforce gun-free zones.

Speline says in support of this; I shouldn't have to be afraid of attending school and be constantly worried about my friends and the people I go to school with.

Bri says; I shouldn't feel afraid to be gunned down every time there's a fire drill.

Lynne says; students, staff and the community should be able to decide what makes them feel and be safe.

Terri says; please support Senate Bill 357 and allow school districts in New Hampshire to have a voice on this important issue.

Graeme says; students should not have to think about the possibility of guns in schools. Students should focus on personal and academic growth without fear or knowledge of guns in the area intended for learning.

Jakob says; as the Senate of the state of New Hampshire, it is your job to protect the citizens of the state of New Hampshire, both adults and minors to the best of your ability. Allowing guns to be brought onto a school zone (where nobody save the police and related forces have any legitimate reason to carry a gun), even if merely by lack of full enforcement presents a threat to the lives of New Hampshire citizens that could have been prevented in advance. By not giving school boards the option to enforce that their schools are gun-free zones, you are failing your duties to protect the citizens of the state of New Hampshire to the best of your ability, and demonstrating a complete failure as leaders of the state of New Hampshire.

Grace says; I want to feel safe in my learning environment, not feel lucky to be alive.

Tristo says; in everything I do please I want to feel safe and more confident for everything. And please make some change about that. Show us what you did, show us that you did some change about what we ask for. Thanks.

Jeff says; please enforce and make our schools safer, you can do this and stop the violence in our schools. Stop making this a partisan issue.

And finally Graham says; I want to feel safe at school.

Let's listen to their voices, the students, the parents, the people in our community. Let's not make this decision for them. Let's give them an opportunity to make a decision. Thank you, Mister President.

(The Chair recognized Senator Gray for a question of Senator Hennessey.)

SENATOR GRAY: In the citations that the Senator from District 4, he did not mention the citation for the section where you're changing the bill, section 193-D:2 and the parent part of that I, talks about public schools and public employees and it would appear to me that that section

as you're adding it would only apply to public students and to employees. The other sections in there only talk to discipline and other matters that are purely you know…

SENATOR HENNESSEY: I believe you are incorrect.

SENATOR GRAY: Okay. May I read the statute?

PRESIDENT MORSE: Is there a question, Senator?

SENATOR GRAY: The question would be if the statute says this, how am I incorrect? The statute right now says and I'm reading 193-D:2 school board rule making authority public schools districts policy Roman I under that, is the state board of education shall adopt rules relative to the safe school zones under RSA 541-A for public school pupils and public school employees regarding it list under, we're putting this under d, adding in a new paragraph under that which is paragraph c, how was the statement that I made incorrect?

SENATOR HENNESSEY: Let me just say that this bill again is not specifically and I don't know if this is the best answer, I will defer to somebody who is an attorney and knows how to read these things better than I, but I would say that this is an amendment that is actually just asking for school boards to be able to decide, and so therefore school boards could decide to whom it applies.

SENATOR GRAY: Since the RSA specifically says that the school boards already have authority under a particular RSA to regulate that and if I go to the number II which is right above the paragraph that you're trying to add, it says standard procedures shall be required, expulsion of pupils knowingly possessing a firearm, that would tell me that they already have the ability to regulate student conduct and the only other one we would be talking about if you go back to Roman I, would be employees.

SENATOR HENNESSEY: Well, as the bill, as the amendment is written number III is allowing school boards to determine whether or not to prohibit the possession of firearms in a safe school zone which would mean anyone who is in a safe school zone. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in support of the amendment. And I want to start with thanking and honoring the Senator from Hanover who has withstood some outrageous bullying and she stands to profile in courage for us today, no matter what you think about this amendment.

You know I come from a place where we have more guns than people. I understand the culture of it, it represents the independence, it represents the notion that we have to often take care of ourselves in our own situation if you have an incident and can't call security and others to take care of our issues. But I also am full of common sense and common wisdom and we know first of all, best of all, one size fits all never works in rural areas. I have 10 percent of the state's schools, and great diversity. The last remaining one room schoolhouse, the Blue School in Landaff, and even the town of Dummer, they have a school board but no school. We've got all kinds of local elected officials and they love local control. That's what we base our whole notion on, this whole debate.

This is not about gun control, it's about local control. Local school boards can decide today what the soda policy is or the cell phone policy, but they cannot decide what the gun policy is within the doors of their building.

That makes no sense. And that's because we're focused on ideology not practicality. Some of our friends have been pistol whipped by the NRA, and they're afraid to stand up for common sense. That's the bottom line.

I was a school teacher in the North Country, in the Northeast Kingdom of Vermont and I remember those drills we did early on, ducking down real low, pulling the shades down. And I thought it was crazy because this was so rare, it's never going to happen. That was years ago and unfortunately it's become commonplace. And we need to let common sense dictate our policy, not ideology and not outside groups that have no concern for our kids and only concerns for their ideology. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in support of amendment 1173s. What I feel is that everybody in this room shares something in common and it's that students need to feel safe in their learning environment. I don't doubt that from anybody. But I also know that I have four middle and high school districts in my Senate district. Each one of those districts is currently holding meetings with their parents and students, public open forums, to discuss weapons in their schools. We can't stop that. We can only empower them to do something when they reach some commonality, some common ground in their schools. We heard this exchange just now about is 193-D the right place for this amendment, well it is the chapter that deals with safe school zones and it concludes with nothing in this chapter shall prohibit local school boards from adopting and implementing policies relative to pupil conduct and disciplinary procedures. I mean this is a logical next statement to add into safe school zones, giving local control over firearm possession.

I think this debate is about the learning environment in our schools. It's about learning. It's not about control, it's about how do we establish learning in our schools, we ask our school districts to enact policies all the time about how do students learn in your school, we do it for what are your grade level standards, what are your course standards. We do it in regards to testing policies. What are your testing policies, not what are the state's testing policies. We ask local school districts to enact those. This is no different than asking a school district to enact a safety policy that reinforces the learning environment in that school.

Are there school shootings in New Hampshire? I'm going to tell you, yes there is. I went to a school in my district, a high school where seven years ago students were sitting in the high school, in the elementary school cafeteria. A student pulled out a gun and shot himself in the head. Those students carry that trauma today seven years later, those third graders are sophomores in high school. Those sixth graders are seniors in high school. They, when I asked them how you feel in your school, three of these students were clearly challenged with that question. One could say one statement and clearly was clamming up, clearly tensed up. A second student became verbally angry. Angry, that this is still a question that she fears, she fears gun possession in school, today, still. Another student presented me with a five page letter. She couldn't speak about this, her way of expressing her concerns about her learning in her school was to write this letter. I have to, on her behalf, I have to quote a portion of this letter. She returned to school, by the way the Monday after the week in which those shootings took place in Florida in Parkland.

She was having trouble sleeping that entire week.

> She says, I woke up panting, having to tell myself it was just a nightmare. I just turned fifteen today. It's not okay that these are things I think about most. But I can't stop thinking about this. Things have to change. Children all over this country need you and every other state representative to understand this. We are the first generation to grow up after Columbine, after 9/11, during the advancements and threats of nuclear weapons, danger is everywhere and American schools are supposed to be safe places of learning and inspiration and after Marjory Stoneham Douglas for many, schools have become a place that students, even young first-graders, not even seven years old, fear to go in the event that somebody will turn their once safe haven into a place of trauma and pain.

I'll take a break on this and move to the end.

> I truly hope that you and every other state representative listen to the voices of America's students, and work together to resolve this problem. Please hear the voices of America's students and take action that will progress our state and country.

I appreciate that she wrote this letter. It's been one that's motivated me for the last several weeks.

I don't think study commissions are going to cut it. Students are asking for action. I visited with the principal and superintendent of one of those area schools in my district. They said I walked into a parent conference, I had a problem with a student, we called the parent in, they sat down, they heard a loud thud on the table. That superintendent and principal wanted that meeting to end very quickly. They felt threatened by what the person was carrying in their bag.

I want, you know my background, college education, we prepare teachers. I want this to be a noble profession. I want it to be where the best of our college students still see that they're giving back to our society by seeking a profession in schools. I don't want them to fear that this occupation is any worse than any other occupation in our country. The learning environment is a matter of local control. Again, we ask our schools to set standards by course and by grade level and for graduation we ask them to test and establish testing principles for their schools and for their students. We should ask them to establish safety protocols and principles in their schools, and firearm possession should be among the issues about safety that define the learning environment. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. It changed my line of thought a little bit when the Senator from District 13 talked about how everyone in Concord felt. I have as you know, I have a lot of skin in the game. I dropped my daughter off at the elementary school in Sandown this morning. I have two older daughters, one who just took the SATs today, hope she did well, and my younger daughter's best soccer player in Timberlane, probably the state. We'll see when you guys play.

So, we talk about everything at the dinner table. Not with the eight year old but with the fourteen and sixteen and I said to them are you going to feel safer, just like Senator from 15 said, safer with this law. And my daughter, the fourteen year old said. Who are we keeping out, the bad guys are going to have the guns, she goes that she felt she would be safer

if there were trained staff members, not that we're telling any teacher to carry a gun, but I'll tell you what I did right after the Florida shooting, that Monday I had a writing contest with all my fourth graders. So I was already in the elementary school, and afterwards the vice-principal asked to speak with me, we spoke about active shooter drills, what we could do to make her school safer. And that's what we want is safer. But again I don't feel that taking the guns, have no guns in that school, they're not going to be able to defend themselves.

I come from sheepherders, you probably don't know that Mister President, generations after generations of sheepherders. We have no noble lines in my family. Everyone else does, they all go back to kings. But not me; sheepherders. So what I do, whenever I go to Ireland, I would see, I was younger and faster so when we took the sheep to market, I'd run ahead and close the gates. Well, I couldn't do that anymore. But at night we'd close the sheep up in a pen, they're all surrounded by stone walls. And we had a dog, there's always a dog, it's right there, Tomb's the town, county of Galway. And the dog's there at night to protect those sheep, because there are foxes out there that are going to come in. So too, with the shooters. I feel that there's a shepherd there in the day, there's teachers, there's people to protect them but you have to protect these students and I don't feel banning guns from people who want to. I went to the Senator from District 10, I spoke with I believe Hinsdale's one of your towns, I'm in schools almost every day as you know in my line of business. So I speak with all the principals, they were pretty split, half and half. It's probably that week of vacation I spent more time talking about the shooting and what we could do to protect schools than I did hanging the stage curtains to the chagrin of my wife, and my profit. But what we came down with is split, it was when I went up to Campton, I talked to the gym teacher. He's like an ex-Navy Seal and he wants to carry and he feels he could protect that school. I feel that this is going to stop people like him who could protect the students. We're not going to tell anyone they should carry, shouldn't carry. Again, Florida had a ban zone, the shooting still happened.

I still think that if you have an unarmed building, it's an invitation to people who are going to do bad. And I think there are guns that can be used, there are ones with fingerprints so that they're always worried that the gun could get in the wrong hands, you could have all the teachers with a fingerprint handgun, so if they fell out it somehow got into the wrong hands, no one could be hurt. There's things like that could be done, but I don't think leaving the sheep unattended is going to make the flock safe. So I am against this bill. Thank you.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise in support of the amendment before us. My colleague from District 12 and many others in this body have talked a lot in this session and last about parental control and parents having the final say on the education and welfare of their children. I ask you all, how can there be any other subject more important for a parent to weigh in on than their child's safety and their very lives. Passage of this amendment would be a way to ensure that outcome at the local level where we live and where we send our children off to school every day. I urge you to take this opportunity to take and try and do something about the possibility of a terrible tragedy happening here in New Hampshire. Thank you, Mister President.

(The Chair recognized Senator Hennessey for a question of Senator Gannon.)

SENATOR GANNON: With your Ivy League background I'm always feeling outgunned so be gentle.

SENATOR HENNESSEY: Good, so my question for you is, let me start by saying that I've heard a lot of people talk about how this amendment, in response to this amendment that I'm asking the state of New Hampshire to ban guns in school and again, I am not. I am asking for local control. I'm not saying we should not have guns in all our schools. I am suggesting that the school boards be allowed to decide. Is that your understanding?

SENATOR GANNON: We're a home rule state, I just wanted to get the term properly. I don't feel it's going to be, then I meant the other way, the state controls, there's a term for it, there's a term for, you know what I'm talking about, what is it? We're not home ruled we are, what's the term? I understand but there's a term.

SENATOR HENNESSEY: Okay, we've established we are not a home rule state.

SENATOR GANNON: It doesn't matter. I don't feel that if you're in Chester we're going to have one set of laws and then in Sandown we're going to have another and we're going to have another in Derry and we're going to, all these children should be safe on the same basis. So I think this really is an issue that should be done here. This is such a large issue. I think it could be very detrimental and confusing to every single town to have a multiplex of, I think this should be done here, I don't think we should pass it along, it would be very easy to just pass this bill along and not have to get involved. But no I think it should be done here.

SENATOR HENNESSEY: Thank you. You are aware, I'm sure, or are you aware that school boards make all sorts of decisions for their own schools and we've allowed them to do that? That is the way school boards operate. This is pretty much the only thing we're not letting them decide for their own schools for local control. Are you aware of that?

SENATOR GANNON: I am aware of that and I would say it's because it's a life and death issue, and that's why it needs to be done here and not in local control.

SENATOR HENNESSEY: I promise it's quick. Senator Kahn, I'm sorry, the Senator from District 10 otherwise known as Senator Kahn, spoke about the trauma of children in schools. I've spoken to a lot of students, some of whom I've walked with when they walked out of school to protest this issue. And one of the things they say is that even the drills are traumatic. Can you imagine in your own children's lives the trauma of watching a teacher shoot a student?

SENATOR GANNON: My response to you would be can you imagine the trauma, maybe that teacher could have stopped fifteen or sixteen other students from being killed. And so by pulling the gun and shooting the perpetrator, they could have saved that many lives and there'd be that many less deaths that those children would see.

Senator Avard moved the question.

PRESIDENT MORSE: Considering the nature of this topic, the following speakers have lined up so I'm going to let them speak. Next is Senator Gray, followed by Senator Sanborn, followed by Senator Fuller Clark, followed by Senator Feltes, followed by Senator Giuda, followed by Senator Bradley.

(The Chair recognized Senator Woodburn for a question of Senator Gannon.)

SENATOR WOODBURN: Thank you Senator for taking my question. I know you're a lawyer and when you go into a courtroom, guns are banned from the court. Don't you think that the kids deserve the same protections, and if not, would you support that the courts be able to determine their own…

SENATOR GANNON: Actually the bailiffs usually, the courtrooms, I haven't been in a courtroom in a while but when I used to go a lot, the bailiffs were armed in many courtrooms. Maybe things have changed since I went to court.

SENATOR WOODBURN: The question is people be able to bring guns in to feel safe into the courtroom, not the secured, I mean school resource officers can carry guns. No one takes their guns away in any schools, they're allowed to we're talking about law-abiding citizens bringing their guns into the courtroom, they're barred from doing that. Do you favor that policy?

SENATOR GANNON: Well I'm talking about like when I was in Hinsdale, in Senator Kahn's district, the principal thought it would be a good idea if possibly, we were talking about what might happen, arming people, I believe he was, again I was probably in thirty schools and I talked to every principal, vice-principal about it, that week, I believe that he was in favor of examining that idea, the kind of personnel who wanted to, who were smart enough to handle weapons, who were familiar with them. He thought that may be a good idea as the guy did in Campton as did others. And obviously when I went to Dover it was totally the other way, there were no guns they wanted nothing there. But I, like you, want to protect the children. Again I have three kids in a public school. I want them all to be as safe as possible.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I rise and hopefully I'll be very brief. The point of the conversation before when I was questioning the Senator from District 5 is who does this law apply to? The Senator when she introduced the bill said it was very simple, very easy to understand. But it's not. And when you go back and read the previous section in that law, it says pupils and employees. Hmm. I noticed that her amendment doesn't say who it applies to. And I look at the paragraph right above, where the Senator is inserting her paragraph 3, already talks about being able to take care of students that bring firearms into a school. So again, those kind of questions are the questions that I have that make me think that this is not a simple bill, that the school boards, I should say the state school board already has rule-making authority which is what this entire paragraph is all about and that they have the ability to do it for pupils and employees, which is the point of this paragraph.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. First and foremost I'd like to thank all the members of this body so far for a respectful, polite debate. There are days in here when tempers flare, emotions run wild and things can be challenging for us to debate very important issues like this and this had been very polite and well thought out and articulate and I'd like to again thank all the members.

From my perspective, I think about what is our responsibility. The number one responsibility and duty we have as elected officials is to keep our

people safe. We talk and we debate about all types of things in here. But our number one goal is to keep our people safe. It trumps everything else we talk about. And I know that all of us believe in that and embrace it. I think part of the challenge we're struggling with is how do we keep our people safe? We have different opinions on that.

You know it's interesting because right during the tragedy in Parkland you all remember, a lot of us were hanging around this building. And what most of you don't know, in fact I don't think any of you know, was the school right next door to Parkland there was either a loud explosion, a bomb or a gun or something happened and that school went into lockdown with my wife's and my nephews in the school. While we're in session, texting my wife and I about what to do while they're hiding in a closet. How do we keep our people safe? I thought a lot about it that day.

You know, since this has happened and even going all the way back there's Columbine and Sandy Hook and every time we have this truly tragic event in our society, what's nice is we talk. We don't scream at each other, we don't yell, we don't jump up and down we don't demand, we talk. And I've heard from, sat down with and talked to parents who say I believe my children will be safer if you remove all the guns from school in fact remove guns completely. Spoken with an equal number of parents that say I am concerned, I need to find a way to make sure my child is protected from bad things. I've talked to students that have said. I don't feel safe and I'll only feel safe if you remove guns. And I've talked to other students that have said you need to do something to make me feel safe and if that means an armed guard following me around every day, I'm okay with that. Which to me kind of raised this issue that I had, that I commented on a week or two ago, that I am dumbfounded that in our society today we accept and encourage armed guards standing in banks, protecting our money, which today isn't even in the building. We find it totally acceptable in our society to have to walk through locked doors with armed guards before we can buy a trinket at a retail store. And recently I was in New York City and watched armed SWAT members guarding street performers. But yet we argue whether or not the single most precious asset we have on earth, our children should be protected or not. I've really struggled since I was standing in New York City and saw these guards and went up and asked them and said well why are you here? You all have AKs, you have M4s, you have Colts, full body armor the whole helmet, pretty intimidating and they said we're here to protect the people.

Then I thought a lot about, what do we do and how do we make people comfortable, because this isn't a question about whether or not there should be guns in school or guns not in school. This is a question about how do people feel safe anywhere. You know we can't forget as part of this conversation and debate that there are many places, Texas, Colorado, Ohio where there are school systems that actually have armed security, trained, wanting to be there, they're protecting our children. You know in fact in one school system in Ohio, the superintendent actually started a program where they put gun stations throughout the school system and fifty teachers, janitors, coaches, resource officers came forward and said that they want it, wanted to make sure that they were properly trained and wanted to make sure that they were there to protect the kids in their community. And ultimately that school picked thirty-five of the fifty and gave them special permissions and no one knows who they are, to make sure they are there to protect their kids.

And why is that important? Why it is important is for some of us we see the disparity today between Parkland and Maryland. I see a disparity between one school, of which there was no one there to protect our kids, and another school where a resource officer had the training, had the desire, had the equipment and while it was still an absolute tragedy, it was dramatically less of a tragedy than what we saw at Parkland.

Look, Mister President, I truly understand and empathize with all the parents that believe that they believe if there are no guns allowed that they believe their kids would be safer. I hear kids when they say, if there's no guns allowed, I'll be safer. But what my colleague from District number 5 said earlier. We call for drug–free zones, schools, but the truth is kids are still doing drugs at school. We call for smoke-free zones at schools and we know kids are still smoking. Just because we say, we do not want to allow people to legally arm themselves or have a firearm, people who want to be, have trained, is that going to stop someone who wants to do something bad? And that's my fear when I think about what it takes to keep our people safe.

Mister President, I am obviously not supportive of this amendment because I do believe that there are bad things that could happen to our kids, and I want to make sure that those adults who want to and are properly trained have the ability to protect the most precious asset we have on earth. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in support of the amendment because I do believe that community to community should be able to decide how best to defend the students in their towns and cities. But I've been listening to, which is really a very extraordinary conversation and debate that we've been having this afternoon. And what I'm struck by is the fact that we are seeing a nation that is being turned into a war zone. Rather it's around our kids in school, rather it's about individuals who go to a concert such as we saw in Las Vegas, and the many other tragic shootings that have occurred around, mass shootings that have occurred around this country. And I think at some point we need to have a larger debate because we are not seeing this happening in other countries around the world. And I believe that the best way to keep our students safe, to keep the constituents in our communities safe and to keep this country safe is yes on the one hand to have those individuals who are adequately trained and have them well–armed and be placed in appropriate situations. But at the same time, I believe that we have to look at how we can take the most deadly weapons that succeed in a minute or two, of taking the lives of tens or twenties or thirties of people who are part of families, who are loved and cared for and suddenly they're not there. So I would hope we would look at the larger issue and see if there is not a way to at least remove the most dangerous weapons and the magazines that go with them from being available to individuals throughout our country who then have the ability to conduct massacres. Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Just to clarify just a couple of technical issues which aren't really issues but, school boards under this language have broad authority to determine whether or not to prohibit possession of firearms in the safe school zone and intentionally left open is by who, so they can determine whether or not security guard

is armed. It's up to the local school district under this broad authority for the school board. That's number one, number two; there's some suggestion that this only applies to public school pupils and public school employees. That's incorrect. The language says the State Board of Education shall adopt rules relative to safe school zones. Under RSA 541-A for public school pupils and public school employees regarding calling so, had the legislature wanted to say, as applied to which it has plenty of times, or applicable only to, it would have these rules are for the protection and safe school zone of pupils and school employees. So it's broad, it's broad authority for local school boards and I just wanted to clear those two technical issues, which I don't think are issues. Just wanted to clear those up. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. There isn't a person in this room that is not horrified, disgusted and tired of the pictures of our children's bodies laying on the floors of their classrooms, because they're only defense has been to cower under a desk or hide in the closet. We have to come to grips with some pretty grim realities and that's our job here, is not to deal with wishful thinking or hope, but to deal with the reality of a situation. To those students up there watching and listening, your school boards will do for you the best that they can, but your school boards are not competent to do what it takes to defend you and to protect you. And for that reason our Governor has established a task force with extremely competent experts from every range to deal with the issue of school safety. The legislature has provided you and your schools with a $19 million fund to harden your schools and make them safer. But at the end of the day, the tragic and horrific reality is that sooner or later an armed individual with the intent to kill is going to get into a school. And I would submit, my colleagues, that our obligation in protecting our children includes an obligation to defend those children. And that to defend those children is probably going to require measures that many of us would find repugnant. I remind you that on September 11 of 2001, America's cockpits were disarmed by law. I remind you that in every single school massacre without exception, those schools were protected by gun-free zones. They're ineffective and while we may not have statistical data, we have empirical data that shows that time after time after time our students are murdered by people who ignored those safe zones.

I spoke with the Commissioner of Safety. He advised me very wisely that not only must we have a component that takes into account the tactical, yes horrific word, that the tactical realities of how we defend a school and once that perimeter is breached, how we protect the lives of our children. We must combine that with a mental health component which we are moving forward with and aggressively and our Governor's leading in that and we are helping. So it's not just a problem of guns. It's a problem of your safety and your fear while you may think it is of guns, I would submit to you is a fear of dying. And while the instrument that you perceive as the very weapon that could cause that is also an instrument that can prevent it.

Albert Einstein said that insanity consists of doing the same thing over and over and over again and expecting a different outcome. But it is proven that what we've done as a nation, as states, as communities has failed time and time and time again. And so I have every faith that this Governor's task force specifically focused on making your school safe and

keeping you safe and alive will do the job it's intended to do. I would oppose this amendment and I would trust in those people that have the tactical expertise, the mental health expertise and all those fields of endeavor that have to come in. I would not put this in the hands of a local school board because they don't have the competency to deal with the issue at hand. Thank you, Mister President.

PRESIDENT MORSE: To the Senators, I'd remind you and several of you have done it, you speak to the President when you're speaking.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you, Mister President. First of all I think it's appropriate to thank all of you that are in the audience. Your voices are loud and eloquent and you have the absolute right to be demanding that your schools are safe. I agree with my colleague from Hanover that when there's fear, there's an inability to learn. And it's our responsibility to make sure that there is no fear because your schools are safe. The question each and every one of us need to ask, and this is a hard question. What deters a deranged person from inflicting the kind of harm that we're seeing in schools, on the streets of New York City, in Austin, Texas? That's the question that we need to ask. It's the only question that really matters. What is effective?

As the previous speaker just said, the designation of a gun free school zone hasn't been particularly effective. I wish it were. If I thought it was, I'd join my colleague from Hanover. After 9/11 we really hardened airports; magnetometers, all sorts of searches. I'll never forget when I used to fly back and forth to Washington, the belts came off, the shoes came off. Everybody saw Bradley holding up his pants. Well guess what, it worked. And our colleague, when he speaks after me is going to highlight all of the things that have been done since Sandy Hook, in New Hampshire. That's where the debate has to go. Because that's what's going to deter and keep our schools safe. I wish we could just adopt a proclamation to do that. That'd be great, we're good at proclamations. Will it deter gun violence? That's the question.

There are some things that we need to do, I think we should consider. I'm looking at requiring an active shooter drill. Don't know that there are twenty-three other voices in here to support that, but it's certainly something that we should be considering to better prepare our schools. I'm going to say this and I can tell you, well my friend's not here, I don't feel pistol whipped by the NRA, when I say the next thing. We need to be looking very actively at red flag legislation with appropriate due process criteria built into it so that people like the person in Florida that had every red flag out there, doesn't fall through the cracks. That's what's going to keep schools safe. There's going to be a lot of opposition to that. We need to thread the needle and look at that and do it correctly. Because whether it's the Austin bomber, whether it's the person that's bringing schools into the high school, guns into the school and high school in Florida or any of the other terrible tragedies that we've had. Effective deterrents is what matters. And I would say, and our friend from Deerfield is going to talk about what Perry Plummer and his team have done, because I think that this is a good start, they've been doing it for years and that's where the debate should go to make sure that all of our friends in the audience who are speaking up for themselves and demanding safety, that's the single most effective thing that we can do today and tomorrow as we consider some of the other things that I just highlighted. Thank you, Mister President.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. We've been at this an hour and twenty minutes so I'll try to do this in three minutes. Right now every school in the state of New Hampshire is required to develop an emergency operations plan. And when you follow this whole guideline you wind up with about three hundred pages of information. The details, the responsibility of every person in every school district in every school and every classroom. And there's even references to what the students are supposed to be doing and what the explanation you're supposed to have if some untoward event happens in your school. So the template covers any type of emergency you can think of; fire, flood, earthquake, active shooter. So we don't need a law to command an active shooter requirement, it's here. You have to do it. There's over 650 schools in New Hampshire. Thirty-seven of these schools haven't submitted a plan yet. So the thing for you to do, is go back to your school and say, do we have an emergency operations plan? What's my part in that, what am I expected to do? What can I offer to do to help protect my school? So this is here, and they're doing it now and if they're not, you should ask them for their explanation. So I'm confident, I know I've investigated the schools in my district. We have the plans, we are ready this session in Senate Education to pass the bill that reinforces the idea that the emergency plan has to be shared with local law enforcement. Wasn't required before it wasn't required as strongly before, now that has to be done. So your local law enforcement and in the towns believe me, your six man police departments, every plan they make includes all the surrounding towns. Because that's what happens when something happens in one little town, the word goes out through your county dispatch or whatever dispatch you're using and the cavalry comes to the rescue. It's in place. So go home, pick up the phone and ask the principal in your school how's your emergency operations plan, is it complete? What do I do? Ask that in your classrooms, in case of an emergency what am I supposed to do? If the teacher doesn't know, say can you bring us back the answer tomorrow? Because if you're prepared you're better able to forestall a disaster. 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 Feltes.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 9 - Nays: 14. Failed.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Hennessey, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Daniels.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 22 - Nays: 1. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES
SB 322, relative to access to a water utility.
Interim Study, Vote 4-0. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 322 be referred to Interim Study. This bill requires that a property owner shall have access to service from a water utility if the owner pays the rates for such service. This bill would deny the ability of a water utility or municipal corporations to refuse to provide adequate service to a property owner that seeks to connect water service. The committee felt that this bill raised many questions and further examination of its effects needed to be reviewed more thoroughly. The Senate Energy and Natural Resources Committee asks for your support of a motion of Interim Study on Senate Bill 322. Thank you very much.

The question is on the adoption of the motion of Interim Study. Adopted.

SB 365, relative to default service energy diversity and rate relief.
Ought to Pass with Amendment, Vote 3-0. Senator Bradley for the committee.

Energy and Natural Resources
March 13, 2018
2018-1084s
10/06

Amendment to SB 365

Amend the title of the bill by replacing it with the following:

AN ACT relative to the use of renewable generation in default service.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. New Hampshire and New England electricity supply is heavily dependent upon natural gas-fired generation, which is subject to pricing volatility. The effect of natural gas pricing volatility on energy prices can result in the closure of New Hampshire renewable generators and the loss of jobs and other statewide economic benefits derived from using indigenous renewable fuels. The general court finds that: the continued operation of the state's 6 independent biomass-fired electric generating plants and other indigenous-fueled renewable generating plants, such as small hydroelectric generation, are at-risk due to energy pricing volatility. These plants (i) are important to the state's economy and jobs, and, in particular, the 6 biomass-fired generators are vital to the state's sawmill and other forest products industries and employment in those industries, and (ii) these indigenous-fueled renewable generating plants are also important to state policies because they provide generating fuel diversity and environmental benefits. The general court finds that the use of these indigenous renewable resources as part of electric default service will promote the continued operation of, and the preservation of employment associated with, the 6 biomass-fired power plants and the other sources of indigenous-fueled renewables and, therefore, is in the public interest.

2 New Chapter; The Use of Renewable Generation in Default Service. Amend RSA by inserting after chapter 362-G the following new chapter:

CHAPTER 362-H

THE USE OF RENEWABLE GENERATION IN DEFAULT SERVICE

362-H:1 Definitions. In this chapter:

I. "Adjusted energy rate" means 80 percent of the rate, expressed in dollars per megawatt-hour, resulting from the default energy rate minus, if applicable, the rate component for compliance with the renewable energy portfolio standards law, RSA 362-F, if that rate component is included in the approved default energy rate.

II. "Biomass" means plant-derived fuel including clean and untreated wood such as brush stumps, lumber ends and trimmings, wood pallets, bark, wood chips or pellets, shavings, sawdust and slash, agricultural crops, biogas, or liquid biofuels, but shall exclude any materials derived in whole or in part from construction and demolition debris.

III. "Commission" means the public utilities commission.

IV. "Default energy rate" means the default service energy rate applicable to residential class customers, expressed in dollars per megawatt-hour, as approved by the commission from time to time, and which is available to retail electric customers who are otherwise without an electricity supplier.

V. "Default service provider" means the entity or entities approved by the commission, from time to time, to provide default service to the residential class of electric customers for each electric distribution company which is subject to commission approval of default service procurement.

VI.(a) "Eligible facility" means any facility which produces electricity for sale by the use, as a primary energy source, of biomass, municipal solid waste, solar, or hydroelectric resources or any combination thereof; provided that: (1) the facility's power production capacity is not greater than 5 megawatts, excluding station service needs if the facility is a hydroelectric facility, and the facility's power production capacity is not greater than 25 megawatts, excluding station service needs for all other facilities; (2) the facility is interconnected with an electric distribution or transmission system located in New Hampshire; and (3) the facility began operation prior to January 1, 2006, or if the facility ceased operation and then later returned to service after that date, then prior to January 1, 2006 the facility operated for at least 5 years.

(b) "Eligible facility" shall not include: (1) any facility's kilowatt hours actually sold or used in a net energy metering project under RSA 362-A or any similar law; (2) any facility, while selling its electrical output at long-term rates established before January 1, 2007 by orders of the commission under RSA 362-A:4; (3) any municipal solid waste facility less than 10 megawatts in size and which was not in operation on January 1, 2018; and (4) any hydroelectric facility that is the subject of divestiture in commission docket DE 17-124.

VII. "Primary energy source" means a fuel or fuels, or energy resource either singly or in combination, that comprises at least 90 percent of the total energy input into a generating unit. A fuel or energy source other than the primary fuel or energy source may be used only for start-up, maintenance, or other required internal needs of the facility.

362-H:2 Default Service Short-Term Purchased Power Agreements. Each electric distribution company that is subject to the commission's approval regarding procurement of default service shall include as a condition in each default service procurement for the residential electric customer class, the requirement that the selected default service provider agrees to offer to purchase, for use as part of its default energy supply, the net energy output of any eligible facility located in the electric distribution company's service territory in accordance with the following:

I.(a) Prior to each solicitation of its default service supply, each such electric distribution company shall solicit proposals, in one solicitation

or multiple solicitations, from eligible facilities. The electric distribution company's solicitation to eligible facilities shall inform eligible facilities of the opportunity to submit a proposal to enter into a power purchase agreement with the electric distribution company's selected default service provider, as approved by the commission, to sell an amount of energy to the default service provider for use in the provision of default service for a period that is coterminous with the time period used in the default service supply solicitation. The solicitation shall provide that sales of energy from the eligible facility shall be priced at the adjusted energy rate derived from the default service rates approved by the commission in each applicable default service supply solicitation and resulting rates proceeding.

(b) The solicitation shall also inform the eligible facility that: (1) the output of the eligible facility shall be delivered to the default service provider at the eligible facility's interconnection point with the electric distribution company; (2) the eligible facility's contract generation must be from the eligible facility's net electrical output and the eligible facility shall not replace its output with that of another unit; and (3) the eligible facility must agree to deliver all of its net electrical output to the selected default service provider, to the extent electrical output is not committed for use in a net metering program.

II. Each eligible facility's proposal in response to such solicitation shall provide a proposed schedule of hourly net output amounts during the term stated over a mutually agreeable period, whether daily or over the 6-month term and such other information as needed for the eligible facility to submit and the electric distribution company to evaluate the proposal.

III. As part of its periodic residential electric customer default service supply solicitation the electric distribution company shall inform potential default service providers of the requirements of this chapter and provide each with the results of the applicable eligible facility solicitation. As a result of such solicitations, and as a condition of commission approval of the default service provider's contract with the electric distribution company for default service, the default service provider shall select all proposals from eligible facilities that conform to the requirements of this section and enter into power purchase agreements for an internal bilateral transaction for market energy pursuant to the independent system operator of New England (ISO-NE) market rules with the selected eligible facilities for unit contingent energy for periods coterminous with the period of time used in the default service supply solicitation. The form of power purchase agreement to be used shall be the EEI Master Power Purchase and Sale Agreement, version 2.1. The default service provider shall act as the lead market participant for any selected eligible facility that is not a member of ISO-NE and requests such service. The eligible facility agrees to pay a reasonable fee for such service.

IV. Any such power purchase agreement shall be subject to review and approval by the commission in the same proceeding in which it undertakes the review and approval of the electric distribution company's periodic default service solicitation and resulting rates. The commission shall issue a decision on such agreements at the same time it issues a decision on the default service solicitation and resulting rates.

V. The costs incurred pursuant to purchases under this section shall be recovered by the electric distribution company in the same manner as recovery of default service charges. Such costs may include reasonable costs incurred by electric distribution companies pursuant to this section.

3 Effective Date. This act shall take effect 60 days after its passage.
2018-1084s

AMENDED ANALYSIS

This bill requires the solicitation of default electricity service by the state's electric distribution companies to include certain renewable electricity generation supply.

SENATOR BRADLEY: Thank you very much, Mister President. I move Senate Bill 365 Ought to Pass with Amendment. What this bill does at its very base, is to give relief to the renewable energy industry, hydro, biomass and waste to energy in New Hampshire. Indigenous New Hampshire companies and jobs would be able to, under the amendment, the Committee Amendment, sell their energy to the default service provider, which is the energy provider that customers who don't make the competitive choice, how they actually get their power delivered to them from the filler. It's discounted to 80 percent of the cost of that default service. That's a significant change from the way the bill was filed.

No one in this building, I think has fought longer and harder than I have for rate relief for New Hampshire customers. Going back to the deregulation legislation when I served on the other side of the wall, before I took a vacation. But also no one's fought harder than I have to make sure that we protect those indigenous resources. Not only for the fact that we need fuel diversity, which we do because we're overly dependent on natural gas, not just as a state but as a region, but also to protect jobs. So what do we have? There are six biomass plants, some in our friend from District 1's district, some in District 2, District 3 and District 8. And one that has a rate order with Eversource in District 1. These plants contribute 900 jobs to New Hampshire in areas of the state that people can't easily be re-trained to take other jobs because they worked in the woods all their lives with chainsaws in logging operations. The Energy Committee heard testimony and we all know one of the wood plants has closed. Two will close, that was very clear because one of the plant managers was there to testify to that effect and a third will close for several months a year and the other two I believe are not far behind. That's 900 jobs in the North Country. Now I realize that there is a great impact, but as my friend from District 12 reminds me, the pie don't lie. Here's the pie. So energy, and these are Eversource rates, 53 percent, transmission 12 percent, delivery 21 percent, customer charges, that's the systems benefits charge, and the tax that we repealed thankfully and the systems benefits charge that together is about 12 percent. Here this little itty bitty pie shaped graph is the cost of renewable energy. So yes, I'm going to stand here and tell you there is a cost to those jobs. That's a fact of life. But loss of those jobs means loss of fuel tax revenue, it means a big hit on the unemployment trust fund in all likelihood, timber tax, those are for the biomass plants. Higher tipping fees for the waste to energy plant, to make up the difference from not being able to sell electricity, and loss of property tax base for all of them including the hydros, if they're no longer competitive.

The pressure on us is extreme on electric rates, I make no bones about it. So when this amendment came before the Energy Committee, we heard the testimony of a former Eversource Northeast Utilities employee that talked about what happens if those plants go offline, the 100 megawatts. I don't want to have to go into what a capacity payment is, but it's a payment that every electric customer pays in order to guarantee the

capacity to keep the lights on. So if that 100 megawatts disappears, our capacity payments at the next capacity auction, which granted is two or three years in the future, will go up. And the estimate of the former NU employee, Mister James Gianetti, was $17 million. He also talked about something which is called a risk premium that is paid for when somebody bids on the default service, likely to be aided by knowing they have a slug of New Hampshire renewable energy that's dependable and then also somewhat higher potentially transmission costs.

So while I would agree we do have control over these renewable facilities, they could all close, the 900 jobs could go away, the tax base could go away, there are a lot of things that actually drive this pie that we have less control over. Utility rate of return, tree cutting. We've got to tree cut or else we'll have outages. Just the cost of delivery, the cost of transmission, the cost of storm damage repair. And what we also have is an ability to locate anything that will bring new energy sources into New Hampshire, whether it's gas, whether it's hydro from Canada, anything. So let's not put 900 people out of work by not voting for the committee amendment, because that's what will happen. We've heard the dire warnings of the people in the forest products industry that are in our friend, our friend and my district primarily, but also in other districts. I commend the Committee Amendment, I know there's a lot of discussion about it, but that's why we are doing what we're doing. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: I like the North Country. Senator from District 3 has good points. I was doing a free will for an old woman, somehow she lives across the lake from me and she thinks every year her will needs to be done. So I do it for her, we just play with it and I bring her some food, we talk and talk, and it's really the same will every year. I don't charge her, don't worry about it. But she only has one light on when I go in and she can't afford, I always ask can you turn more lights on, and she's like I can't afford it, I don't have enough money. So although a well-intentioned attempt to support jobs in the North Country, I can't support it. Senate Bill 365 has a deleterious impact. Two of them in fact.

First it increases electric bills for rate payers by approximately $30 million per year. Considering the policies that increase the cost of electricity are inherently regressive, 365 places an additional financial burden on our most vulnerable citizens, the senior citizens, the people on fixed incomes, the elderly, the poor. I want to help the North, but I have to think of my own district.

Second, 365 creates additional regulations and government mandates on electricity providers which is in direct contrast to the restructuring goals which were just completed with the sale of the last PSNH generation assets this winter. A vote for 365 is a vote to increase most of our consumers electric costs, your constituents, especially the poor and the elderly, and they pay typically a higher percentage of their income on electricity. I strongly urge you to protect the ratepayers and overturn the committee's recommendation of Ought to Pass with Amendment on 365. Thank you, Mister President.

(The Chair recognized Senator Avard for a question of Senator Gannon.)

SENATOR AVARD: Thank you and thanks for taking my question. With regards to this, your lady, do you happen to know if she's on default?

SENATOR GANNON: I know that she lives in a cottage across from me, and is she on…

SENATOR AVARD: Default energy.

SENATOR GANNON: Is that where you buy it cheaper?

SENATOR AVARD: No, that's where you buy it more expensively.

SENATOR GANNON: Oh more expensively. I don't know which plan she's on, or on PSNH. I just know she's very limited, I've seen her fridge, she offers me what's in there and usually I take anything, and there's nothing in there to have.

SENATOR AVARD: Thank you, Mister President. Would you believe, this is a would you believe question, that there are at least twenty-three other options for her to lower her rates?

SENATOR GANNON: I'm sure she could cut back on her dogfood too, but I'm not telling her to cut back on anything else. But you're saying there are different options. There probably are other options and I don't think she's going to find them or look into them. She's in her nineties.

SENATOR AVARD: Would you believe that it would be just another energy source that is totally available, takes three minutes to change from default to another cheaper energy source.

SENATOR GANNON: I would believe that.

SENATOR AVARD: Thank you. Thank you, very much.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. Having heard, I rise in support of this, having heard being mentioned this is for the North Country, let me note the importance of small hydroelectric generation. There are three of these dams in my district and I bet there are many dams in the district of the Senator from District 23 and maybe even the impoundment on the lake you so love. And if we lose the capacity for these dams to keep functioning we lose not just the economic benefit there and the power supply but we also potentially lose the impoundments behind them that's so important for our environment and for recreation. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. It's a difficult question that we answer with this bill. This is a bill that's about New Hampshire. The fuel for these plants is in New Hampshire. The people that cut the wood are New Hampshire families. The people that move the wood to the trucks are New Hampshire residents and families. The people that drive the wood to the biomass facility are New Hampshire residents and taxpayers. The people at the biomass plant and the people who dispose of it and the people in the timber mills who use those biomass plants as a resource from which they gain some revenue stream and as well a benefit from getting rid of a product that would otherwise be a liability to them environmentally. Uniqueness of these biomass plants is specifically that they are totally New Hampshire. Yes this may be a rate support, what's not yet been developed but I am meeting and we are working to develop is a system where we can establish numerous biomass plants that support one another and enable the North Country and anyone else who might want to try it in their districts given that you have the resources, the ability to cut loose the bias over New England, that whole grid that is

the real source of the problem. Then they can locally develop, they can locally energize, they can locally transmit, they can do whatever they need locally and that is energy independence. And so I'm asking you to think carefully before you throw these plants under the bus. One in my district is gone, the other is hanging on by fingernails, the remainder are in as near as bad shape. But there is movement in the research of these biomass plants working together and pairing or twinning, so that we can just establish perhaps independence of energy for small towns in the North Country. So I would ask you to support this amendment and to support 365. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Giuda, seconded by Senator Gannon.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Avard, Lasky, Carson, Reagan, Soucy, D'Allesandro, Fuller Clark, Innis.

The following Senators voted No: Daniels, Birdsell, Gannon, Morse.

The following Senators filed a Declaration of Intent: Feltes.

The following Senators were excused: Sanborn, Cavanaugh.

Roll Call, Yeas: 17 - Nays: 4. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

Senator Morse is in opposition to the motion of Ought to Pass with Amendment on SB 365.

SB 447, relative to issuance of renewable energy certificates.
Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Energy and Natural Resources
March 13, 2018
2018-1085s
10/06

Amendment to SB 447

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 362-F:6, II-a, relative to credit for electricity production for customer-sited sources that are net metered and for which renewable energy certificates are not issued, is repealed.
2 Effective Date. This act shall take effect upon its passage.

2018-1085s

AMENDED ANALYSIS

This bill repeals the requirement that the public utilities commission estimate and give credit for the total yearly production for customer-sited sources that are net metered and for which class I or II renewable energy certificates are not issued.

PRESIDENT MORSE: Before Senator Fuller Clark speaks all the rest, the next five bills are something to zero, so you don't need to speak as long as Senator Bradley.

SENATOR FULLER CLARK: Thank you, Mister President. I move Senate Bill 447 Ought to Pass with Amendment. The bill as introduced

would have modified the procedure for the Public Utilities Commission to estimate and report on the production of consumer sited renewable energy that is net metered and for which renewable energy certificates have not been issued. After hearing testimony in the committee, the committee amended the bill to repeal the requirement that the Public Utilities Commission estimate and give credit for the total yearly production for customer sited sources that are net metered and for which class I and class II renewable energy certificates are not issued. This repeal would eliminate the credit utilities can use against their annual RPS compliance in class II and the removal of the credit would lead to additional demand for class II RECs by New Hampshire's distribution utilities. Developers and homeowners who use solar energy will earn more with higher REC prices due to increased demand. The repeal would also remove an administrative burden on the Public Utilities Commission, and the distribution utilities in calculating the credit, and save them some dollars. There was no objection to this change from the three utilities and in fact the repeal was adjusted by Eversource. And it would remove the need to calculate the credit offsetting any additional cost the utilities in the purchase of these class II RECs. The Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass with Amendment on Senate Bill 447. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 449, relative to the site evaluation committee.
Interim Study, Vote 4-0. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 449 be referred to Interim Study. This bill makes changes to the site evaluation committee. The bill alters the makeup of the members of the site evaluation committee. The legislation would replace the full committee with nine members of the public and the Chairman of the PUC as a non-voting member. All sub-committees would also be made of public members. The bill would also allow site evaluation committee hearings to take place on evenings and Saturdays. The committee felt like this bill raised many questions that needed to be answered and further examination of its effects need to be reviewed more thoroughly. The Senate Energy and Natural Resources Committee asks for your support for the motion of Interim Study on Senate Bill 449. Thank you.

The question is on the adoption of the motion of Interim Study. Adopted.

SB 452, relative to renewable energy fund incentive payments.
Ought to Pass, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you very much, Mister President. This bill just allows the renewable energy fund to be used for leased solar systems as well as owned solar systems. Doesn't increase the fund, it just expands those that might be eligible. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 454, relative to ambient water quality standards and maximum contaminant levels for certain perflourinated chemicals.
Interim Study, Vote 4-0. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 454 be referred to Interim Study. This bill requires the Department of Environmental Services to review existing scientific studies and implement rulemaking for ambient water quality standards and maximum contaminant levels for specific perflourinated chemicals. This bill was introduced to address the rise of certain emerging chemicals found in drinking water in the Seacoast Region and seeks to ensure that current ambient water quality standards for perflourinated chemicals found in groundwater in New Hampshire are reflective of current scientific research. This legislation would also target two other emerging perflourinated chemicals; PFNA and PFHXS. The committee believes that this bill needs further work to accommodate the needs of the Department of Environmental Services and to allow more time to understand the impact of this legislation on the public and on our communities. The Senate Energy and Natural Resources Committee asks for your support of a motion of Interim Study on Senate Bill 454. Thank you.

Senator Avard moved to Lay on the Table SB 454. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 537, establishing the granite state finance authority and relative to the powers of the New Hampshire health and education facilities authority and the New Hampshire housing finance authority.
Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

Senate Executive Departments and Administration
March 14, 2018
2018-1107s
05/03

Amendment to SB 537

Amend the title of the bill by replacing it with the following:

AN ACT conferring extraterritorial financing powers on the New Hampshire business finance authority.

Amend the bill by replacing section 1 with the following:

1 New Chapter; Extraterritorial Financing Powers of the New Hampshire Business Finance Authority. Amend RSA by inserting after chapter 162-R the following new chapter:

CHAPTER 162-S
EXTRATERRITORIAL FINANCING POWERS
OF THE NEW HAMPSHIRE BUSINESS FINANCE AUTHORITY

162-S:1 Declaration of Policy. It is declared that the policy of the state of New Hampshire to promote itself as an effective location for private enterprise, and therefore the policy of the state of New Hampshire is to provide for the establishment, support, preservation, and redevelopment of business and industry, whether or not operated for profit, located outside the state of New Hampshire. It is further declared that the performance of the powers conferred on the business finance authority as set forth in this chapter shall be regarded as performing an essential governmental function in carrying out the policy set forth in this section and by the carrying out of the powers set forth in the following provisions of this chapter. The purpose of this chapter is to expand and not to limit the existing powers of the business finance authority in order to carry out this policy.

162-S:2 Definitions. Unless the context otherwise clearly requires, in this chapter:

I. "Authority" or "national finance authority" means the business finance authority acting pursuant to this chapter and operating under the name "national finance authority".

II. "Business finance authority" means the New Hampshire business finance authority created pursuant to RSA 162-A.

III. "Bond" means any bond, note, or other obligation evidencing indebtedness issued or entered into or acquired or incurred by the authority under this chapter, including any certificate of participation or lease or lease-purchase, installment sale, or other financing agreement, and any refunding bond or other indebtedness with respect to a bond or any other evidence of indebtedness issued by the authority or another party.

IV. "Designated member" means the executive director of the business finance authority and the 4 members of the board of directors of the authority appointed pursuant to RSA 162-S:3, II.

V. "Executive board" means the executive board of the national finance authority, whose designated members collectively shall have and carry out the powers conferred on the business finance authority in this chapter.

VI. "Participating institution" means any project owner, co-owner, operator, sponsor, or other party which, pursuant to the provisions of this chapter, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of bonds relating to a project as provided in and permitted by this chapter.

VII. "Project" means any capital improvement, purchase of receivables, property, assets, commodities, bonds, or other revenue streams or related assets, working capital program, or liability or other insurance program, located outside of the state. The term "project" shall include any housing facility, located outside the state, for students, faculty, or staff affiliated with an educational institution and any housing facility, including without limitation any senior living, assisted living, or nursing home facility, used or operated by or for the benefit of any hospital, health care, senior care, or senior living institution in connection with the carrying out of hospital, health care, senior care, or senior living services, but shall not include any housing, housing project, or any other facility that may be financed by the New Hampshire housing finance authority under RSA 204-C without the written consent of the New Hampshire housing finance authority's executive director or designee. Notwithstanding anything in this definition or chapter to the contrary, the participating institution shall be afforded the ability to use whichever authority it chooses in writing.

VIII. "Revenue" means all moneys and fees received from participating institutions or any other source with respect to a project or otherwise for services provided by or on behalf of the authority.

IX. "State" means the state of New Hampshire.

162-S:3 Establishment of the Authority; Membership; Meetings; Reporting.

I. The national finance authority is hereby established within and as a component unit of the business finance authority for the purpose of exercising the powers, duties and responsibilities conferred by this chapter. While acting pursuant to this chapter, the business finance authority shall operate under the name "national finance authority". Subject to the provisions of this chapter, the authority shall be governed by the designated members as provided in paragraph II. The authority shall not be separate from the business finance authority but through its executive board shall exercise all powers and take all actions pursuant to this chapter on behalf of the business finance authority.

II. All of the powers of the authority are vested in the executive board of the authority, comprising 5 members, one of whom shall be the executive director of the business finance authority serving ex officio and 4 of whom shall be current members of the board of directors of the business finance authority who have been appointed by the chairman of the business finance authority. Of the 4 initial appointed members of the executive board of the authority, one shall be appointed for a term ending on November 3, 2019, one shall be appointed for a term ending on November 3, 2020, one shall be appointed for a term ending on November 3, 2021, and one shall be appointed for a term ending on November 3, 2022. Successors to those initial executive board members whose terms expire each year shall be appointed by the chairman of the business finance authority, each of whom shall be a current member of the board of directors of the business finance authority and each whom be appointed for a term of 3 years. An appointed member may continue to serve until a successor is appointed and so long as such appointed member is a member of the board of directors of the business finance authority. The term of an appointed member of the executive board shall terminate at the time such appointed member ceases to be a member of the board of directors of the business finance authority. If a vacancy occurs in the membership of the appointed members of the executive board, the chairman of the business finance authority shall appoint a successor to complete the remainder of the unexpired term of the appointed member leaving such vacancy. Any appointed member of the executive board shall be eligible for re-appointment. Members of the executive board shall not receive compensation for serving in such capacity, but shall be entitled to reimbursement for any expenses actually incurred in connection with such service, if the executive board shall determine that such expenses shall be reimbursed and there are unencumbered funds of the authority available for such purpose.

III. The members of the executive board shall elect one of its members as chairperson of the executive board and another as vice chairperson of the executive board, and shall also elect a secretary of the executive board, who need not be a member of the executive board. Notwithstanding any provision of RSA 162-A or RSA 162-I to the contrary, 3 members of the executive board shall constitute a quorum for any meeting of the authority under this chapter, and the vote of a majority of the members of the executive board constituting a quorum present and voting shall be a prerequisite to any action taken by the authority. A vacancy in the membership of the executive board shall not impair the right of a quorum to exercise all the powers and perform the duties of the authority under this chapter. Notwithstanding RSA 91-A or any other law to the contrary, members of the executive board shall be permitted to participate in meetings of the authority by telephone or video conference, provided that any member so participating shall be able to be heard by and to hear every other member of the executive board participating in the meeting and, unless the authority meeting is a nonpublic session being conducted pursuant to RSA 91-A:3, shall be able to hear and be heard by all members of the public attending the meeting, and provided further that the meeting is held at a physical location available to the public and identified in the notice of the meeting. Voting members participating by telephone or video conference shall be treated as present at the meeting for all purposes, including the establishment of quorum.

IV. Any action taken by the authority under this chapter may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

V. The business finance authority, acting pursuant to its general powers set forth in RSA 162-A and RSA 162-I, shall have the power to establish rules, requirements, and procedures with respect to the operations and activities of the authority pursuant to this chapter. Such rules shall be subject to the requirements of RSA 162-A:28.

VI. Upon dissolution of the authority, subject to the adequate provision for the payment of its bonds, including interest on the bonds, and the performance of its contractual obligations, the property and other net assets of the authority shall remain with or be transferred to the business finance authority.

162-S:4 Powers of the Authority. Subject to the powers of the business finance authority established under RSA 162-S:3, V to establish rules, requirements, and procedures, the authority shall have all of the powers necessary or convenient to carry out the purposes and provisions of this chapter. In addition to all other powers conferred on the business finance authority under the laws of the state, the business finance authority, acting under this chapter by, through, and as the national finance authority, and further subject to the powers of the business finance authority established under RSA 162-S:3, V, shall have power to do any of the following in connection with bonds issued under this chapter:

I. Adopt policies for the regulation of its affairs and the conduct of the business of the authority.

II. Sue, with the approval of the business finance authority, and be sued in the name of the authority, and in such capacity to plead and be impleaded in judicial proceedings.

III. Acquire, buy, own, operate, sell, lease as lessor or lessee, encumber, mortgage, hypothecate, pledge, assign, gift, or otherwise transfer any real, personal, tangible, intangible, or other property or interest in real, personal, or other property that is located outside of the state, either in the name of the authority or in the name of a partnership, trust, corporation, limited liability corporation, or other special purpose entity created by and under the control of the authority.

IV. Enter into contracts relating to the issuance of bonds.

V. Issue bonds or refunding bonds, subject to RSA 162-S:5 and RSA 162-S:10, to finance or refinance a project, including to fund a reserve fund or capitalized interest, payment of costs of issuance and other costs related to the financing or refinancing or credit enhancement, and enter into agreements related to the issuance of bonds, including liquidity and credit facilities, remarketing agreements, insurance policies, debt service guarantee agreements, letters of credit or reimbursement agreements, indexing agreements, interest rate swap agreements, currency exchange agreements, commodity swap agreements, other hedge agreements, and any other like agreements, in each case with such payment, interest rate, currency security, remedy, and other terms and conditions as the authority shall approve.

VI. Retain or appoint such agents, finance professionals, and special advisors as the authority finds necessary or convenient and fix their compensation.

VII. Accept gifts, loans, or other aid.

VIII. Establish and collect fees, including charges to recover the administrative expenses of the authority, from participating institutions and other parties who benefit from the provision of services by the authority, or services provided by an outside entity on behalf of the authority.

IX. Make loans to, lease real, personal, and other property from or to, or enter into any other kind of an agreement with a participating institution or other entity, in connection with the financing or refinancing of a project.

X. Mortgage, pledge, or otherwise encumber the authority's property assigned to or transferred to it in connection with bonds or its interest, or any portion of its interest, in a project.

XI. Assign or pledge any portion of its interest in projects, mortgages, deeds of trust, indentures of mortgage or trust, leases, purchase or sale agreements, other financing agreements, or similar instruments, bonds, notes, and security interests in property, of a participating institution, or contracts entered into or acquired in connection with bonds.

XII. Issue, obtain, or aid in obtaining, from any person, any insurance or guarantee to, or for, the payment or repayment of interest or principal, or both, on any bond, loan, lease or other obligation evidencing or securing such a bond, loan, lease or obligation that is issued, incurred, or entered into under this chapter.

XIII. Apply on its own behalf or on behalf of a participating institution to any unit of government for an allocation of volume cap, tax credit, subsidy, grant, loan, credit enhancement or with respect to any other federal program or any program of any other unit of government in connection with the financing or refinancing of a project.

XIV. Invest any bond proceeds or any money held for payment or security of the bonds, or any contract entered into under this chapter, in any securities or obligations permitted by the resolution, trust agreement, indenture, or other agreement providing for issuance of the bonds or the contract.

XV. At the request of one or more participating institutions, combine and pledge revenues of 2 or more projects to the repayment of one or more series of bonds issued under this chapter.

XVI. Purchase bonds issued by or on behalf of, or held by, any participating institution, any unit of government or a political subdivision, department, or authority thereof, such purchased bonds to be held by the authority or sold, in whole or in part, separately or together with other bonds issued by the authority. Notwithstanding anything in this chapter or in the laws of the state to the contrary, none of the earnings of the authority shall inure or be permitted by the authority to inure to the benefit of any private person.

162-S:5 Issuance of Bonds; Exemption from Taxation.

I. The authority shall not issue bonds unless the issuance thereof shall have first been authorized by a bond resolution approved by the authority. Bonds issued pursuant to this chapter shall be designated and captioned as bonds of the national finance authority. Bonds may be issued under this chapter without obtaining the consent of the governor and council or of any department, division, commission, board, body, bureau, or agency of the state; and without any other proceedings or the happening of any conditions or things except those proceedings or the occurrence of those conditions or things that are specifically required by this chapter and by the provisions of the resolution authorizing the issuance of such bonds or the trust agreement securing the same. A bond issued under this section shall meet all of the following requirements:

(a) The face of the bond shall include the date of issuance and the date of maturity.

(b) The bond shall include the statements required under RSA 162-S:9, III and RSA 162-S:10, V.

(c) The bond shall bear a rate of interest, either fixed or variable, except that any variable rate of interest shall be made subject to a maximum rate.

(d) The bond shall specify when interest and principal shall be paid.

(e) Bonds shall be executed in the manner provided in the resolution therefor and may be executed by one designated member, provided that such execution may be by facsimile so long as the bond is signed by an authentication agent appointed by the authority.

(f) Bonds in a single issue may comprise a single denomination or 2 or more denominations.

II. Notwithstanding paragraph I, as an alternative to specifying the matters required to be specified in the bond resolution pursuant to paragraph I, the resolution may specify designated members or officers or employees of the authority by name or position, to whom the authority delegates authority to determine which of the matters specified under paragraph I, and any other matters that the authority deems appropriate, for inclusion in the trust agreement, indenture, or other agreement providing for issuance of the bonds as finally executed, provided that a resolution approved by the authority under this section shall in all cases specify each of the following:

(a) The maximum principal amount of bonds to be issued.

(b) The maximum term of the bonds.

III. A bond issued under this section may include, or be subject to, any of the following:

(a) Mandatory, special, or optional redemption, or purchase in lieu of redemption, or tender, as provided in the resolution, and any notice of redemption with respect to any bond may be conditioned on the occurrence of such events as are specified by the authority in such notice.

(b) A provision providing a right to tender.

(c) A trust agreement or indenture containing any terms, conditions, and covenants that the authority determines to be necessary or appropriate, but such terms, conditions, and covenants may not be in conflict with the resolution.

IV. The authority may purchase any bond issued under this section. Subject to the terms of any agreement with the bondholders, the authority may hold, pledge, resell, or cancel any bond purchased under this paragraph, except that a purchase under this paragraph will not cause the extinguishment of such bond unless the authority cancels the bond or otherwise certifies its intention that the bond be extinguished.

V. The proceeds of a bond issued under this chapter may be used to finance or refinance one or more projects located outside of the state.

VI. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions, and shall constitute the performance of an essential governmental function, and the authority shall not be required to pay any taxes or assessment upon or in respect of a project or any property acquired or used by the authority or under the jurisdiction, control, possession, or supervision of the same or upon the activities of the authority in the operation or maintenance of any project under the provisions of this chapter, or upon income or other revenues received therefrom, and any bonds of the authority issued under the provisions of this chapter, their transfer and the income therefrom, including any profit made on the sale thereof, as well as the income and property of the corporation, are at all times exempt from taxation of every kind by the state and by the municipalities and all other political subdivisions of the state.

162-S:6 Sale of Bonds.

I. The sale of bonds under this section shall be conducted as provided in the resolution therefor or as directed by the person or persons to whom a delegation of authority has been made pursuant to RSA 162-S:5, II.

II. A sale of bonds may be public or private, and bonds may be sold at the price or prices, and upon the conditions, determined by the authority, and the authority shall give due consideration to the recommendations of the participating institution with respect to the project when determining the conditions of sale of bonds with respect thereto.

III. If at the time of sale definitive bonds are not available, the authority may issue interim certificates exchangeable for definitive bonds.

162-S:7 Bond Security.

I. The authority may secure bonds by a trust agreement or indenture or other agreement by and between the authority and one or more corporate trustees. Such trust agreement, indenture or other agreement may contain provisions for pledging properties, revenues and other collateral; holding and disbursing funds; protecting and enforcing the rights and remedies of bondholders; restricting individual rights of action by bondholders; and amendments, and any other provisions the authority determines to be reasonable and proper for the security of holders of bonds issued under this chapter or contracts entered into under this paragraph in connection with the bonds.

II. A pledge of property, revenues, or other collateral by the authority to secure the payment of the principal or redemption price of, or interest on, any bonds, or any reimbursement or similar agreement with any provider of credit enhancement for bonds, or any swap or other agreement entered into in connection with bonds, is binding on the parties and on any successors. The collateral shall immediately be subject to the pledge, and the pledge shall constitute a lien and security interest which shall attach immediately to the collateral and be effective, binding, and enforceable against the pledgor, its successors, purchasers of the collateral, creditors, and all others, to the extent set forth, and in accordance with, the pledge document, irrespective of whether those parties have notice of the pledge and without the need for any physical delivery, recordation, filing, or further act.

162-S:8 No Personal Liability. No designated member, director, officer, employee, or agent of the authority, the business finance authority, or a business entity created under RSA 162-S:4, III shall be liable personally on the bonds or any contract entered into by the authority or such business entity or subject to any personal liability or accountability by reason of the issuance of the bonds, unless the personal liability or accountability is the result of willful misconduct.

162-S:9 Bonds not Public Debt.

I. Unless otherwise expressly provided in the resolution therefor, bonds of the authority shall be limited obligations of the authority payable solely from amounts received by or on behalf of the authority from revenues derived from the project to be financed or refinanced thereby, or from any contract entered into or investment made in connection with the bonds and pledged to the payment of the bonds.

II. The state and the political subdivisions of the state are not and shall not be liable on bonds issued or any other contract entered into under this chapter, or for any other debt, obligation, or liability of the authority, whether in tort, contract, or otherwise.

III. Bonds issued under this chapter are not a debt of the state or the political subdivisions of the state. No bond issued under this chapter shall obligate the state, or any political subdivision approving a financing

under RSA 162-S:10 to levy any tax or make any appropriation for payment thereof or with respect thereto. All bonds issued by the authority under this chapter are payable solely from the funds pledged for their payment in accordance with the trust agreement, indenture, or other agreement providing for their issuance. All bonds shall contain, on their face, a statement regarding the obligations of the state, the political subdivisions of the state, and the authority as set forth in this section.

162-S:10 Limitations.

I. To the extent required by section 147(f) of the Internal Revenue Code of 1986, as amended, or by any applicable successor provision of federal tax law, the authority may not issue bonds to finance a project in any state or territory of the United States unless the governor, or his or her designee in compliance with applicable federal law, of the state of New Hampshire has approved the financing of the project following a hearing held by the authority and unless the state or a political subdivision within whose boundaries the project is to be located has approved the financing of the project; provided that an approval by a political subdivision under this paragraph may be made by the governing body of the political subdivision or by the highest ranking executive or administrator of the political subdivision.

II. This chapter provides a complete alternative method, to all other methods provided by law, to exercise the powers authorized in this chapter, including the issuance of bonds, the entering into of contracts related to those bonds, and the financing or refinancing of projects.

III. A project may be located outside of the United States and outside a territory of the United States, and the authority may issue bonds to finance or refinance such project, if at the time of issuance of such bonds the participating institution with respect thereto is incorporated and has its principal place of business within the United States or a territory of the United States.

IV. Any action brought to challenge the validity of the issuance of a bond under this chapter, or the enforceability of a contract entered into under this chapter, must be commenced in a court of competent jurisdiction in the state within 30 days of adoption by the authority of the resolution authorizing the issuance of the bond or the execution of the contract.

V. Bonds issued under this chapter shall not be invalid for any irregularity or defect in the proceedings for their sale or issuance. All bonds shall contain, on their face, a statement that they have been authorized and issued pursuant to the laws of the state, and such statement shall be conclusive evidence of the validity of the bonds.

162-S:11 State Pledge. The state does hereby pledge to and agree with the holders of bonds issued under this chapter that the state shall not limit or alter the rights hereby vested in the authority to fulfill the terms of any agreements made with the holders of such bonds or in any way impair the rights and remedies of such holders until such bonds, together with the interest on them, with the interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state in any agreement with the holders of such bonds.

162-S:12 Selection of Authority Bond Program Administrator. Within 3 months after the initial designated members shall have been appointed pursuant to RSA 162-S:3, II, the business finance authority shall select a qualified firm to assist in the carrying out of the powers of the author-

ity and the administration of the business of the authority conferred by this chapter. Such firm shall serve for a minimum term of 3 years. The selection of such firm shall be pursuant to a process approved by the board of directors of the business finance authority and such firm shall serve on such financial terms as shall be approved by board of directors of the business finance authority. At the conclusion of the initial term of service of such firm, the business finance authority shall determine whether, and on what terms, to engage any firm to provide any such services.

162-S:13 Rulemaking.

I. The authority shall be exempt from the rules of any department, commission, board, bureau, or agency of the state except as otherwise provided in this chapter.

II. The authority shall be exempt from the provisions of RSA 541-A and may adopt rules in accordance with its own procedures to facilitate, implement, and carry out the powers, duties, and purposes of the authority enumerated in this chapter and such other and additional powers and purposes as shall be conferred upon it by the legislature. The authority shall file in the office of legislative services a copy of all existing rules adopted by the authority. Any rule adopted after the effective date of this section or any amendment or repeal of any existing rule shall be filed in the office of legislative services within 7 days of such adoption, amendment, or repeal.

Amend the bill by replacing all after section 13 with the following:

14 New Hampshire Housing Finance Authority; Authority to Issue Bonds. Amend RSA 204-C:8, XXVI-a and XXVI-b to read as follows:

XXVI-a. Finance, on such terms and conditions as the authority may determine, by the issuance of bonds or otherwise, homes for persons with disabilities without regard to any other requirement of this chapter relating to the making or purchasing of loans or mortgage loans or to the requirements of RSA 204-C:11 if the authority finds that such financing would result in a public benefit;[~~and~~]

XXVI-b. Make loans, on such terms and conditions as the authority may determine, by issuance of bonds or otherwise, secured by homes owned by the elderly without regard to any other requirements of this chapter relating to the making or purchasing of loans or mortgage loans if the authority finds that such financing would result in a public benefit; [~~and~~]

XXVI-c. Issue bonds, without regard to any other requirements of this chapter, for housing, housing projects, or any other facility located outside of the state that could be financed by the authority if it were located within the state, if the authority finds that such financing would result in a public benefit to the state or its citizens, provided that no such bonds shall be considered an obligation or pledge of the faith and credit of the state; and

15 New Subparagraph; Administrative Procedure Act; Exceptions; Business Finance Authority. Amend RSA 541-A:21, I by inserting after subparagraph (ii) the following new subparagraph:

(jj) RSA 162-S, relative to the extraterritorial financing powers of the business finance authority.

16 Effective Date. This act shall take effect upon its passage.

2018-1107s

AMENDED ANALYSIS

This bill confers extraterritorial financing powers on the business finance authority. The bill establishes the national business authority

as a component of the business finance authority and authorizes it to issue bonds and undertake development projects outside the state of New Hampshire.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 537 Ought to Pass with Amendment.

This legislation establishes the Granite State Finance Authority, relative to the powers of the New Hampshire Health and Education Facilities Authority and the New Hampshire Housing Finance Authority. The legislation, as amended, confers extraterritorial financing powers on the Business Finance Authority. The bill establishes the National Business Authority as a component of the Business Finance Authority and authorizes it to issue bonds and undertake development projects outside the state of New Hampshire. The ED&A Committee voted 5-0 Ought to Pass with Amendment and asks for your support in its recommendation. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Feltes is in opposition to the Committee Amendment on SB 537.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

Senator Feltes is in opposition to the motion of Ought to Pass with Amendment on SB 537.

SPECIAL ORDER

Without objection, the following bills are special ordered to Thursday, March 22, 2018. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1386, establishing a joint committee on employee relations.

FINANCE
SB 526-FN, relative to school food and nutrition programs.
SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome.

HEALTH AND HUMAN SERVICES
SB 487, relative to license requirements for certain alcohol and other drug use professionals and establishing a state substance use disorder treatment services program.
Ought to Pass 2with Amendment, Vote 5-0. Senator Hennessey for the committee.

Health and Human Services
March 14, 2018
2018-1098s
05/10

Amendment to SB 487

Amend the bill by replacing sections 3 and 4 with the following:

3 State Services System Established. Amend RSA 172:2-a to read as follows:

172:2-a [~~Program Established~~] ***State Substance Use Disorder Services System Established***. The commissioner shall provide for the scientific care, treatment, and rehabilitation of [~~alcohol and drug abusers~~] ***individuals with substance use disorders and their families,*** and work towards the prevention of, and assist in the control of, alcohol and drug [~~abuse~~] ***use*** within the state through education, treatment, com-

munity organization, and research. ***The department shall establish, maintain, implement, and coordinate a system of substance use disorder treatment services under this chapter. This system shall be supervised by the commissioner. At the discretion of the commissioner, the department may directly operate and administer any program or facility which provides, or which may be established to provide, services to persons with substance use disorder or may enter into a contract with any individual, partnership, association, public or private, for profit or nonprofit, agency or corporation for the operation and administration of any such program or facility.***

4 New Section; Community Substance Use Disorder Treatment Programs. Amend RSA 172 by inserting after section 2-a the following new section:

172:2-b Community Substance Use Disorder Treatment Programs. Any city, county, town, or nonprofit corporation may establish and administer a community substance use disorder treatment program for the purpose of providing substance use disorder treatment services to individuals, families, and organizations in the area. Every program shall, at a minimum, provide substance use disorder screening and evaluation, case management, and outpatient counseling services. The department may contract with a community substance use disorder treatment program, pursuant to RSA 172:2-a, for the operation and administration of any services that are part of the state substance use disorder treatment system. In the event that the commissioner decides to enter into a contract for the operation and administration of any services which are part of the state substance use disorder treatment system, the contract shall contain standards designed to measure the performance of the contractor in achieving positive consumer outcomes, maintaining fiscal integrity, and providing quality services. The commissioner shall adopt rules, pursuant to RSA 172:8-b, to establish criteria for designating substance use disorder treatment programs under this chapter.

Amend the bill by replacing all after section 5 with the following:

6 Clinical Social Worker; Licensure. Amend RSA 330-A:18, III to read as follows:

III. Has completed a minimum of 2 years of post-masters experience including completion of a minimum of 3,000 hours of post-masters, supervised clinical experience ***by a board approved LICSW or LCMHC supervisor, or any other supervisor based on reasonable and specific criteria established in rules adopted under RSA 330-A:10***.

7 Clinical Mental Health Counselor; Licensure. Amend RSA 330-A:19, III to read as follows:

III. Has completed a minimum of 2 years of post-masters experience including completion of a minimum of 3,000 hours of post-masters, supervised clinical experience ***by a board approved LICSW or LCMHC supervisor, or any other supervisor based on reasonable and specific criteria established in rules adopted under RSA 330-A:10***.

8 New Paragraph; Mental Health Practice; Applicants from Other States. Amend RSA 330-A:26 by inserting after paragraph II the following new paragraph:

III. The board shall waive provisions of this chapter requiring supervised work experience and practical training and grant a license as a clinical social worker, clinical mental health counselor, marriage and family therapist, or pastoral psychotherapist to any applicant who presents proof of active licensed practice**,** in good standing**,** in another jurisdiction of the United States for a period of 5 years or more.

9 Alcohol and Other Drug Use Professionals; Applicants from Other States. Amend RSA 330-C:21, IV to read as follows:

IV. The board [~~may~~] ***shall*** waive provisions of this chapter requiring supervised work experience and practical training and grant a license as a licensed alcohol and drug counselor or master licensed alcohol and drug counselor to any applicant who presents proof of active licensed practice***, in good standing,*** in another jurisdiction of the United States for a period of [~~10~~] ***5*** years or more.

10 Rulemaking Required. The commissioner of the department of health and human services shall undertake rulemaking ensuring hours completed pursuant to RSA 330-A:18, III and RSA 330-A:19, III shall be eligible for Medicaid reimbursement, to the extent not already eligible in effective rules.

11 Effective Date.

I. Section 6-10 of this act shall take effect 90 days after its passage.

II. The remainder of this act shall take effect upon its passage.

SENATOR HENNESSEY: Thank you, Mister President. I move Senate Bill 487 as Ought to Pass with Amendment. This bill establishes a state substance use disorder treatment services program in the Department of Health and Human Services, adds a certified recovery support worker on the board of licensing for alcohol and other drug use professionals, and modifies the requirements for licensure as a clinical social worker, clinical mental health counselor, or marriage and family therapist. As we continue to work to fix the problems with mental health treatment in our state it is important to make sure we are doing what we can to meet the workforce needs of this field. The Health and Human Services Committee asks for your support for the motion of Ought to Pass with Amendment on Senate Bill 487. 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 Hennessey.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

The following Senators were excused: Sanborn, Cavanaugh.

Roll Call, Yeas: 22 - Nays: 0. Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

SB 511, establishing an optional tax credit for deployed military personnel. Ought to Pass with Amendment, Vote 4-0. Senator Woodburn for the committee.

Public and Municipal Affairs
March 14, 2018
2018-1105s
05/10

Amendment to SB 511

Amend the title of the bill by replacing it with the following:

AN ACT establishing an optional tax credit for combat service.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Optional Tax Credit for Combat Service. Amend RSA 72 by inserting after section 28-b the following new section:

72:28-c Optional Tax Credit for Combat Service.

I. A town or city may adopt or rescind an optional tax credit for combat service pursuant to the procedure provided in RSA 72:27-a.

II. The optional tax credit for combat service, upon adoption by a city or town pursuant to RSA 72:27-a, shall be an amount from $50 up to $500. The tax credit for combat service shall be subtracted each year from the property tax on the qualifying service member's residential real estate, as defined in RSA 72:29, II.

III. To qualify for the tax credit for combat service, a person shall be a resident of this state engaged at any point during the taxable period in combat service as a member of the New Hampshire national guard or a reserve component of the Unites States armed forces, called to active duty. For purposes of this section, and in accordance with Internal Revenue Service Publication 3, Armed Forces Tax Guide, "combat service" shall mean military service in one of the following areas:

(a) An active combat area as designated by the President in an Executive Order, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.

(b) A support area as designated by the Department of Defense in direct sustainment of military operations in the combat zone, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.

(c) Service in a contingency operation as designated by the Department of Defense, for which the service member receives special pay for duty subject to hostile fire or imminent danger as certified by the Department of Defense.

IV. The application for the tax credit under this section shall be accompanied by the service member's military orders, and shall include such information as may be required for the assessor's office to verify the dates of combat service.

V. A tax credit for combat service shall be in lieu of, and not in addition to, the optional veteran's tax credit under RSA 72:28 or the all veterans' tax credit under RSA 72:28-b. The service member shall be eligible for the credit in each tax year in which the combat service occurs, but the credit may be prorated in the second tax year based on the duration of combat service.

2 Definition of Resident. Amend RSA 72:29, I to read as follows:

I. The word "resident" as used in RSA 72:28***,*** [~~and~~] RSA 72:28-b***, and RSA 72:28-c*** shall mean a person who has resided in this state for at least one year preceding April 1, in the year in which the tax credit is claimed.

3 Definition of Owner. Amend RSA 72:29, VI to read as follows:

VI. For purposes of RSA 72:28, 28-b, ***28-c,*** 29-a, 30, 31, 32, 33, 35, 36-a, 37, 37-a, 37-b, 38-a, 39-a, 62, 66, and 70, the ownership of real estate, as expressed by such words as "owner," "owned" or "own," shall include those who have placed their property in a grantor/revocable trust or who have equitable title or the beneficial interest for life in the subject property.

4 Property Taxation; Application Procedure; Reference Added. Amend the introductory paragraph of RSA 72:33, I to read as follows:

I. No person shall be entitled to the exemptions or tax credits provided by RSA 72:28, 28-b, ***28-c,*** 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-b, 39-b, 62, 66, and 70 unless the person has filed with the selectmen or assessors, by April 15 preceding the setting of the tax rate, a permanent application therefor, signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration, showing that the applicant is the true and lawful owner of the property on which the exemption or tax credit is claimed and that the applicant was duly qualified upon April 1 of the year in which the exemption or tax credit is first claimed, or, in the case of financial qualifications, that the applicant is duly qualified at the time of application. The form shall include the following and such other information deemed necessary by the commissioner:

5 New Paragraph; Application for Tax Credit for Combat Service. Amend RSA 72:33 by inserting after paragraph I-a the following new paragraph:

I-b. Notwithstanding the April 15 application deadline in paragraph I, a person may apply for the tax credit for combat service under RSA 72:28-c at any point during the tax year in which the person is engaged in combat service. If the application is received and granted after the tax rate for the city or town is set, the credit shall be applied to the balance of tax payments due for that year. If a person is deemed eligible for the tax credit after taxes have been billed and paid for the tax year in which the person served, the credit shall be applied in the following year.

6 Appeals; Reference Added. Amend RSA 72:34-a to read as follows:

72:34-a Appeal From Refusal to Grant Exemption, Deferral, or Tax Credit. Whenever the selectmen or assessors refuse to grant an applicant an exemption, deferral, or tax credit to which the applicant may be entitled under the provisions of RSA 72:23, 23-d, 23-e, 23-f, 23-g, 23-h, 23-i, 23-j, 23-k, 28, 28-b, ***28-c,*** 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 37-b, 38-a, 38-b, 39-a, 39-b, 41, 42, 62, 66, or 70 the applicant may appeal in writing, on or before September 1 following the date of notice of tax under RSA 72:1-d, to the board of tax and land appeals or the superior court, which may order an exemption, deferral, or tax credit, or an abatement if a tax has been assessed.

7 Property Taxes; Interpretation of Rules by the Department of Revenue Administration. Amend RSA 72:36, I to read as follows:

I. The commissioner's interpretation of RSA 72:28, 72:28-b, ***72:28-c,*** 72:29, 72:29-a, 72:30, 72:31, 72:32, 72:33, 72:34, 72:34-a, 72:35, 72:36-a, 72:37, 72:37-a, 72:37-b, 72:38-a, 72:38-b, 72:39-a, 72:39-b, 72:41, 72:62, 72:66, and 72:70; and

8 Effective Date. This act shall take effect January 1, 2019.

2018-1105s

AMENDED ANALYSIS

This bill enables municipalities to adopt a property tax credit for members of the New Hampshire national guard and armed forces reserves engaged in combat service.

SENATOR WOODBURN: Thank you, Mister President. I move Senate Bill 511 Ought to Pass as Amended. This bill as amended, allows municipalities to adopt a property tax credit for deployed military personnel that are not members of an active duty force. This would include the National Guard and any member of a reserve unit called up to military service for an extended period of time. This legislation acknowledges the hardship created when military members are ordered on a deployment and must leave their civilian jobs and the financial security they

bring. Many times there is a significant disparity between the civilian and military salaries which can be an added sacrifice for these families to take on. The committee felt that allowing towns to adopt this tax credit on a scale from 50 to 500 was appropriate given the burden of this service. Mister President I want to recognize Dennis Nadeau, a teacher from Somersworth who brought this issue to my attention as proposed legislation and I appreciate his hard work on this. Therefore, I ask the body to please support the committee's recommendation of Ought to Pass as Amended. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1346, establishing a commission to study the New Hampshire veterans cemetery.
Ought to Pass with Amendment, Vote 4-0. Senator Birdsell for the committee.

Public and Municipal Affairs
March 14, 2018
2018-1108s
01/03

Amendment to HB 1346

Amend RSA 110-B:79-a, I(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) One member of the senate, appointed by the president of the senate.

Amend RSA 110-B:79-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Three members of the commission shall constitute a quorum.

Amend the bill by replacing all after section 1 with the following:

2 Repeal. RSA 110-B:79-a, relative to a commission to study the New Hampshire veterans cemetery, is repealed.
3 Effective Date.
I. Section 2 of this act shall take effect November 1, 2018.
II. The remainder of this act shall take effect upon its passage.

SENATOR BIRDSELL: Thank you, Mister President. I move House Bill 1346 Ought to Pass with Amendment. This bill as amended establishes a commission to study the New Hampshire Veteran's Cemetery. The commission's study shall include, whether non-veterans should be eligible to be interred at the cemetery at no expense, whether the non-veteran fee should be the same as the plot allowance for the veteran, if a fee is charged for a non-veteran, whether there should be a mechanism for pre-paying the fee, and finally an examination of federal and state laws relative to burial for National Guard members. Currently there are no policies or rules regarding these issues and the committee felt that having a commission to investigate them will be beneficial for the future management of the NH Veterans Cemetery. Therefore I ask you to please support the committee's recommendation of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection, the remaining bills are special ordered to Thursday, March 22, 2018. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 410, relative to the legislative youth advisory council.

HEALTH AND HUMAN SERVICES
SB 350, relative to biological products dispensed by pharmacists.
SB 383, establishing a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents.

RULES AND ENROLLED BILLS
SB 343, relative to legislative ethics guidelines.

WAYS AND MEANS
HB 1292, relative to the effective dates of changes to the rates for the business profits tax and the business enterprise tax.

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

ANNOUNCEMENTS

PRESIDENT MORSE: Senator Feltes, after all the hard work up here for the last hour with attorneys and the Clerk, at this point in time we think it's appropriate for you to enter the petitions from the students into the permanent *Journal*.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. At this time I would like to respectively enter the petitions from the Concord High School students in favor of the amendment on Senate Bill 357 into the permanent *Journal*, without objection, or whatever?

PRESIDENT MORSE: We'll do that in a minute. Thank you, Senator Feltes.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Today is Senator Feltes' birthday, and as we don't sing anymore, I thought we might get together and just say "Happy Birthday, Danny!" Thank you, Mister President.

CONCORD HIGH SCHOOL RESPONSE TO RATIFY SB 357

Staff, Pat Mitchell; staff, Colin McGahan; age 16, grade 11, Jonathan Whitney; age 15, grade 10, Fartun Shegow; age 15, grade 10, Sauda; age 17, grade 12, Jacob Knowles; age 16, grade 10, Aiden DesJardins; age 16, grade 10, Jamie Huffman; age 18, grade 12, Thomas Helm; age 15,

grade 9, Matt Kraus; age 14, grade 9, Brady Rice; age 15, grade 9, Samuel Hughes; age 17, grade 12, Grant Prouty; age 15, grade 10, Maya Fabozzi; age 16, grade 10, Ava Hussey; age 16, grade 10, Madison Smith; age 15, grade 10, Sam Lantz; age 15, grade 10, Liam Grennon; age 15, grade 9, Cameron Detwiller; age 18, grade 12, Dominic Manning; age 18, grade 12, Sarah Aznive; age 18, grade 12, Maria Wimpey; age 15, grade 9, Alexandra Weeks; age 14, grade 9, Richael Steed; staff, Kristina Peare; age 18, grade 12, Lukis LaClair; Jeremy Brooks; staff, Melissa Greenwood; age 15, grade 10, Cadence Solsky; age 17, grade 12, Skyelar Asselin; staff, Helen Dugan; staff Kristen Houghton; age 17, grade 11, Evan Makris; staff, Ann Marie Gilmartin; age 15, grade 10, Kashia Roselle Droney; Chali Davis; Mialano Abahenya; Ange Nyasuku; Grace Mutoni; age 18, grade 12, Brighid Weeden; age 14, grade 9, Emma Wright; age 15, grade 9, Shaylee Artus; age 15, grade 9, Jessica Willey; age 18, grade 12, Zoe Albenci; age 14, grade 9, Alyssa Long; grade 9, Charlotte Goble; age 16, grade 10, Anders Norton; age 15, grade 9, Mike Stoddard; age 17, grade 11, Rebecca Camp; age 15, grade 10, Sriyam Rimal; age 15, grade 10, Myana Keusch; age 15, grade 9, Alasdair Ferrier; age 14, grade 9, Derek Taylor; Bill Crowley; age 18, grade 12, Isaiah WinnettKnoy; age 17, grade 12, Logan Stevens; age 16, grade 10, Nicole LeBrun; age 15, grade 10, Parker Taylor; age 15, grade 9, Alex Reynolds; age 18, grade 12, Jonathan Weinberg; age 17, grade 12, Sophia Johnson; age 18, grade 12, Antonino Tomas; age 17, grade 12, Emma Chaput; age 18, grade 12, Ella Fabozzi; age 18, grade 12, Hailey Cerrato; age 17, grade 12, Brooke Jackson; age 17, grade 12, Phoebe Baker; age 17, grade 11, Liam Devanny; age 17, grade 12, Sam Orzechowski; age 18, grade 12, Ben Widmann; age 18, grade 12, Grace Venator; age 18, grade 12, Cameron Beaupre; age 17, grade 12, Amanda Enderson; age 15, grade 9, Mattison Howard; age 17, grade 12, Oliver Spencer; age 17, grade 11, Speline Irakoze; age 17, grade 11, Faodice Bishaze; age 17, grade 11, Sydney Fishwick; age 18, grade 12, Katie Henry; age 18, grade 12, Addison Bourgelais; staff, Heidi Crumrine; age 16, grade 11, Eli Duggan; age 18, grade 12, Laila Ruffin; staff, Hayden Daly; age 18, grade 12, Bri Bailey; age 20, grade 10, Fisto Ndayishimiye; age 17, grade 12, Leeza Richter; age 18, grade 12, Taylor Silverstein; Jesse Camacho; age 17, grade 11, Grace Devanny; age 15, grade 10, Cailie Currier; age 15, grade 10, Graham Lewis; age 15, grade 10, Daniel Rosales; age 15, grade 9, Julie Sullivan; age 14, grade 9, Noah Drew; age 15, grade 9, Morgane Orcutt; age 14, grade 9, Nika Mitchell; age 15, grade 9, Shelbi Biddle; Jim Corkum; Joslynn Haris; Katherine McDonough; Lise Bofinger; age 17, grade 12, Alice Chui; Gabriel Cohen; age 17, grade 10, Haley Patnode; age 17, grade 12, Miranda Kaplan; age 17, grade 12 Alexander Hagin; Tom Sica; age 18, grade 12, Noemi Bordino; age 18, grade 12, John Kalisz; age 18, grade 12, Diana Martin; staff, Laurren Orlen; staff, Karen; staff, Andy Baldwin; staff, Eric Brown, staff, Laura Schmidt; age 18, grade 12, Nate Levine; age 18, grade 12, Jordan Blanchard; age 18, grade 12, Justin O'Donnell; Karen Slick; Kaileen Chilauskas; age 17, grade 11, Tiffany Wang; Dawn Hodges; age 17, grade 11, Abby Rochette; age 17, grade 11, Abigail Currier; Marjorie Mead; age 17, grade 12, Kurtis Stadnicki; age 15, grade 9, Ryan Young; age 18, grade 12, Anna LeBrun; staff, Lynne Garvey; age 18, grade 12, Ceylan Ayan; age 16, grade 11, Hanna Hamre; age 17, grade 11, Noah Buckner; age 16, grade 10, Eddie Kalukiewicz; age 17, grade 11, Margaret Connolly; age 16, grade 10, Erin Doherty; age 16, grade 10, Clara Cooper; age 16, grade 11, Aditya Pant; age 16, grade

11, Jakob Ingersoll; age 16, grade 11, Eli Boesch Dining; age 17, grade 11, Rebecca Bamidele; age 17, grade 11, Cait McAllister; Chea Chebo; age 16, grade 10, Leighton Sackos; age 15, grade 10, Travis Bettens; age 15, grade 9, Sam Merrill; age 17, grade 11, Paulette Nikwewase; age 17, grade 12, Adam Dwight; age 14, grade 9, Carlee Blake; age 14, grade 9, Mia Apichell; age 15, grade 9, Samuel Harting; age 17, grade 11, Hannah Barton; age 17, grade 12, Jacob Wescott; age 18, grade 12, Maggie Mulleavey; David Speidel; Amy McClellan; Rup Timanin; Dan Gontarz; age 14, grade 9, David Bean; Jessica Jordan; age 17, grade 11, Quinn Daniels; age 16, grade 11, Devin Philbrick; age 18, grade 12, Colin Conery; age 17, grade 12, Nathaniel Nichols; Graeme Crowther; age 17, grade 12, Andrew Sullivan; age 15, grade 9, Johanne Nichels; age 17, grade 11, Margaret Connolly; age 15, grade 10, Hannah Lax; age 17, grade 11, Alyssa Stanley; age 15, grade 10, Ella Doherty; Tom Crumrine; age 16, grade 11, Bella Bourgery; age 18, grade 12, Brenna McNamara; age 18, grade 12, Kate Richards; age 16, grade 11, Rachel Lewis; age 17, grade 11, James Douglass; age 15, grade 9, Wade Spears; age 15, grade 9, Carson LeBlanc; age 15, grade 9, Thomas Cremane; age 15, grade 9, Colby Robbins; age 17, grade 10, Enockl Byiringiro; grade 12, Vanessa Uwera; age 18, grade 12, Rebecca Kado; age 15, grade 9, Eben Bragg; age 14, grade 9, Shannon Brown; age 14, grade 9, Madison Landers; age 16, grade 10, Eric Bedard; age 16, grade 10, Rose Speidel; age 18, grade 12, Alex Duncan; age 18, grade 12, Zach McMenemy; age 18, grade 10, Elannah Langlois; age 15, grade 10, Ashley Plante; age 15, grade 10, Roni Aquino; age 16, grade 10, Fabi McLeod; age 16, grade 10, Bri Sozzani; age 16, grade 10, Emilee Mills; age 17, grade 12, Kathryn Jepson; Chris Makris; age 15, grade 9, Colin O'Brien; Jeff Phillips; age 18, grade 11, Patrick Habinama; age 16, grade 10, Julia Peabody.

A LETTER TO THE NH SENATE REGARDING SB 357

Senate Bill 357 includes an amendment that would allow local school boards to decide for their own districts whether or not to enforce that their schools are Gun Free School Zones.

I shouldn't have to be afraid of attending school and be constantly worried about my friends and the people I go to school with. Thank you, Speline Irakoze

I shouldn't feel afraid to be gunned down every time there's a fire drill. Thank you, Bri Bailey

Students, staff and the community should be able to decide what makes them feel and be safe. Thank you, Lynne Garvey

Please support Senate Bill 357 and allow school districts in NH to have a voice on this important issue. Thank you, Karen Slick

Students should not have to think of the possibility of guns in schools. Students should focus on personal and academic growth without fear or knowledge of guns in the area intended for learning. Thank you, Graeme Crowther

As the Senate of the State of New Hampshire, it is your job to protect the citizens of the State of New Hampshire, both adults and minors, to the best of your ability. Allowing guns to be brought into a school zone (where nobody save the police and related forces have any legitimate reason to carry a gun), even if merely by lack of full enforcement, presents a threat to the lives of New Hampshire citizens that could have been prevented in advance. By not giving school boards the option to enforce

that their schools are Gun Free School Zones, you are failing in your duty to protect the citizens of the State of New Hampshire to the best of your ability, and demonstrating complete failure as the leaders of the State of New Hampshire. Thank you, Jakob Ingersoll

I want to feel safe in my learning environment, not feel lucky to be alive. Thank you, Grace Devanny

In everything I do please, I want to feel safe and more confident for everything. And please make some change about that, show us what you did that shows that you did some change about what we asked. Thank you, Tristo Ndayishimiye

Please enforce and make our schools safer. You can do this and stop the violence in our schools. Stop making this a partisan issue. Thank you, Jeff Phillips

I want to feel safe at school. Thank you, Graham Lewis

It is important and necessary for school districts to have the ability to enforce gun free school zones. Thank you, Kristen Houghton

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 1346, establishing a commission to study the New Hampshire veterans cemetery.
SB 314, relative to regulation of mortgage bankers, brokers, servicers, and originators.
SB 354, relative to pharmacy claim fees and copayments.
SB 357, relative to safe school zones and relative to syringe service programs.
SB 365, relative to the use of renewable generation in default service.
SB 413, relative to name availability for business organizations and relative to reinstatement of a limited liability company.
SB 418, relative to beverage manufacturers and nano breweries and defining table wine.
SB 420, relative to collective bargaining under the right-to-know law.
SB 421, relative to insurance coverage for prescription contraceptives.
SB 447, relative to issuance of renewable energy certificates.
SB 452, relative to renewable energy fund incentive payments.
SB 487, relative to license requirements for certain alcohol and other drug use professionals and establishing a state substance use disorder treatment services program.
SB 491, relative to food protection services in New Hampshire.
SB 511, establishing an optional tax credit for combat service.
SB 537, conferring extraterritorial financing powers on the New Hampshire business finance authority.

LIST OF RULE 6-25'S FOR THE DAY

Senator Feltes: SB 365
Senator Sanborn: SB 314, SB 318, SB 322, SB 343, SB 350, SB 354, SB 357, SB 365, SB 383, SB 413, SB 418, SB 420, SB 421, SB 447, SB 449, SB 452, SB 454, SB 487, SB 491, SB 511, SB 526-FN, SB 537, SB 548-FN, HB 410, HB 1292, HB 1346, HB 1386

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.

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

First and Second Reading and Referral

HB 1201, relative to an employee's earned but unused vacation time. (Commerce)
HB 1262-LOCAL, relative to online driver education. (Transportation)
HB 1443, relative to a jury's determination as to the applicability of a law. (Judiciary)
HB 1474, designating the New Hampshire Red as the official state poultry. (Energy and Natural Resources)
HB 1555, relative to participation by the public utilities commission in regional activities. (Energy and Natural Resources)
HB 1579-FN, requiring records to be kept for certain exempt convenings under the right-to-know law. (Public and Municipal Affairs)
HB 1672-FN, prohibiting release of certain information relative to users of therapeutic cannabis to federal agencies. (Judiciary)
HB 1682-FN, establishing a committee to study the pervasiveness of foreclosure practices that violate state or federal law. (Commerce)
HB 1686-FN, relative to applications for and the use of education tax credits. (Ways and Means)
HB 1725-FN, relative to wine samples and samples for consumption on the premises of a beverage manufacturer. (Commerce)
HB 1788-FN-LOCAL, relative to costs charged under the right-to-know law. (Judiciary)
HB 2018, relative to the state 10-year transportation improvement program. (Transportation)

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 143, relative to recommittal of a prisoner by the parole board.
HB 1334, establishing a commission to review the structure of motor vehicle laws.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

March 22, 2018

The Senate reconvened at 10:00 a.m., a quorum being present.

The Reverend Jon Hopkins, chaplain to the Senate, offered the following prayer:

Let us pray.

God of our ancestors, in this holy season remember that what lies fallow now will be blooming in due season. Give the New Hampshire Senate a renewed sense of purpose and passion. Teach them truth that they may administer all affairs of the state fairly, that peace and security, happiness and prosperity, justice and freedom may forever abide in our midst. We ask your blessing for our country, for its government, for its leaders and advisors, and for all who exercise just and rightful authority. Remember this day people experiencing poverty. Give us wisdom on how to lift them out of poverty, and not to keep them living in poverty. The problems of this world cannot be fixed by government alone. Guide and direct our leaders to make just as many laws as we need to give freedom, opportunity, and justice to the people of New Hampshire. Renew us in a spirit of hope, that indeed our endeavors will produce growth for future generations to come. Amen.

Senator Daniels led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Gray.)

SENATOR GRAY: It is with much pleasure that I introduce the sisters and their husbands for a true American Hero, John Lawrence, who we hope to honor later. We have Linda Rockenmacher, and her husband, Sol; and Sharon Glidden, and her husband, Malcolm; and, hopefully, on the internet, that we have their other sister, Carole Day and her family watching us via the internet connection. Thank you, and welcome to the New Hampshire Senate.

INTRODUCTION OF PAGES

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. We have two wonderful pages here today. We have Gwen Morris is back with us. She did such a wonderful job we re-hired her. Gwen you may recall is age fifteen, in grade 10. She's from Germany, lives in Concord, home-schooled. Her favorite school subjects are science and music. Extracurricular activities include listening to music, playing the piano and ukulele and getting out of school reputedly serving as a page in the New Hampshire Senate. In the future she plans to be a medical examiner or coroner. Let's give a round of applause to Gwen.

We also have Lydia, Lydia please stand up. Gwen's sister. Lydia's age seventeen grade 11, born in China, lives in Concord, is home schooled. Favorite subject is English. Extracurricular activities include hiking, reading and in the past year have discovered running. She placed first in her age category in the New Hampshire Marathon 10K. Give her a round of applause for that. She also loves photography and in the future she will be leaving for Sentani, Papua, Indonesia to spend six to twelve months volunteering in an Indonesian school. And she hopes this gives her some more specific career plans and that's a great volunteer opportunity. Let's give a round of applause for Lydia.

SPECIAL ORDER

Without objection, the following bill is special ordered to the beginning of the calendar. Adopted.

TRANSPORTATION
HB 1278, naming the rest area in Colebrook after Frederick W. King, Sr.

Without objection, the following bills are special ordered to the end of the addendum. Adopted.

COMMERCE
SB 318, amending the prohibitions on youth employment.

FINANCE
SB 541-FN-A, establishing a fund to reimburse costs associated with firefighters who have cancer.

REGULAR CALENDAR

TRANSPORTATION
HB 1278, naming the rest area in Colebrook after Frederick W. King, Sr. Ought to Pass, Vote 5-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1278 Ought to Pass. This legislation would name the rest area in Colebrook after Frederick W. King Sr. He spent twenty years on the Colebrook School Board and Colebrook Board of Selectmen serving in the New Hampshire Legislature and has been a consistent strong voice for the North Country. Mister King's life has been dedicated to public service for over sixty years and he is certainly deserving of this honor. All members of the Transportation Committee ask for your support in the motion of Ought to Pass on House Bill 1278. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in support of this and appreciate the work of the committee and honoring former Senator Fred King who has a distinguished career and serving in the North Country Senate District 1, Chair of Senate Finance, serving the legislature, serving as our County Administrator for many, many years, serving as our County Treasurer most recently, and you know I had the honor just recently a few weeks ago to, when Senator King came to my office hours in Colebrook and he's a sharp as can be and we're lucky for his service. He's been a go to guy for over fifty years in the North Country, someone we're very proud of and it's a very fitting tribute to him and his service. So thank you very much.

(The Chair recognized Senator Gray.)

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6
March 8, 2018
2018-1024s
04/10

Floor Amendment to HB 1278

Amend the title of the bill by replacing it with the following:

AN ACT naming the rest area in Colebrook in honor of Frederick W. King, Sr. and naming a bridge in Farmington in honor of Major John W. Lawrence, Jr.

Amend the bill by replacing all after section 1 with the following:

2 Major John W. Lawrence, Jr. Bridge. Pursuant to RSA 4:43, the bridge in the town of Farmington on state route 153 over the Cocheco River is hereby named the Major John W. Lawrence, Jr. Bridge. Appropriate signage or markers shall be placed at or near the site of the bridge.

3 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers required under sections 1 and 2 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

4 Effective Date. This act shall take effect 60 days after its passage.

2018-1024s

AMENDED ANALYSIS

This bill names the route 3 rest area in Colebrook in honor of Frederick W. King, Sr. The bill also names a bridge in Farmington in honor of Major John W. Lawrence, Jr.

SENATOR GRAY: Thank you, Mister President. I rise today to honor Major John Lawrence. Major John Lawrence is a hero. If I can read the Strafford County Commissioner's endorsement of naming a bridge in Farmington after him.

> They say: we would like to join past Commissioner and the honorable Ron Chagnon of Farmington, New Hampshire in requesting that a new bridge in Farmington be named after Major John Winslow Lawrence Jr. a true war hero killed in Vietnam. Major Lawrence was born and raised in Farmington, attended the Farmington school system. During his distinguished military service he rose to the rank of Major and received two Silver Star citations for bravery. The second citation was awarded posthumously as a bronze oak leaf cluster and moved the second award as a Silver Star. More information regarding the Major is attached and is available on the Vietnam Memorial Wall.

I can't say enough about the Major. Former member of the First Infantry Division which I also served in in Vietnam. Distinguished himself in both of his tours in Vietnam, the second one trying to save the lives of his fellow soldiers, he succumbed to his injuries. So it is with great pleasure that I offer this amendment to the Senate.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Gray, seconded by Senator Soucy.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1386, establishing a joint committee on employee relations.
Ought to Pass, Vote 4-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 1386 Ought to Pass. This legislation restores the joint committee on employee relations and repeals the legislative oversight committee on employee relations. The JCER meets with state negotiating committee to discuss the state's objectives in the bargaining process. This brings a good balance of representation to the table in addition to speeding up the process of appointments. The ED&A Committee voted 4-1 Ought to Pass and asks for your support in its passage. Thank you very much, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

FINANCE
SB 526-FN, relative to school food and nutrition programs.
Inexpedient to Legislate, Vote 3-3. Senator Giuda for the committee.

Senator Giuda moved to Lay on the Table.

A roll call was requested by Senator Fuller Clark, seconded by Senator Giuda.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Carson.)

SENATOR CARSON: Yes Mister President, thank you. Could you please state who requested and seconded the roll call?

PRESIDENT MORSE: Senator Fuller Clark and Senator Giuda.

SENATOR CARSON: Thank you.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Feltes.)

SENATOR FELTES: If you believe as I do that New Hampshire's forty ninth in school breakfast participation rate and that this bill's been worked on for over a year by the Child Hunger Commission, would you vote no on tabling so we can finally move forward with the most important meal of the day for our most vulnerable children.

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 Watters.)

SENATOR WATTERS: Thank you, Mister President. If you believe as I believe that a hungry child can't learn and that the most important thing we can do here is to extend nutrition to our children and if you think a quarter a day is worth spending for a child to eat, will you please vote no on the tabling motion.

PRESIDENT MORSE: If you're in favor of tabling you're going to say aye, if you're opposed you're going to say nay.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you, Mister President. If you believe as I do that this bill is about providing children with the most important meal of the day, and if we do nothing New Hampshire will remain forty-ninth or second to last in the country in participation in the National School Breakfast Program among low income children,

shouldn't our children be our first priority? Shouldn't we make sure that they are able to perform at their best level and I believe that it is wrong to table this bill, I oppose it.

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.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Reagan, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 13 - Nays: 10. Adopted.

SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome and making an appropriation therefor.
Inexpedient to Legislate, Vote 4-2. Senator Reagan for the committee.

SENATIOR REAGAN: Thank you, Mister President. I move Senate Bill 548 Inexpedient to Legislate. This bill would require the Department of Health and Human Services to establish a three year pilot program providing therapeutic intervention to infants diagnosed with neonatal abstinence syndrome; those are babies born addicted. The department noted 829 cases of neonatal abstinence syndrome were diagnosed for the three year period 2013 through '15. They do not expect that number to fluctuate significantly in future years. Committee members agree the program may be a good one, but the $589,000 cost estimate is challenging out of budget, and we wondered could any portion of the $103 million already allocated to the opioid epidemic be used to support the proposal. The Senate Finance Committee recommends Senate Bill 548 be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I ask that the motion of Inexpedient to Legislate be overturned 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
March 19, 2018
2018-1132s
01/03

Floor Amendment to SB 548-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome.

Amend the bill by replacing all after the enacting clause with the following:

1 Pilot Program Plan.

I. The commissioner of the department of health and human services shall submit a plan to the senate president, the speaker of the house of representatives, the governor, and the chairpersons of the house and senate finance committees to establish a 3-year pilot program in 4 geographically dispersed areas in New Hampshire that provides therapeutic intervention to infants diagnosed with neonatal abstinence syndrome (NAS) and their families and caregivers. The plan shall:

(a) Include infants discharged from an inpatient hospital with a diagnosis of NAS and provide best practice intervention from the onset of discharge to the time where an early support services program (ESS) may begin early intervention services.

(b) Provide best practice interventions, including infant evaluation and treatment, to address the self-regulation needs of a developing NAS infant between the ages of birth through 12 months, with the focus of service between birth and 3 months.

(c) Provide therapeutic intervention for both infants and families and caregivers, including education relative to understanding infant cues and signals, infant massage and other calming or self-soothing techniques that promote typical self-regulation development of the infant, such as normal sleep cycles, typical movement patterns, and decreased stress responses.

(d) Provide opportunities for parents and caregivers of NAS infants to learn and practice techniques for the carry-over of intervention in the home.

(e) Make clear that a parent may bring a therapeutic summary of intervention to the ESS intake evaluation to reduce duplication of services and to ensure generalization of strategies and interventions.

(f) Use an assessment tool that will successfully identify the infant's progress. This tool shall consist of a sensory processing assessment and stress response questionnaire.

(g) Coordinate summary reports that can be shared with an area ESS program case manager.

II. The commissioner may propose to contract with providers to effectuate the work of the pilot program. Any proposal to contract may include the following:

(a) That when an infant is discharged from a hospital with a diagnosis of NAS, an immediate referral to the program shall be made and services shall begin within 3-5 days. Services shall continue through the time an area ESS program is able to begin its initial intake evaluation.

(b) That when progress is made toward appropriate self-regulation development, as measured by one of the therapeutic assessments under paragraph I, the successful calming strategies shall be taught to parents and included in a therapeutic summary. The summary shall be available to area ESS programs under HIPPA guidelines.

(c) If a NAS infant does not demonstrate progress in self-regulation skills, as measured by one of the therapeutic assessments under paragraph I, explain in detail the reasons why the child is not meeting developmental milestones or progressing towards them, and shall recommend specific strategies, services, and programs that shall be provided to assist the child's success.

III. The pilot program shall only apply to children from birth to 6 months of age but may be extended to 12 months in certain cases.

2 Implementation of Plan for Pilot Program. The fiscal committee of the general court may recommend implementation of the plan for the pilot program under section 1 of this act on an interim basis prior to June 30, 2019 if funds are available.

3 Effective Date. This act shall take effect upon its passage.

2018-1132s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to submit a plan for establishing a 3-year pilot program that provides therapeutic intervention to infants diagnosed with neonatal abstinence syndrome.

SENATOR BRADLEY: Thank you very much. What this amendment does working with our colleague from District 5 is allow the Department of Health and Human Services to proceed with a plan for a pilot program to better curb neonatal abstinence syndrome which as our colleague from District 17 indicated is babies born addicted to drugs that their mother is taking while pregnant. The key criteria in this Floor Amendment is on the second page, section 2 of the bill, implementation. It allows the Fiscal Committee if funds are available to move forward with the pilot program prior to the effective date of the next budget. I think this a reasonable compromise. This is a very real problem. It's an increasing problem as it's been diagnosed over the last few years. And I think it's one that should be dealt with as we can and I think this a good way to do it.

(The Chair recognized Senator Feltes for a question of Senator Bradley.)

SENATOR FELTES: Just to clarify; if the, if I'm reading this correctly, if the Fiscal Committee does not approve the implementation of the pilot program prior to the effective date of the next budget, that does not preclude or sunset the pilot. The pilot could be picked up in the next budget.

SENATOR BRADLEY: Absolutely. This is a provision that if the plan comes forward from the department and talks about how to implement, obviously there would have to be justification for the plan and if there are the funds available to do so prior to, it could be approved on an interim basis. Obviously it will have to be considered for inclusion in the next budget. This doesn't mandate that either.

SENATOR FELTES: Got it. Thank you.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President and colleagues. I rise in support of the amendment and I want to thank the sponsor of the original bill and the Senator from District 3 for seeing the wisdom in finding a way to move forward on this. My hospital, Wentworth Douglas Hospital, is a regional leader in this area established I think one of the first neonatal abstinence syndrome centers in the state. And just a kind of one little anecdote about it. Sometimes the infants need to be there for several weeks, maybe thirty days. And they really, really can do very well if they've had this kind of treatment. And I talked to a group of women because sometimes the mother you know is only in the hospital for a short period of time, because the transportation issues really can't get to the hospital very much. So they had a group of women in Dover who have now volunteered to go in everyday and hold these infants. They're agitated. They need that human touch and I thought what an extraordinary thing to do. And then I'm sure many of you know Hope on Haven Hill which was established exactly to provide housing and support services for pregnant women to make sure that they have the best experience possible dealing with their addiction and make sure that that baby can be treated and become healthy and then can be housed at Hope on Haven Hills so that this whole cycle

can be broken and that child can have a good start in life. So, it's a good thing to do and I'm glad we have a found a way to move forward. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise in favor of the amendment and I would like to thank the good Senator from District 3 for remarkable work as always with finding good compromises. I just wanted to, in case anyone does not know, this piece about neonatal abstinence syndrome or NAS, it includes children born addicted to alcohol, addicted to barbiturates and even some SSRIs. So children are born addicted and then go through withdrawal and this is obviously due to no fault of their own. So I appreciate all the work you did to try to make this possible and I hope you will vote in favor of the amendment. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

RULES AND ENROLLED BILLS
SB 343, relative to legislative ethics guidelines.
Ought to Pass, Vote 3-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Ought to Pass on Senate Bill 343. This bill clarifies certain terms used in the legislative ethics guidelines and has two specific parts. The first speaks to the meaning of a rule. It means that a rule adopted pursuant to the legislative ethics chapter shall not include any rule of proceeding adopted by the House of Representatives or the Senate. The second part of the bill deals with legal representation being considered a gift. The legislation clarifies the word service which relates the acceptance of legal services on an individual basis, when the legislator enters into an attorney client relationship with the attorney, thus clarifying that receiving legal counsel does count as a gift. Please join the committee in voting Senate Bill 343 Ought to Pass. Thank you, Mister President.

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill is special ordered to the end of the addendum. Adopted.

RULES AND ENROLLED BILLS
SB 343, relative to legislative ethics guidelines.

WAYS AND MEANS
HB 1292, relative to the effective dates of changes to the rates for the business profits tax and the business enterprise tax.
Ought to Pass, Vote 3-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1292 Ought to Pass. This bill changes the effective date of the next two rounds of rate reductions in the Business Profits Tax and the Business Enterprise Tax. It moves them from July 1, 2019 and July 1, 2021 to January 1, 2019 and January 1, 2021 respectively. This change in effective dates will allow taxpayers to be notified at the beginning of the calendar year that a new tax rate is in effect rather than the middle of the tax year, thus avoiding potential confusion as tax payers make their quarterly estimate payments. This bill does not change the applicability

dates of the tax rate reductions that were adopted in the last session, nor does it make any changes to the rates themselves. Therefore this bill has no fiscal impact. This change simply adds clarity for the taxpayer. The Ways and Means Committee asks for your support for the motion of Ought to Pass. Thank you, Mister President.

Senator D'Allesandro offered a Floor Amendment.

Sen. D'Allesandro, Dist 20
Sen. Feltes, Dist 15
March 20, 2018
2018-1161s
10/05

Floor Amendment to HB 1292

Amend the bill by replacing all after section 1 with the following:

2 Applicability of the 2019 and 2021 Tax Period Reductions to Business Tax Rates; Contingency Added; Report.

I. By December 31, 2018, the legislative budget assistant, using the combined amount of revenue from the schedule of undesignated/unassigned fund balance for the general fund and education trust fund as contained in the audited comprehensive annual report performed pursuant to RSA 21-I:8, II(a), shall make a report to the secretary of state, the governor, speaker of the house of representatives, the senate president, the fiscal committee of the general court, the director of the office of legislative services, the commissioner of the department of revenue administration, and the commissioner of the department of administrative services, determining whether the rate of growth in the combined unrestricted general and education trust fund revenues collected for the fiscal year ending June 30, 2018 over the amount of combined unrestricted general and education trust fund revenue collected for the fiscal year ending June 30, 2017 is equal to or greater than the percent change in the Consumer Price Index for All Urban Consumers, Northeast Region, as published by the Bureau of Labor Statistics, United States Department of Labor plus one percent for the same 12-month period.

II. If the combined revenue growth determined under paragraph I is less than the Consumer Price Index for the period plus one percent then section 3 of this act shall take effect January 1, 2019 and the rate for the business profits tax under RSA 77-A:2 shall remain as 7.9 percent and the rate under the business enterprise tax under RSA 77-E:2 shall remain as .65 percent.

3 Contingent Repeal of Prospective Business Tax Rate Reductions. 2017, 156:213 through 2017, 156:217, relative to reductions to the business tax rates, are repealed.

4 Effective Date.

I. Section 3 of this act shall effect as provided in paragraph II of section 2 of this act.

II. The remainder of this act shall take effect upon its passage.

2018-1161s

AMENDED ANALYSIS

This bill changes the effective dates of the rate reductions to the business profits tax and the business enterprise tax to the beginning of the respective calendar year. This bill also adds a requirement that the business tax rate reductions adopted in 2017, 156 (HB 517) shall not take

effect if the combined revenue growth in general and education funds for the fiscal year ending June 30, 2018 does not exceed the change in the Consumer Price Index for the period, plus one percent.

SENATOR D'ALLESANDRO: Thank you, Mister President. It's a very simple amendment. What it does is puts into practice a mechanism that we have used in the past in dealing with tax reductions. And it's a triggering mechanism. And the triggering mechanism ties the reduction to the performance based on the consumer price index for all urban consumers in the Northeast region as published by the Bureau of Labor statistics United States Department of Labor plus 1 percent for the same twelve month period. If that triggering mechanism is met, the reduction goes into place. If the triggering mechanism is not met, if the number is not met, the reductions do not take place. This is a method that we have used in budgets in the past. This was an item that the Chairman of the Ways and Means Committee and the House of Representatives wanted to bring forward in the last budget negotiations. He's very much in, I don't want to speak for him, but in the past this concept has been accepted by both the House and the Senate. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and ask the body to reject this amendment although I appreciate the Senator from District 20 from bringing it in. But typically when we have a change of policy we actually like to have a public hearing on it and discuss the merits of it and this amendment would fundamentally change existing policy that we have in statute today. And in doing so, trying to tie in the fiscal policy as it relates to taxation, specifically as a result of a global regional economic change in a consumer price index might not be in the best interest of the people of the state of New Hampshire. So based upon those two premises Mister President, I would ask that the body would reject the amendment. Thank you very much.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: An introduction. Peterborough or Mont Vernon? Mont Vernon. Anyone here from Mont Vernon today? Okay ladies and gentlemen, to my fellow colleagues, I'd like to have you stand up and welcome the great kids from the Mont Vernon Village School, fourth grade. Thank you so much for coming today. Thank you, Mister President.

(The Chair recognized Senator Feltes for a question of Senator D'Allesandro.)

SENATOR FELTES: Thank you, Mister President. Thank you, Senator for taking my question. Correct me if I'm wrong but the concept of the trigger was imbedded in the last budget, was considered to be imbedded in this budget, has been discussed by Ways and Means Committees of both chambers and it's something that has a broad history of fiscal responsibility.

SENATOR D'ALLESANDRO: Thank you for the question. Absolutely. We've used this mechanism in budgets in the past. It represents sound fiscal policy because you don't make a move that isn't taken care of from the revenue side. You don't so something without substantial evidence that what you've done in the previous entity is working. So yes, we're consistent here. Discussions have taken place both in the House and the Senate for years over this situation.

SENATOR FELTES: Thank you, Mister President. And Senator, given our revenue estimates, is it fair to conclude that this revenue trigger is imminently achievable?

SENATOR D'ALLESANDRO: Thank you for the question. Absolutely. That's an adverb, absolutely. I think money is a noun or a verb. I gave you an adverb.

SENATOR FELTES: Thank you very much.

(The Chair recognized Senator Innis.)

SENATOR INNIS: One of the things that this state and this body has been trying to do over the last several years is bring down business taxes and some of the burdens that are facing our businesses. And one of the things the businesses like, when they consider making investments in a facility in a state and building a future there is some level of certainty. They want to know what their taxes are going to be, they build budgets, they work those things into their calculations in terms of where to locate. This amendment adds uncertainty to our business taxes, and I think it's exactly the wrong way to go when we're showing businesses what our state has to offer. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I'd like to speak to the remarks from my eminent academic colleague from the 24th Senate District. I've served on business tax commissions here for quite a number of years. What business wanted was 7.9 percent, we got there. So they not only got what they wanted, they got predictability. What we offered beyond is something they didn't request. That's a gift. So it's like Christmas. So indeed, it seems to me if you're going to get that Christmas present, there ought to be a reason that you got that present. And the fact is that what we did previously is working and as a result of that you got a bonus. That's why business gives bonuses. They set targets and as a sound businessman you know that reaching the target gives you the predictability and allows you to go forward. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. Everybody loves Christmas. It's a great time of the year. But taking this step further reducing business taxes sends a message to the business community nationwide and even worldwide that we are a business friendly state. Putting restrictions on these things and introducing uncertainty again is something businesses don't want and don't like. If we are truly a business friendly state and we want to welcome businesses and encourage them to grow here, then I think we should defeat this amendment and pass the bill. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I'd like to rise as the chair of the committee and say if it ain't broke, don't fix it. It's not broke. The tax policy that we agreed to and I think if I remember right Mister President, everyone voted for in the end, was a policy to make New Hampshire the best place in America, there might have been some that didn't vote for the budget in the end, but I thought everyone did vote for the budget, if they didn't my apologies to anyone. The policy we made to cut taxes which we put into the budget was to

make New Hampshire the best place in America to live, work and raise a family. As a result of the policies we've made in this body right here and implemented, today we are seeing business success. We are seeing opportunity, we are seeing more people move into our state for the first time we've seen in a decade. We are seeing more business creation.

The last thing I believe this body wants to do is to look at states that are not as successful as New Hampshire is being, and saying hey we want to be like those guys. This is a state of exceptionalism, this is a state that should be unlimited opportunity, this is a state that has always believed in the success of the business community that drives everything we want to do. You're right my friend from District number 20. I have not heard of a single business that has called me up and said go back and raise my taxes. I have not heard from a single business, and I happened to be in the business community, from anyone that has called up and said, stop cutting my taxes. When we look at the surcharge on workers compensation, we look at the fact that we had one of the highest business taxes in America. This state has become a place where we know our taxes are too high, our regulation is too steep and we have made significant, although not enough, movement into making New Hampshire attractive. Passage of this legislation would send us in the wrong direction and backwards. So again, I would suggest the body if we want to have consistency, if we want job opportunity, if we want to continue to live in what is the best state in America for economic opportunity, if we want to encourage companies like the ARMI contract to come to our state and set up shop, we have to remain on the cutting edge of proving to all the businesses across America that this is the place people would like to settle. So with that again, please reject the amendment. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in support of the amendment. And I do so because after the last few weeks with town meetings, we've all heard property taxes, property taxes, property taxes. So here we have an amendment that begins to anticipate down the road what will be the fiscal condition of the state when these reductions, the Christmas gift, Hanukkah gift maybe, comes into play two years down the road. I think this is reasonable because this just going to send a message to local communities that hey, we're interested in the business climate in the state, we're also interested in the property tax climate in the state and we're going to, when we get there, we're going to evaluate this. We're not just going to downstream our cost onto the property taxpayers when we get there and oh my gosh, we're short. I think this is a reasonable step to give us some off ramps. I think we need an off ramp in order to consider the balance of payments in the state. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in opposition to this amendment. The sky might fall, pigs might fly, revenues might decline. If that happens this body and the one across the hall and the person in the corner office, will do what's appropriate to meet the crisis if there is one. I think the entire underlying premise of this is again, wealth is finite. We are well embarked on a course that disagrees with that whole proposition. Wealth is created every single day and the better we can position our state, competitively in the nation and the world, to capture companies that will help themselves and our citizens and our institutions build on and capitalize on that wealth, the better off we are. So I ask you to oppose this amendment. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in support of this modest conservative idea. And I'd say to my Republican friends, here they go again. Tax cuts for the wealthiest, those who have the most, get the most. And I am sick and tired of this and I look at those scales of justice and we are out of balance in this state of New Hampshire. We are sticking it to the poor people and we do it every day. We wouldn't even talk about school breakfast. Denied the opportunity. I dare one of you to stand up, have the courage to tell us why you wouldn't let a debate on it. We know why, because yesterday we heard what's in your hearts. I come from a place that's a lot of poverty. And we spend twelve times more on tax cuts than substance abuse, and I see it every day. We are one of the few states that don't support Headstart. We want to be business friendly, we want to send a message. What about our most vulnerable people, our kids? This is just part of the philosophy that is going to be rejected in 2018. Thank you, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator Woodburn.)

SENATOR SANBORN: My dear friend. Acknowledging that since I've come here I've watched the state budget go from $8.6 billion to $14.5 billion, hard for me to justify that we're not investing back into our communities in all things. Watching the fact that I've seen spending on the opioid crisis go from $4 million as some would suggest to 120 to $180 million today, would be very hard for me for someone to try and justify that this body has not supported it. But what my real question comes down to is I need your help. Explain to me how this body would look to cut taxes on those who don't pay taxes?

SENATOR WOODBURN: Thank you for that question, Senator from Bedford. We have a philosophical difference. You believe in cutting taxes and taking care of people that have the most, and I'm deeply concerned as a school teacher about our kids and providing them opportunity to grow and succeed. And this is not the New Hampshire that I grew up in. When I arrived in this Statehouse, 1984, this was not the way we approached this. We approached it from a conservative perspective but we still had an open heart and an investment in people, in knowing that life, we could improve people's lives and I think we are out of balance. I think we're protecting those that have the most and I think it's a detriment to our people.

SENATOR SANBORN: Thank you for your answer, Sir. I truly appreciate it. So then help me understand how recent tax cuts at the federal level, led by Republicans in full disclosure, is putting an extra $3,500 into the pockets of on average every taxpayer in New Hampshire. $3,200 in half of the state, $3,500 the other half. Isn't that helping the teachers and those who are working so hard, to give them a little bit more of their money back, or would you reject the fact that the hard working middle class families in the state deserve some of their money back?

SENATOR WOODBURN: Thank you for the question, Senator. As I said, I believe the state of New Hampshire is not fair when it comes to distribution. I think promising tax cuts to what you perceive to be ordinary folks when we just read today DOT needs money. Everywhere we look, our funding of education both on a local level and on the university system. Over and over and over again, we're starved of investment, but I think this great state of New Hampshire can do more. We're the wealthiest state in the country. We can do more.

SENATOR SANBORN: Thank you, Sir. I appreciate it.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. I hear this supposition that everybody who owns a business is rich. Nothing could be further from the truth. We just heard someone who owns a business laugh about it. And in fact when we started our first business, I told the story, we had less than $1,000 to our name. And I said to Doug, this sure as heck better work. We were not rich. It worked and we've done well, but not all business owners are rich. And yet we're hitting them with these Business Profit Taxes. Most of the businesses in our state are small businesses; working men and women who have families, who are struggling to get ahead. And we're saying to them, you're struggling, your business is just breaking even. But it's okay for us to tax you because you're a big rich business. And they look at themselves and say I'm not. I'm not. So getting back to the holiday thing, I think one of the biggest gifts to the state of the reduction in the business tax rates has been an increase in business tax revenue, because of the growth that we're seeing. This happens every time it's tried. It will continue to happen. Businesses grow where the economics favor that growth. And this bill helps to ensure that that continues. The amendment does not. So I ask you please support the bill, and defeat the amendment. Thank you, Mister President.

(The Chair recognized Senator Feltes for a question of Senator Woodburn.)

SENATOR FELTES: Thank you very much for taking my question, Senator Woodburn. With New Hampshire having the seventh lowest overall business taxes in the country, and us in a position where we have accelerated business tax cuts, do you think it was more appropriate for us to do a working families property tax credit that our colleagues in the majority rejected last year?

SENATOR WOODBURN: Thank you, Senator. I concur and agree and I believe our priorities are upside down and that we're helping those that have the most against those that have the least and we're starving our state of investments and making it a great state to attract people and businesses and I think we can do better and I think we will do better.

SENATOR FELTES: Thank you, Mister President. Thank you, Senator. We've heard a little bit from the Senator from District 24 about certainty and what businesses want. I've also heard from businesses that they want certainty and fiscal responsibility in state government. Do you believe that this amendment posed by the Dean promotes fiscal responsibility in state government?

SENATOR WOODBURN: Absolutely. One of our colleagues, called it Christmas, well it's Christmas for business and the Business Profits Tax but it starves us at the knees and it puts in a trigger that was fine in the past but it's not fine today for some reason. I still wish I'd hear from somebody who would tell me why we tabled and refused to talk about breakfast for kids. I'm still waiting.

SENATOR FELTES: Thank you, Mister President. Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I would just say in response to my friend from District 1, the fact that we have our priorities upside down, you and I would probably both agree the best social program, the most effective social program, the social program that gives everybody

opportunity to succeed in New Hampshire is a good job. In the North Country, we fought for those jobs yesterday. We're going to fight for them again today. A job is the thing that we need to focus on the most. So, let's look at success. Our revenue has far exceeded expectations to the point that we put $100 million in the rainy day fund and we're exceeding in particular in business tax revenues our expectations in this budget cycle. We have the lowest poverty ranking in the country in New Hampshire. Let me repeat that, we're not taking enough credit, all twenty four of us really ought to do that. The lowest poverty rating in the country, and the highest per capita income. We have the second or third lowest unemployment rate in the country. Our job growth, the best in the region. It goes back to the priority that a lot of us have had in this room about growing the economy. Our corporate tax rate was the forty-eighth worst in the country. We've now inched up a little bit and when the tax cuts that we voted for in the last budget are fully implemented we will be more in the middle of the pack. Our priorities are not upside down. And we've used that revenue effectively, or at least some of us have.

To address real needs in this state. We added twenty DCYF workers, we doubled the amount of money that went into the alcohol fund. Huge increases in the DD waitlist. $20 million for mental health. Now thankfully, even though not all of us voted for that budget last year, I hope that today we'll continue to bipartisan cooperation on my friend from Londonderry's bill, 582 and 592 that continue the work that needs that needs to be done on DCYF and Senate Bill 590 that addresses a number of issues. That's how we should be focused on here. But to say our priorities are upside down when we have the second lowest unemployment rate in the country, the lowest poverty rate, the highest per capita income, the best job growth, I don't know. I don't know as I said yesterday, wowie bazowie. I don't think our priorities are upside down, we've got our priorities right because the best social program is a good job, and New Hampshire citizens are recognizing that. That's why I support the position of the Chair of Ways and Means against the amendment. Thank you.

(The Chair recognized Senator Hennessey for a question of Senator Bradley.)

SENATOR HENNESSEY: Thank you, Mister President, and thank you for taking my question. There's one other thing we're really good at in New Hampshire and that's patting ourselves on the back. And that's fine, we should pat ourselves on the back when we deserve it.

SENATOR BRADLEY: Well I appreciate the pat on the back you just gave me for your bill. Thank you.

SENATOR HENNESSESY: I like patting you on the back.

SENATOR BRADLEY: Thank you, I appreciate that.

SENATOR HENNESSEY: What I would like to know and I know this is another way of asking the same question, but when I'd like to first say that I am in support of the amendment, and I'm a little blown away that no one is willing to talk about the elephant in the room, and I'm curious, yes we've done all sorts of things that have been very good. We have done all sorts of things that have been very good. How many children should go to school hungry to make us the best state in the–

PRESIDENT MORSE: Senator is there a question about 1161s? We're talking about tax burden.

SENATOR HENNESSEY: As much as the others were questions about–

PRESIDENT MORSE: I know and I just directed everyone to get back on to 1161s please.

SENATOR HENNESSEY: Okay so here's the question. If we are willing, if we want to stop, if we want to continue to operate the way we are and ignore this amendment, should we not be thinking also about the things that we're not funding, including children who are going to school hungry?

SENATOR BRADLEY: You know what, that is a very valid question. I think that as I just indicated, we're going to talk about three bills a little bit later, 582, 590 and 592. I think we are addressing priorities. The priority that you just raised, I think is a priority for all of us, and we will have the opportunity to discuss that in the future in the next budget.

SENATOR HENNESSEY: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I do want to speak to the amendment and focus specifically on the amendment. When the business community came to the committee to look at taxes, they said to go from 8.5 to 7.9 is the way to go. That's a pretty dramatic decrease in taxes. About half of the small businesses in New Hampshire don't pay any taxes, they have not tax liability at all. And indeed what has happened is, the ability to bring new people on has been very, very important because look at our unemployment rate. So indeed we did everything business asked us to do; we reduced the BPT, and reduced the BET. And by the way I'm probably the only one that was here when we created the BPT and the BET. Because we had the most extraordinary methodology of taxation I think in the history of civilization. When we had the stock and trade tax, when we had the inventory tax. You were taxed on your inventory. What is more unfair than taxing you on your inventory? So we've made great, great progress, and by the way a Republican Governor, the most venerable Walter Peterson was the Governor at the time. So he made that magnificent change.

When we had an education crisis, business was asked to step up to the plate. They were asked to increase their contribution to the BPT and to the BET. They did it, to fund education when we had education reform. We, this legislature all twenty-four of us, responded to that by voting to reduce the business taxes from 8.5 to 7.9. That's what they asked for, 7.9. And we gave it to them. Ask and you shall receive. Seek and you shall find. They did it. Now we're saying, or I'm saying, I don't want to say we. I am asking my colleagues to say if we reach a threshold, guess what you're going to get another reduction. And that wasn't my idea. I like to take credit for ideas but my wife says never break your arm patting yourself on the back, so I don't want to do that. But that idea came from the chairman of the Ways and Means Committee in the House; Norm Major, by the way my classmate at the University of New Hampshire, Senator from District 24. So there is a good bipartisan relationship in that. And that's all we're asking is a mechanism in place to show what is working is working and we can continue it.

Now when it comes to the federal budget and the great tax reductions that we've had, federal budgets got a trillion dollar deficit. Is that a good thing? A trillion dollar deficit, who's going to pay for it? My grandchildren, my great grandchildren, they're going to pay for the deficit. We

don't do it that way. We try to balance the budget. So that might come easy in economics but you only use that in a desperate situation, okay? John Manning Cain was a great guy, I respect his intellect. So if we, Senator asked me if I taught John Manning Cain. Just asking. I love her. Thank you. I didn't teach John Manning Cain.

So what I'm saying is we're just following a pattern that's been a very good pattern for us. We reduce the taxes, there's a result; further reduction and you can get another result. And to me that's good business sense and again I refer to the bonus situation for a business leader. It's based on production and it's based on reaching targets, it's based on reaching goals and the administration sets those goals. I think this is prudent. I think it's good financial acumen, it's good financial responsibility and it's good for the state of New Hampshire. And hopefully that's what we think about when we make these votes, we think about what's good for the state of New Hampshire, what's good for our business economy. And I must say that the Business and Industry Association supported the reduction to 7.9 percent. They were in ecstasy over that, and the other tax reductions that we have made. I think we've made thirty-nine tax reductions over the past few years. This fits, this fits in that situation. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator D'Allesandro.)

SENATOR FULLER CLARK: As I read your amendment it makes it clear on line 20 and 21, 22 that the business taxes shall remain at 7.9 percent for the Business Profits and at 6.63 percent for the Business Enterprise Tax. I find it very difficult to understand the argument that this creates uncertainty going forward. What I see is it tells the business community what they can rely on going forward regardless of what happens to the economy, and I would like that you respond to the specter that has been raise that the reason this amendment is faulty is because it creates uncertainty.

SENATOR D'ALLESANDRO: Thank you, thank you for the question. This amendment remains as it is today. There is certainty, you know exactly what you're going to pay and if we have a surge in terms of revenue, guess what, you get a bonus, you get a bonus. That's the American way, I think. Thank you.

SENATOR FULLER CLARK: Thank you very much.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: I have another objection to this bill. This amendment is passed we've removed the prerogative of this legislature and the one across the hall and the guy in the corner office whomever it may be, to effectuate the tax policy called for by the constitution. That's our purview. We should not be setting rules and laws in place that restrict or limit the ability of us as representatives of the people, businesses and institutions that sent us here to establish and carry out tax policy for the state across the board. 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, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 9 - Nays: 14. Failed.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise to remind this body that the single best fall festival in the state of New Hampshire every year happens in this great little town called Peterborough where I must admit in full disclosure last year I actually won the pie making contest and I'm thinking there are a bunch of people up in the audience that may have tried that outstanding pie and they're from the Well School in Peterborough and I'd like to thank them for coming to the session today. Thank you very much, everybody.

PRESIDENT MORSE: We are at the conclusion of the regular calendar and will take up the bills that were removed from the consent calendar and then the addendum and then the table.

CONSENT CALENDAR REPORTS REMOVED

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 410, relative to the legislative youth advisory council.
Ought to Pass, Vote 5-0. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. I rise in support. The Legislative Youth Advisory Council was created in 2006 to advise legislators about concerns of young people regarding pending legislation, budget expenditures and policy matters. This legislation crafted by members of the Youth Council makes changes to the membership and redrafts the duties to more accurately reflect their current practices and time lines. And the committee asks for your support in this legislation. Thank you, Mister President.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14
March 20, 2018
2018-1152s
05/04

Floor Amendment to HB 410

Amend the bill by replacing section 3 with the following:

3 Legislative Youth Advisory Council; Staff Assistance. RSA 19-K:4, VI is repealed and reenacted to read as follows:

VI. The office of the speaker of the house of representatives and the office of the senate president may provide staff assistance to the council.

SENATOR CARSON: Thank you, Mister President. This amendment makes a one word change to the legislation. Currently it states that the House Speaker of Representatives and the Office of the Senate President shall provide staff assistance to the council. We had testimony that they rarely are ever asked and usually they have someone from the outside that comes in and does the things that they need to have done and so it was requested that we change the shall to a may, so if anything should happen and they need to ask the assistance of either the Speaker or the Senate President, they still will be able to. Thank you very much, 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.

HEALTH AND HUMAN SERVICES
SB 350, relative to biological products dispensed by pharmacists. Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

Health and Human Services
March 14, 2018
2018-1096s
03/05

Amendment to SB 350

Amend the introductory paragraph of RSA 318:47-dd, VI(a) as inserted by section 3 of the bill by replacing it with the following:

VI.(a) Within 5 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:

SENATOR AVARD: Thank you, Mister President. I move SB 350 Ought to Pass with Amendment. This bill establishes requirements for dispensing and substituting biological products by pharmacists. Biological products are becoming more and more popular treatment in many different diseases. As the treatment becomes more popular more biosimilars are entered into the market. This bill would allow pharmacists to dispense a different biologic than the provider prescribed as long as it was approved by the FDA biosimilars. This would increase competition in the markets and make their effective treatment more affordable for the patients that rely on them. Please support the committee amendment and recommendation of Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Lasky for a question of Senator Avard.)

SENATOR LASKY: As I understand it if the pharmacist wants to substitute the biosimilars it has to be approved by a physician. Is that correct, prior to filling the proscription?

SENATOR AVARD: I believe so and also the FDA.

SENATOR LASKY: Right, you mentioned they had to be pre-approved by the FDA, but if he is going to or she is going to substitute this different medication, does it not have to be approved by the patient's physician first?

SENATOR AVARD: I don't know if that was brought up in testimony.

SENATOR LASKY: Okay, thank you.

(The Chair recognized Senator Lasky for a question of Senator Bradley.)

SENATOR LASKY: Same question…

SENATOR BRADLEY: There was a provision in this bill that the physician him or herself could write on the prescription, do not interchange. That's how it would work.

SENATOR LASKY: On every prescription then or once he has notified by–

SENATOR BRADLEY: Excuse me, on those prescriptions where the physician him or herself does not want interchangeability. Remember the way this legislation is structured is, it's forward looking. So that when there are biosimilar drugs similar to what generics are today, there could be interchangeability if you will, but if a physician says no, then the pharmacist could not do it.

SENATOR LASKY: So the physician has to be proactive then in terms of doing that?

SENATOR BRADLEY: Yes.

SENATOR LASKY: Okay. Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
March 16, 2018
2018-1125s
03/05

Floor Amendment to SB 350

Amend RSA 318:47-dd, V as inserted by section 3 of the bill by replacing it with the following:

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.

SENATOR BRADLEY: Thank you very much. This amendment was brought forward by request from virtually everybody that looked at this bill to align biosimilar processes with generic drugs. And remember as I just said before, biosimilars are biological drugs as opposed to chemical drugs so no strain is ever identical in the way that a generic is but in terms of just generic policy this would align biosimilars with generic policy. And everybody supported it.

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.

SB 383, establishing a commission to assess benefits and costs of a "health care for all" program for New Hampshire.
Ought to Pass with Amendment, Vote 5-0. Senator Hennessey for the committee.

Health and Human Services
March 14, 2018
2018-1097s
01/03

Amendment to SB 383

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that despite dramatic changes in the federal health insurance programs, many residents of New Hampshire remain uninsured or under insured, and costs continue to soar. The general court further recognizes that the state has an interest in containing the costs of delivering care within the financial means of the stakeholders in our state. Because of the unique demographic, economic, and fiscal characteristics of New Hampshire, improving access to affordable health care should be carefully evaluated and considered. Therefore, the general court hereby establishes a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents.

2 New Subdivision; Commission to Recommend Policies That Will Enhance Access to Affordable Health Care for all New Hampshire Residents. Amend RSA 126-A by inserting after section 74 the following new subdivision:

Commission to Recommend Policies That Will Enhance Access to Affordable Health Care for all New Hampshire Residents

126-A:75 Commission to Recommend Policies That Will Enhance Access to Affordable Health Care for all New Hampshire Residents.

I. There is established a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents.

(a) The members of the commission shall be as follows:

(1) One member of the senate, appointed by the president of the senate.

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(3) The insurance commissioner, or designee.

(4) The commissioner of the department of health and human services, or designee.

(5) Two public members who shall represent New Hampshire patients, appointed by the governor.

(6) A representative of the New Hampshire Hospital Association, appointed by the association.

(7) Two representatives of the New Hampshire Medical Society, appointed by the society.

(8) One member representing the private health insurance industry in New Hampshire, appointed by the speaker of the house of representatives.

(9) A representative of the University of New Hampshire Institute for Health Policy and Practice, appointed by the institute.

(10) A representative of the Business and Industry Association of New Hampshire, appointed by the association.

(11) A representative of organized labor, appointed by the speaker of the house of representatives.

(12) A member representing mental health patients, appointed by the governor.

(13) A member representing persons with substance use disorders, appointed by the governor.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II.(a) The commission shall review costs of health care and health insurance in New Hampshire and review policies that will improve access to affordable health care. The commission shall include in its study a review of state and federal policies.

(b) The commission may solicit input from any person or entity the commission deems relevant to its study.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

IV. The commission shall make an interim report with its findings and any recommendations for proposed legislation on or before November 1, 2018 and a final report on November 1, 2019 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.

3 Repeal. RSA 126-A:75, relative to a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2019.

II. The remainder of this act shall take effect upon its passage.

2018-1097s

AMENDED ANALYSIS

This bill establishes a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents.

SENATOR HENNESSEY: Thank you, Mister President. I rise to move that SB 383 Ought to Pass with Amendment. This bill seeks to create a commission to recommend the policies that will enhance access to affordable health care for all New Hampshire residents. New Hampshire has some of the most expensive health care in the country, as we know. It is important to make sure the state is doing everything it can to ensure that consumers are able to access the cost effective health care they need. This commission will allow all of the stakeholders to get together and study the issue to guide legislation. Please support SB 383 as amended which received unanimous support from the committee. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise not in support of the amendment or the bill as introduced with good respect to my friend from Hanover. We know and we have seen in this body over the past four years that our good friends to our left or west, Vermont, actually gave consideration and have talked long and actually passed a bill for health care for all, single-payer health care system. Over the course of some four years that legislature who actually wanted to implement a single health care payer system was unable to find any way to do so, less it would double the size of the state budget and still require that any company that had locations in Vermont and out of the state would end up paying double, both the current taxes, both the current health care they had, as well as into the health care system it is. Single payer health care system has proven itself to be financially non-viable and would be a risk to our budget so therefore I'd ask the body to reject any attempt or discussions to try to implement it for the people of this state because I believe it sends a wrong message and I'd like a roll call. Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I just want to stand up and say I agree with my colleague from Hanover and I agree with my colleague also from Bedford. But I just want to say, just for the record because there's been a lot of discussion about what the committee amendment which we just adopted actually does or doesn't do. I think when the bill started there was an indication that we would look at a single payer system. What the amendment that we just adopted says we want to study how we can make and improve access to affordable health care for New Hampshire residents. So I think that that is not a single payer initiative. There may be some in this room that support that, that's fine, we know that, but this study committee is not intended to introduce a single payer system in New Hampshire. What it is intended to do is find ways whether our friend from Bedford might think across state purchase of health care, or others might think in something very different. It will have the opportunity to explore all those options. I salute my friend from Hanover who is willing to compromise with me on this language which I think gets to a goal that all twenty-four of us can share; improved access to affordable health care. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Bradley.)

SENATOR FULLER CLARK: Thank you, Senator Bradley for taking my question. Is it not true that the amendment transformed this bill so it was no longer about a single payer plan and could you speak to the changes that were made in this bill so it is more inclusive, and does allow us to continue to examine the question of why we have the highest health care costs in the nation and how we might be able to reduce those?

SENATOR BRADLEY: And again, you know it's funny, I've been around here a long time. I just learned something earlier this week, and that being that until we actually adopt an amendment and then move it as an Ought to Pass, we don't change the title of a bill. That's why the title of the bill in the calendar says health care for all. What the committee amendment does, and I thank, you know, all of the committee members for being willing to vote for this bill, is it will give the legislature an opportunity to study expanded access to affordable health care for New Hampshire residents. I think that's something we probably all agree on.

The question is on the adoption of the motion of Ought to Pass with Amendment.

Recess. Out of recess.

A roll call was requested by Senator Sanborn, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

ADDENDUM REGULAR CALENDAR

ENERGY AND NATURAL RESOURCES

SB 453, relative to requirements and criteria for a competitive grant program for drinking water protection.

Ought to Pass with Amendment, Vote 3-0. Senator Fuller Clark for the committee.

Energy and Natural Resources
March 20, 2018
2018-1140s
08/03

Amendment to SB 453

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 New Hampshire Drinking Water and Groundwater Advisory Commission Established. Amend RSA 485-F:4, I(g) to read as follows:

(g) The director of economic development, department of [~~resources~~] ***business*** and economic [~~development~~] ***affairs***, or designee.

4 New Hampshire Drinking Water and Groundwater Advisory Commission Established. Amend RSA 485-F:4, VII(a)(5) to read as follows:

(5) The project provides funding through cost-sharing grants to municipalities, municipally-owned water utilities, and ***privately owned*** water utilities [~~regulated by the public utilities commission~~] ***that are public water systems as defined in RSA 485:1-a, XV*** for the design, construction, and extension of public water systems, and the establishment and expansion of wellhead protection areas where they provide the most cost effective method for providing safe and clean drinking water.

SENATOR FULLER CLARK: Thank you very much, Mister President. I move Senate Bill 453 Ought to Pass with Amendment. This bill changes the requirements for rulemaking for a competitive grant program for drinking water protection. This bill addresses the Advisory Committee for the New Hampshire Drinking Water and Groundwater Trust Fund, a program that allows entities to apply for grants and loans to address water infrastructure projects. As the law is currently written, the Department of Environmental Services is charged with such tasks as creating application requirements, criteria for the selection of awards, the approval process. Senate Bill 453 would take those duties that currently belong to the Department of Environmental Services and place them under the Advisory Commission of the program. Since the Advisory Commission is charged with making the decisions about which projects are funded, it only makes sense that the Advisory Commission determine the application requirements, their criteria for the selection of awards, and the approval process. The amendment makes some technical changes to correct a reference to the Commissioner of the Business and Economic Affairs and to better define what water utilities can apply to the trust fund. The Senate Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass with Amendment on Senate Bill 453. Thank you, Mister President and thank you for your leadership on this program.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

FINANCE
SB 388, relative to dispensary locations for therapeutic cannabis.
Ought to Pass, Vote 4-2. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 388 Ought to Pass. This bill authorizes the Department of Health and Human Services to establish a second dispensary location in the geographic area that includes Carroll, Coos and Grafton counties, for thera-

peutic cannabis. SB 388 also authorizes the department to establish a second dispensary location in the geographic area that includes Cheshire and Sullivan counties. The committee recommends passage of Senate Bill 388, and asks for your support. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

Senator Morse is in opposition to the motion of Ought to Pass on SB 388.

SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.
Ought to Pass with Amendment, Vote 5-1. Senator D'Allesandro for the committee.

Senate Finance
March 20, 2018
2018-1158s
08/10

Amendment to SB 564-FN-A

Amend RSA 77-A:5-c, I and II as inserted by section 6 of the bill by replacing them with the following:

I. Business organizations shall file an election with the commissioner to be a qualified regenerative manufacturing company with respect to any taxable period on a form prescribed by the commissioner at any time on or before the fifteenth day of the third month immediately following the end of such taxable period. Such an election shall be effective for the taxable period of the qualified regenerative manufacturing company for which it is made and for all succeeding taxable periods until such election is terminated as provided in this section.

II. The election to be a qualified regenerative manufacturing company shall expire for taxable periods beginning after December 31, 2027. No subsequent election may be made after the expiration of an election, with respect to either the business organization or the active regenerative manufacturing business conducted by such business organization or any successor business organization.

Amend the bill by replacing section 8 with the following:

8 Applicability. The provisions of sections 2 through 6 of this act shall apply for taxable periods beginning after December 31, 2017.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move Senate Bill 564-FN-A Ought to Pass with Amendment. This bill establishes a Business Profits Tax and Business Enterprise Tax exemption of 100 percent for certain qualified regenerative manufacturing companies in New Hampshire. Senate Bill 564-FN-A also establishes the Regenerative Manufacturing Workforce Development Program, and a State Regenerative Manufacturing Workers Development Fund to be administered by the Business Finance Authority. The committee amendment clarifies that business organizations shall file an election with the Commissioner of the Department of Revenue Administration to be a qualified regenerative manufacturing company with respect to any taxable period at any time on or before the 15th day of the third month immediately following the end of such taxable period. The amendment also provides that the election to be a qualified regenerative manufacturing company shall expire from taxable periods beginning after December 31, 2027. No subsequent election may be made after the expiration of an election. Lastly,

the amendment changes the date of application for certain provisions of the bill. The committee recommends passage of Senate Bill 564-FN-A as amended, and asks for your support. Thank you, Mister President.

Recess. Out of recess.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
March 20, 2018
2018-1159s
10/08

Floor Amendment to SB 564-FN-A

Amend RSA 77-a:5-c, I as inserted by section 6 of the bill by replacing it with the following:

I. Business organizations shall file an election with the commissioner to be a qualified regenerative manufacturing company with respect to any taxable period on a form prescribed by the commissioner at any time on or before the fifteenth day of the third month immediately following the end of such taxable period. Such an election shall be effective for the taxable period of the qualified regenerative manufacturing company for which it is made and shall be applicable only where, as reported by New Hampshire department employment security, the average quarterly employment of the business organization in the taxable period is greater than the average quarterly employment of the business organization in the preceding taxable period. A valid election shall be applicable for all succeeding taxable periods until such election is terminated as provided in this section.

SENATOR FELTES: Thank you, Mister President. Mister President, some folks oppose the first part of this bill, the tax exemption loophole, whatever folks want to call it. Some folks oppose the second part, some folks support both parts, some folks oppose both parts. A lot of those folks are on House Ways and Means, in particular. But this amendment is to improve the first part in my view. Just to be clear, this bill sets up a ten year carve out for a specific industry, albeit for a significant and substantial public benefit, ten year carve out from all taxes to the state. Let me just read a few quotes about that particular provision.

"We appreciate everything Dean Kamen does for New Hampshire. It would be fantastic if ARMI grew into a leading biotech hub. That does not justify mucking up New Hampshire's business tax code with special treatment for favorite firms." That's not me, that's the Union Leader.

Another quote. "Empowering the government to arrange the economy as it sees fit, to rig the rules so that the government preferred groups are favored over others does not protect the unconnected unless powerful from the connective and powerful in terms of government and to all the powerful and well connected." That's not me, that's the Josiah Bartlett Center for Public Policy, about this bill.

Here's another quote. "You're either on the bus, or you're off the bus." That's not me, that's our friend from Bedford.

In this particular case, basically everybody's on the bus, but some people are now off of it. And some people are now off of it Mister President, without any accountability. My friend from District 3 says the best social

program is a job. Well, if this is about jobs this amendment is about accountability that jobs are created. You get your tax loophole exemption if you create jobs. That's it. Jobs go up and the tax will too as compared to the preceding period, you get your tax loophole. Accountability. One sentence of accountability. That's it. One sentence, and it's about jobs. So I encourage us to vote for this Floor Amendment 1159s. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise and ask my colleagues to vote against the current amendment that's before us. Let's just look at this thing as it stands. We have an opportunity, we have an opportunity, and I say we I mean the whole state of New Hampshire, to support something that's really, it's out of my league in terms of its concept. They are going to try to take the DNA of people and create organs and create flesh so that people who need these items don't have to wait for years for a transplant or don't have to wait for the rest of their lives with the inability to function as they should function.

We've been in the war in Afghanistan for seventeen years. People don't die in war anymore, our soldiers because of the advanced medical situation, they get taken care of. But they come home maimed; arms legs, head injuries, lose organs. This is an opportunity for us to make their lives whole. And creating jobs, it's going to create jobs, but they're going to be engineers, PHDs, you've got to go out and find those people. And you've got to induce them to come to New Hampshire. Dean Kamen has engineers. This is going to require very experienced, very well educated people. That's why the second part of the bill talks about a way to take care of loans. How many times in your life have you been given an opportunity through science and technology to make somebody's life better? And this is an opportunity. Remember that Kamen is a very bright very capable guy. The wheelchair that he's developed, the Segway that he's developed, the ability to purify water has been developed, the automatic arm that he's developed, the wheelchair that can climb stairs. These are all innovations that have come out of his company. He's a brilliant guy. We have an opportunity to aid a cause that they're committed to. Now we've got to bring people in to make this cause a reality. That's a big job and ARMI isn't going to be a separate entity, that entity has got to go out and recruit people, has to recruit the best and the brightest.

So how do you say, because you didn't bring five in, you don't get the tax benefit? I don't think you can say that. Look at, we can't find people today to do menial jobs. We can't find them. I talked to the police department in Manchester yesterday, we've got three people retiring. We can't fill those positions. We just can't fill those positions. So this is a humongous task to begin with. Regardless of how much money we got from ARMI and how much money we're going to raise, we've got to find the people to do this work. And I'm probably not going to be alive when this comes to hopefully a very successful conclusion, because it's a project that's going to go on and on and we are investing per se. Nobody's ever paid any Business Profits Tax, how long does it take for an entity like this to pay it and they don't pay any Business Enterprise Tax? We're not losing anything but what we're doing something for the public good. We're making an investment for the public good.

I just, I hope that my colleagues will think about that when you cast your vote. Everybody has their own opinion. I understand that and I respect

that. But the entity is located in the 20th Senate District, those mills pay real estate tax, significant real estate tax to the city of Manchester. That is going to continue. Hopefully the people that come into our state will buy homes, will reside in our state and will make our state an even better place than it is. So I ask my colleagues to think about this. We had good discussions in the Ways and Means Committee about this. I think we made a favorable recommendation, I hope that you will support that, vote down this amendment and look at the bill and hope that you will support the bill. Thank you, Mister President.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. It's my pleasure to introduce one of my younger brothers and my nephew, Brandon Giuda and Ian who are with us in the gallery today. Please welcome them.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I rise opposed to Floor Amendment 1159. Look, I really as a sponsor of the bill appreciate the bipartisan support for this all across the state. This technology of organ and tissue regeneration is in the stage now where it's going from being able to happen to commercialized and that's what will enable us to help veterans, help firefighters, police officers, people that serve us in so many different ways as they are wounded on the battlefield or wherever. This is not a question of if the commercialization technology succeeds, it's a question of where. And we have an $80 million head start because of Dean Kamen's efforts through ARMI. If we adopt this amendment, we totally make what we're trying to do uncertain. And uncertainty will kill the investment in New Hampshire for this kind of technology. And therefore it would an absolute disaster to pass this amendment. We might as well gut the bill and if we pass this amendment. So I would urge everybody that supported this bill so far to reject this amendment. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in opposition to this amendment for a couple of reasons. Veterans notwithstanding, that in and of itself is a huge reason. I spent days at Walter Reed talking and working with Vets who are missing various parts of their bodies. This is a godsend. This should transcend tax policy. That said, we're not exempting these businesses from property taxes, and as this ARMI core starts in Manchester, like ripples from a pond, from a rock thrown into a pond there are going to be ancillary businesses in regenerative manufacturing, they're going to spread out throughout the area and throughout the state. This is just the incubator, and to offer this kind of incentive gives us the opportunity to set the standard for a new world industry. That is something I want for our state. I think our people, businesses and institutions all benefit and ultimately will profit as well. Thank you, Mister President.

(The Chair recognized Senator Gannon for a question of Senator Feltes.)

SENATOR GANNON: I like to be 100 percent on the train and understand what's going on, Senator. So your amendment is going to take away the tax exemption, no? Am I wrong? That's just what I want clarified. It's still '27 right now but your amendment would take it away sooner?

SENATOR FELTES: No. Thank you very much Senator Gannon. The amendment doesn't take away the tax exemption at all. It says that there's accountability in the way tax exemption operates. In other words if employment goes up in the taxable period, as compared to the preceding taxable period, then you get the tax exemption. If it goes up one employees on an average quarterly basis, you get the tax exemption. The major argument we heard in committee is about getting the jobs and expanding operations. But you could create a business organizations and maybe you hire a bunch of people initially and then maybe you lay off everybody and you got to automation. Should you continue to get the tax exemption? I think not, I think other folks think continue to get the tax exemption. So if it's about jobs, then this puts in place the tax exemption with some accountability tied to jobs.

SENATOR GANNON: Thank you.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I just want to give one example where I saw a ten year tax exemption work. We'll go back to Ireland like yesterday. In the 80s Ireland was one of the poorest nations with the most unemployment. They had a great young workforce and so what they did was give a ten year tax exemption, and it got companies like Digital to go over. They had no, no desire, no one was going to Ireland at the time and it totally turned them around until they were the Celtic tiger, the envy of the rest of Europe, and it was on a ten year exemption. Sure some of the companies did leave at the end of the ten year, but they picked up tens of thousands of jobs. This ARMI program is a very risky; at best the chances of us in Manchester surviving and being a place with all this biological stuff that Senator Lou and I just a little bit understand. Seventy-five percent that it's going to totally fail and it's going to go somewhere else, so we need to reward the people who are willing to make such an investment in New Hampshire by giving them their ten years. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and ask the body to reject the amendment because you know I try very hard not to talk about things I know very little about. But as a business owner, when I see something that says, you're only qualified for an incentive or a tax credit only in the quarters where you raise more employees. I ask the body to think about that for a second. So we have an opportunity here that people will come and they'll work in engineering, but if the second quarter they haven't had any adds to staff, because it says, effective for the taxable period of the qualified regenerative business for which it is made and shall be applicable only where the average quarterly employment of the business organization in the taxable period is greater than the average quarterly employment of the business organization in the preceding tax period. So the only way you get the credit is if you add the staff.

As my colleague from District 15 said, if you have a bunch of employees and you automate and lay them off, you should lose your exemption. But there's a process of creation, there's a process of research and development. There's a process of trying to encourage companies that come to our state and invest their resources, their time, their money to create something. It's not going to happen overnight. It's not going to happen in the first reporting quarter, maybe the second, third, fourth, fifth all

the way up until the fiftieth quarter. To tell the business community that they can only come here and receive the benefit if they make adds to staff every quarter, defeats what it means for businesses to run. So I'd suggest that the body reject the amendment and we'll move on with the bill as presented. Thank you, Mister President.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I just rise in opposition to the amendment. I think we just need to keep it simple. Keep it simple and pass this bill as is. We have a great opportunity here and we have a wonderful opportunity to attract a new workforce, people in New Hampshire. Let's keep it simple. This complicates things too much. So please vote down the amendment and pass this bill.

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, Hennessey, Feltes, Reagan.

The following Senators voted No: Giuda, Bradley, Watters, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 4 - Nays: 19. Failed.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise in support of the bill, but I want to say first that maybe we should have a Floor Amendment to say that we're going to regenerate a clone of the Dean, okay? Kamen's going to take care of you, Buddy. Just hang on. We'll do it. You know I saw this bill and I really saw the future. Here's potentially the next greatest generation of change, and I'm for all parts of it, too. This can work, will work, it has worked in the past. I just want to remind folks who may not have been here two years ago, the effort to bring in Safran-Albany up to Rochester and you know I happened to be up there on Tuesday with the Dover Learning Center, touring the facility that Great Bay opened and they had about 150 people there in the job training programs. Incredible demand for them in composites, in computer numerical manufacturing, particularly in non-destructive testing. I was told that they get fifteen phone calls from around the country for every graduate that they are producing, let alone the folks that go up and work at Albany-Safran. Using YOLA funds they're using private industry funds, they have a capacity of 250 and they're just looking for people to come in there. So it really works. And you remember a few years ago, you know Safran, the plane was going to land you know. It's coming in. Can you turn on the lights of the runway? Yeah we can turn the lights on the runway. And what it meant was that everybody here and Governor Lynch worked to make that commitment. They were going to build that center, wasn't a tax credit there but they said look, we will do the workforce development, you know we'll build that center, Great Bay stepped up, it's a beautiful facility, Great Bay stepped up, they have adult learning center folks and faculty drawn from all over the place and what a great place. See, and that's what this is going to do. It's going to be jobs, it will work.

And secondly, I think that the parts in here looking at that pipeline development to make sure that we can increase the capacity of the biological

sciences at our universities and colleges and say look, if you want to come into this field, we're going to help you with some scholarship funding. And you're going to come out and you're going to get one of the best cutting edge, hottest jobs anywhere in the country and it's going to be right here in New Hampshire. And it says, yeah we've got a problem with student debt. We have talked about that a lot, the student debt problem. And I know there are those who would say, and I agree, we ought to address that globally. You know we ought to have some programs here and some you know some companies just are coming up from school districts, some companies who are offering this and that's great and I wish we could do it and stay awake. But the point here is that here is a targeted industry that needs this that we know that the capacity at UNH and then other students who may come from somewhere else with a lot of student debt they know that after a certain number of years they're going to get that debt paid down. That to me is just such a win-win and I hope we will you know move forward and join the march for the ARMI folks. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise to remind this body about the opportunity we have and to speak to some of my friends on the other side of the aisle who might at some point as this bill heads over there listen to the testimony as many of them always do. Our opportunity to try and help solve one of our biggest problems which is the health of our people, especially those veterans who may have been caught up in a bad situation in conflict or someone like your next door neighbor who might be caught in a burning car or burning house. Our ability right here in New Hampshire to be the forefront to truly help people regain their life and health with skin or a kidney or a liver or an eye or whatever it is, is about as earth-shattering of an opportunity as we've ever seen.

Now I know my friends on the other side of the aisle and I, and typically as you would know, always get a little as I say wiggly and weak in the knee when I talk about exempting some people or as my friend from District 15 said, let some people off the bus while we make other people stay on the bus. Is that fair to us? But I want to remind my colleagues that I think many people in this room supported increases in the research and development tax credit to provide specific exemptions and encouragement to specific companies and specific industries because they know there's a chance to make it grow. I know my friend from the North Country fought long and hard for a specific tax benefit, first up in the North Country, this year we've brought it all the way down to many parts of the state to encourage companies to come, grow and expand. I know we've done much on the first time home buy credit, first time home buyers. I think everyone on this body also supported that. But what good is having a first time home purchase opportunity if there's no job for them to come here and benefit from? Our tax policy is very holistic and I know there's days and early this morning we had a robust discussion about looking at tax policy in a vacuum. One tax cut, potentially one benefit or one detriment to the people of our state. But the truth is our tax policy is very, very holistic. But all of it works together in ebb and flow to make our society here in New Hampshire better.

This, as the Senator from District 20 said, is a chance of a lifetime. This is a chance of a lifetime that we have not seen in maybe all of our lives. When have we been on the cutting edge and the cusp to truly cure life

threatening injury from our little state right here? Yeah, sure I hear look we're providing an exemption for up to ten years, from the first start. We made the amendment to make sure it could not go into perpetuity. Some people have suggested it's not constitutional, we have seen a letter from the attorney general, it is constitutional. Some people have said we have never done this and shouldn't do this, and the fact is we have done this in this state several times before. Most recent one we have to remember was when we looked to exempt investment income from retirement accounts. And as a result of that they've become, you know that industry has become the second largest employer in the state of New Hampshire, for good high paying jobs, that makes our economy grow.

And lastly I would add, I think it's important that we remember, there's more than just the entities themselves that would be involved in regenerative design. We have to think about the ancillary companies. Who's going to help with the construction to build it, who's going to help with feeding them, who's going to help with property maintenance, who's going to help with building equipment and supplies and test tubes? And all the other potential economic opportunities that we have if we see today with the $80 million up front and a promise of another I think it's 240 million on top of that. Nearly $350 million of committed money to whoever lands this opportunity. That will bring continued expanded economic development to our state. It will bring opportunities that I believe as the Senator from District 20 said, an economic opportunity in our state that we may have never seen before and may never see again.

If there are things we should, as my friends say, be investing in, even though this is an exemption and not an investment, because it's money not realized, I can think of no better opportunity, no better opportunity that we have to invest in our people, our veterans, the sick, the hurt. This is a program that I believe in, I believe the promise is there and I believe our state will truly see benefits. And as I said a few weeks ago Mister President, this is a case where the juice will be worth the squeeze. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

Senator Feltes is in favor of the motion of Ought to Pass with Amendment on SB 564-FN-A.

SB 569-FN, relative to animal cruelty and establishing a commission to study certain language applicable to the transfer of animals.
Ought to Pass with Amendment, Vote 4-2. Senator Feltes for the committee.

Senate Finance
March 20, 2018
2018-1157s
08/05

Amendment to SB 569-FN

Amend RSA 437:1, III as inserted by section 2 of the bill by replacing it with the following:

III. "Breeding female" means an unspayed female dog, 24 months of age or older kept or maintained for the purpose of breeding and selling the dog's offspring. An unspayed female dog that is bred prior to reaching 24 months of age shall be considered a breeding female.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 569-FN Ought to Pass with Amendment. This bill; number one; requires inspection of premises before issuance of a license to transfer animals or birds. Number two; allows the suspension or revocation of a license to transfer animals or birds if conditions under which the licenses issued are not maintained. Number three; allows for a person caring for an animal confiscated during an animal cruelty trial to petition the town for a bond to cover the cost of animal care. Number four; makes a $200,000 appropriation to the Department of Agriculture, Markets and Food and authorizes the Department to hire two additional inspectors for oversight and inspection of pet vendors; and number five; establishes a commission to study certain language applicable to the transfer of animals. The committee amendment clarifies the definition of "breeding female" so that an unspayed female dog that is bred prior to reaching twenty-four months of age shall be considered a breeding female. The Senate Finance Committee recommends the passage of Senate Bill 569-FN as amended, and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Birdsell for a question of Senator Feltes.)

SENATOR BIRDSELL: Thank you for taking my question. My question is on the animal– actually I have three questions– the animal shelter facility. Does this include foster homes who foster more than one dog?

SENATOR FELTES: I don't believe so but I'll defer to the Senate Majority Leader, it's his bill. So I'll defer to him on that question.

SENATOR BIRDSELL: Mister President, will the good Senator from District 3 be speaking? Because I can wait. I can hold my questions until he speaks.

PRESIDENT MORSE: No let's get it over with.

SENATOR BIRDSELL: So does animal shelter facility include foster homes who foster more than one dog?

SENATOR BRADLEY: I think, Senator you would have to if you looked at the bill that we passed a couple of weeks ago, the amendment or the bill on the first page of the bill lines 21 through 26, define what an animal shelter facility means. It includes the building, the immediate surrounding area used to house or contain animals, owned, operated, maintained by a duly incorporated humane society, animal welfare society or others like that, and also a public pound for the housing of strays or a pound operated by a person. So it doesn't specify a number, but that's what an animal shelter facility is.

SENATOR BIRDSELL: So if I'm transporting a rescue dog from Connecticut up to New Hampshire to its final destination to someone and the dog is basically surrendered to let's say Poodle Rescue of New England who I volunteer with, that final destination is a foster home, if they have two or three rescues from Poodle Rescue, I'm presuming that would be considered an animal shelter facility?

SENATOR BRADLEY: Or an animal rescue facility which is defined earlier in the language. And I would just say this, while this section is repealed and re-enacted, it's largely based on the definitions that were in place prior to introduction of this bill. The main change is in the definition of commercial kennel and the number of breeding females. So this was intended by re-enactment to simplify all of the definitions.

SENATOR BIRDSELL: So, let's move to the pet vendor, which means any person engaged in the business of transferring live animals or birds

customarily used as household pets to the public with or without fee or donation required, whether or not a physical facility is owned, would that mean someone like myself who would pick up a rescue poodle from Connecticut, transport it up to New Hampshire, would I be considered a pet vendor?

SENATOR BRADLEY: A pet vendor would mean under this definition and again largely intact from prior, from the current law, any person engaged in the business of transferring live animals or birds customarily used as household pets to the public with or without a fee or donation required. And then it says pet vendor includes and then it goes on, animal rescue facilities, animal shelter brokers, commercial kennels and pet stores. So I think the definitions are pretty clear. I'm not exactly sure what you do, you probably would better know how you fall under these definitions if you even do.

SENATOR BIRDSELL: Are the license requirements new to the pet vendor arena?

SENATOR BRADLEY: No. What this bill is seeking to do is have inspections primarily of commercial kennels that have seven or more breeding female dogs. That's what's new in an attempt to rectify some of the very significant animal cruelty cases that we've witnessed in New Hampshire over the last couple of years.

SENATOR BIRDSELL: Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 577, requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.
Inexpedient to Legislate, Vote 3-3. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 577 Inexpedient to Legislate. This bill requires the Public Utilities Commission to initiate a proceeding to consider changes to its order affecting the Burgess BioPower Plant in Berlin. It prohibits the import of certain liquid fuels and prohibits the sale of such fuels in 2019. SB 577 also changes the inclusion of Electric Renewable Energy Class I for methane gas. The prime sponsor of the legislation explained to committee members that he was approached by the Burgess BioPower Plant to file the legislation, which seeks to ask the Public Utilities Commission to open such a docket to determine if the PUC's original 2014 order creating the plant's ability to sell electricity to Eversource Energy at above market prices, should be extended. He explained such action may impact the ratepayers of Eversource Energy, the property tax base of the city of Berlin, the bio-mass industry in the state of New Hampshire and jobs in the North Country. The prime sponsor also indicated if the PUC rate order is extended, rates would probably remain consistent. Committee members questioned if it was appropriate for the state to step in and solve the problem, as Burgess BioPower could have gone directly back to the PUC rather than have taken the legislative approach. Unable to come to an agreement, the Senate Finance Committee offers a motion of Inexpedient to Legislate on Senate Bill 577, and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: I rise in opposition to the motion of Inexpedient to Legislate, and thank you, Mister President for recognizing me to speak on behalf of the bill as it came before the Energy and Natural Resources Committee.

First I would like to refer the Senators to the findings in the bill itself. The General Court finds that the continued operation of the Burgess Bio plant in Berlin is important to the economy of the North Country and the city of Berlin, as well as to the forest products industry and the importance for retaining a renewable energy portfolio standard goals and the environment. The bill directs the PUC to offer proceedings and directs them to consider whether it is in the public interest to increase the amount of the cap on the level of the communicative reduction vector, or to make other adjustments or revisions to the order, so that the Burgess Bio plant can continue to operate. Particularly it calls upon the PUC to examine the importance of the plant for the city of Berlin for the renewable energy for the state and also for jobs in the North Country while at the same time the PUC is to examine the impact on ratepayers. It makes sense that the PUC is the best entity to measure the pros and cons of keeping a cross subsidy for the Burgess BioPower plant. One of the reasons that this request of the PUC is important is because we've seen that the fuel cost for natural energy, natural gas continues to go down and therefore puts many of our other energy producing entities in the state at risk. And puts at risk, jobs within this state and also puts at risk the money that's being spent on energy here in the state, rather than sending it out of state to pay for natural gas.

Let me just speak for a moment to the importance of the Burgess BioPower plant. It was developed on the site of the Frasier Mills, which many of you know closed in 2006 and left the North Country and Berlin at great economic disadvantage. It is the largest renewable energy generator in the state, it is a dispatchable resource that when natural resources such as natural gas is constrained which we have seen happening not infrequently over the last several years, and also for other renewable sources, wind and solar being constrained are not available. The plant is crucial to the city of Berlin's redefinition and the effort to become a sustainable economy in the heart of the North Country. The plant accounts for 10 percent of the annual sewer fees to operate the municipal waste water system. The plant accounts for 25 percent of the annual water fees to operate the municipal water system and it also accounts for 9 percent of the annual tax base in the city of Berlin. These monies have made it possible for the city of Berlin to invest in other infrastructure projects such as New Hampshire Route 16, and revenues will be able to be continually invested if the plant is allowed to continue, for other capital improvements in the region. It provides a vital economic impact not only to Berlin, but also to the surrounding communities, ensuring that we continue employment for loggers and sawmills as example. And the use of the renewable sources such as the Biomass from the Berlin power plant will increase fuel security for all of New England. It is for those reasons that I believe it is important that we overturn the ITL of the Finance Committee and send this bill both to the House and ultimately to the PUC to make sure that it is effectively evaluated because of the tremendous economic impact it has had and could be lost if the plant were to close. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise to overturn the committee recommendation of Inexpedient to Legislate. We talk all the time about jobs, we talk all the time about energy. We need to understand that when the natural gas prices spike, because it's extremely hot or extremely cold we need baseline energy. This is 100 megawatts of energy we're talking about within the biomass industry. We lose that we lose the ability to back up and recover, we start talking about brown outs. We need to talk about the fact that we're seeking energy independence as a nation. We have the ability to do that as a state. When we passed 129 last year I testified for that bill and in the House testified that we're looking for a window of time to rearrange the entire paradigm of the biomass industry. Specifically looking towards microgrids. Wood fuel and microgrid operation with multiple biomass plants is feasible.

The study is beginning and it will be ongoing to see if we can maybe build some more of these so that we can attain energy independence, completely. We don't need oil from Iraq or Venezuela, we don't need natural gas from Texas or anywhere else. We have the resource to fuel our own microgrids up north. The wood is ours, the people who cut the wood are ours. They're New Hampshire jobs moving the wood to the mills which will suffer significantly if this bill is defeated, because those mills take 6 percent of the wood they cut as low grade wood and send it to the biomass plants to burn. The biomass plant operators, the truckers, the people that get rid of the wood ash from the residue from the biomass process, the engineers that work on it. We're talking roughly 1,000 jobs. And so this is uniquely an opportunity to let New Hampshire take a look at trying to attain energy independence at least within one of its own economic eco-systems, a term I like to use. Giving these people a chance to work their way out of the problems. Most of the cost of your energy is not the energy. It's the transmission and the distribution, and that's a problem we have to solve. That's really the problem. Microgrids can be part of that process of solving that as well as the energy cost. I ask you to please support, for the sake of the New Hampshire jobs, for the sake of our potential energy independence and for new technology going forward, to opposing the ITL motion so I can introduce an alternate motion. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Giuda, seconded by Senator Fuller Clark.

The following Senators voted Yes: Sanborn, Daniels, Reagan, Morse.

The following Senators voted No: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Avard, Lasky, Carson, Feltes, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 4 - Nays: 19. Failed.

Senator Bradley moved Ought to Pass.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Avard, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Avard, Lasky, Carson, Feltes, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators voted No: Sanborn, Daniels, Reagan, Morse.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 19 - Nays: 4. Adopted, bill ordered to Third Reading.

SB 582-FN, authorizing an assessment to determine appropriate caseload and workload standards for the division for children, youth and families; establishing additional child protection services positions in the division for children, youth and families; relative to foster care and adoption programs and services; and making appropriations therefor. Ought to Pass with Amendment, Vote 6-0. Senator Reagan for the committee.

Senate Finance
March 20, 2018
2018-1154s
04/05

Amendment to SB 582-FN

Amend the bill by replacing section 5 with the following:

5 Department of Health and Human Services; Appropriation; Foster Care and Adoption Programs and Services. The sum of $1,100,000 for the fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human services for the purpose of funding foster care and adoption programs, rate increases, and services pursuant to RSA 170-G:3. 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.

Amend the bill by deleting section 6 and renumbering the original section 7 to read as 6.

2018-1154s

AMENDED ANALYSIS

This bill:

I. Directs the department of health and human services to conduct an assessment to determine appropriate caseload and workload standards for child protection staff and makes an appropriation for such purpose.

II. Makes appropriations to the department of health and human services for additional child protection staff, and for foster care and adoption programs, rate increases, and services.

SENATOR REAGAN: Thank you, Mister President. As the Senate member of the DCYF Advisory Board, I move Senate Bill 582 Ought to Pass with Amendment. This bill does three things; it requires HHS to conduct an assessment to determine appropriate caseload/workload standards for the DCYF, and appropriates $100,000 in FY '19 for this purpose. Second it establishes 13 child protective social worker positions and two supervisor positions within DCYF, and appropriates $1.1 million for this purpose in FY '19 and there are federal funds that supplement the General Fund appropriation. In addition, the committee amendment appropriates $1.1 million in '19 for the purpose of funding foster care and adoption programs, rate increases and services pursuant to RSA 170-G:3, with federal matching funds also supplementing this General Fund appropriation. The Senate Finance Committee recommends passage of Senate Bill 582-FN as amended, and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

SB 590-FN-A, making a supplemental appropriation to the state loan repayment program and relative to emergency involuntary admissions, the child protection act, and the developmental disabilities wait list and making appropriations therefor.
Ought to Pass, Vote 6-0. Senator Feltes for the committee.

Recess. Out of recess.

SENATOR FELTES: Thank you, Mister President. I move Senate Bill 590-FN-A Ought to Pass. This bill number one: clarifies admission to receiving facilities and other services for persons who are involuntarily committed under RSA 135-C. Number two: makes a $1.1 million General Fund appropriation to the Department of Health and Human Services for the purpose of providing additional funding to the state loan repayment program. The Department will utilize the additional funds for loan repayments. Number three: clarifies the determination of "Unfounded, but with Reasonable Concern" for possible abuse and neglect under the Child Protection Law, and enables the Department of Health and Human Services to offer voluntary services to the family. Number four: appropriates $1.5 million in FY 2019 for funding voluntary services under RSA 169-C. Number five: appropriates $1.5 million in FY 2019 for funding community-based prevention programs under the Child Protection Act. Number six: establishes that the New Hampshire Home Visiting Program shall be available to Medicaid-eligible families without restriction. Number seven: makes a $310,000 appropriation to the Department to hire three attorneys for the Division for Children, Youth and Families. Number eight: provides approximately $1.1 million for the Developmental Disabilities Wait List. Number nine: requires the Department of Health and Human Service Commissioner to issue requests for proposals for a behavioral health crisis treatment center and, contingent upon available funding, an additional mobile crisis team and apartments; and ten; clarifies DHHS' authority to consent to medical treatment for a minor in foster care.

All of the above have different varying federal matching. The Committee recommends passage of Senate Bill 590-FN-A, and asks for your support. Thank you, Mister President.

Senator Fuller Clark offered a Floor Amendment.

Sen. Kahn, Dist 10
Sen. Fuller Clark, Dist 21
March 22, 2018
2018-1197s
05/06

Floor Amendment to SB 590-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT making a supplemental appropriation to the state loan repayment program and relative to emergency involuntary admissions, the child protection act, and the developmental disabilities wait list and making appropriations therefor; and relative to school food and nutrition programs.

Amend the bill by replacing all after section 22 with the following:

23 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

I. Each school board shall make [~~a~~] ***at least one*** meal available during school hours to every pupil under its jurisdiction. Such meals shall be served without cost or at a reduced cost to any [~~needy~~] child who [~~is unable to pay the full cost of said meals~~] ***meets federal income eligibility guidelines***. The state board of education shall insure compliance with this section and shall establish minimum nutritional standards for such meals and shall further establish income guidelines setting forth the minimum family size annual income levels to be used in determining eligibility for free and reduced price meals. Nothing in this section shall prohibit the operation of both a breakfast and lunch program in the same school. Further any requirement of this section which conflicts with any federal statute or regulation may be waived by the state board of education.

24 School Boards; Food and Nutrition Programs. Amend RSA 189:11-a, VII(b) to read as follows:

(b) Such school which demonstrates to the department of education that an approved school wellness policy, as required under the [~~Child Nutrition and WIC Reauthorization Act of 2004~~], ***Richard B. Russell National School Lunch Act 42, U.S.C. section 1758b*** is in effect, and that such school is providing breakfast meals to pupils that meet or exceed the United States Department of Agriculture's child nutrition criteria may apply for and receive a 3 cent reimbursement for each breakfast meal served to a pupil. The department of education shall request biennial appropriations in an amount sufficient to meet projected school breakfast reimbursements. The department of education shall prescribe forms as necessary under this paragraph. ***In addition to the $.03 state reimbursement for each breakfast served to all pupils, the department of education shall request biennial appropriations equal to the difference between the reduced and free federal reimbursement rates for breakfast so that pupils eligible for reduced price meals are offered breakfast at no cost.***

25 Effective Date.

I. Sections 7-12 of this act shall take effect July 1, 2018.

II. Sections 23 and 24 of this act shall take effect July 1, 2019.

III. The remainder of this act shall take effect upon its passage.

2018-1197s

AMENDED ANALYSIS

This bill:

I. Clarifies admission to receiving facilities and other services for persons who are involuntarily committed under RSA 135-C.

II. Makes a supplemental appropriation to the state loan repayment program.

III. Clarifies the determination of unfounded but with reasonable concern for possible abuse and neglect under the child protection law, and enables the department of health and human services to offer voluntary services to the family.

IV. Makes appropriations for voluntary services and community-based prevention programs under the child protection act.

V. Provides that the New Hampshire home visiting program shall be available to Medicaid eligible families.

VI. Makes an appropriation to the department of health and human services to hire additional attorneys.

VII. Makes an appropriation to the department of health and human services for the purpose of funding the developmental disabilities wait list.

VIII. Requires the commissioner of the department of health and human services to issue requests for proposals for a behavioral health crisis treatment center and, contingent upon available funding, an additional mobile crisis team and apartments.

IX. Clarifies the department of health and human services' authority to consent to medical treatment for a minor in foster care.

X. Requires schools to make at least one free or reduced cost meal available to children who meet federal eligibility guidelines and directs the department of education to request an appropriation sufficient to provide a free breakfast to students eligible for reduced cost meals.

SENATOR FULLER CLARK: Thank you very much, Mister President. This amendment contains the language from the previous Senate Bill 577. The intent of this legislation is to provide more children with the most important meal of the day. If we do nothing, New Hampshire will remain the 49th or second to last in the country in the participation of the national school breakfast program for low income students and their families. I would ask you today shouldn't our children be our first priority? Yesterday nearly every Senator in this room testified to the fact that we want to keep our children safe. Today, why don't we also want to make sure that each child in New Hampshire has the chance to thrive by offering breakfast at no cost to children who live with a food insecurity?

Numerous studies over the years have shown that students who eat a healthy breakfast are much more likely to perform better in school, have better test results, better attention in class and better interaction with their fellow students. Most New Hampshire schools understand this research and ensure on test days that all students receive breakfast. If your school has chosen to not participate in the national breakfast program, passing this legislation will not impact your school in any way. Mister President, this is the case with the Salem High School, but not for Salem's elementary schools, where 30 percent of their students participate in the free and reduced meals program. Nor is it the case for elementary schools in Conway, where 61 percent of their students are eligible for the free and reduced meals program as well as for the city of Manchester, where one of their elementary schools, and this is just one of them, has a 97 percent of their students participating in the free and reduced meals program. Providing breakfast at no cost to all these eligible students and more would ensure that each one of them gets the best possible start to the day and protects the school from any debt they currently incur from parents who fail to pay their share of the reduced breakfast charge.

If your school district has a sizable portion of students receiving breakfast under the national breakfast program, this change in law would benefit not only students but also reduce cost to the school and reduce paperwork, tracking and data by the state. The cost of this program to the state would be approximately over two years, $772,000 and would be matched by $2 million $7,200 from the Federal Government, enabling more than 7,000 school age children currently eligible for reduced cost breakfast throughout the state to receive breakfast at no cost. I'd like to

stress that in the budget this applies to the FY 2021 budget and would not have any impacts on cost for FY '19. I ask you today to please join me in favor of the amendment so that we may provide breakfast to this more than 70,000 additional children in our state. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I think this is an important debate, I think it's an important issue. I think it's important for us to try to hear each other and speak to this. I was at the– we talked yesterday about Hinsdale School District. I was there for their school and town meeting this weekend. Six hundred students it's a district that goes K through 12. Small school. Border town. Tough times come through Hinsdale in waves. It's not the richest time right now for them. It's a tough time. The Hinsdale Superintendent described to me when I talked about school breakfast program he said, you know what our principals need to do? They go chase the parents for the twenty-seven cents for breakfast, and the forty cents for lunch, at the end of each month. Some of those parents, they don't pay. They can't pay. What does the school district do? Well, they don't pay.

I checked, we've got Impact Monadnock in my district. It's something that has traditionally studied the kids in Cheshire County. A third of those children are being raised by one parent, a third. I don't know if Cheshire County's aberrant to the rest of the state, my guess is it's a reasonable microcosm. Not all of those single parent households are going to be qualifying for free and reduced meals, but those that do you might ask so what's their income profile. Free and reduced or free meal goes to those whose incomes, family and household income is up to 130 percent of the poverty level. A reduced meal cost goes to a child whose household is up to 185 percent of the poverty level. So according to the New Hampshire Department of Education website, those incomes are at 130 percent free meals, go up to those households with incomes of $21,112. What we're talking about is helping out the families that are between $21,000.00 in annual household income to $30,044. That's what it is. Now do you know a single parent with one kid that's in that income bracket, and is it possible, do you know those parents and you know those children? I do, I think we all do. We should all, because there's 7,100 of those kids throughout New Hampshire.

So I've had to ask myself over the last month, while this has been slowed down and slowed down and we haven't voted, why does this trouble me so? Why is it this issue on children's meals so troubling to me? So here's my immigrant story. My parents came to the country in 1940, they fled Germany, Jewish family, no choice. Stay, face extermination, leave, live the immigrant's story. Wasn't a dream. For their first twenty-five years in this country it was an immigrant's story. It's hardscrabble. Twenty-seven cents is what we expect a kid who needs a breakfast to pay to get that breakfast. That income that kid whose family income is between 20 and $30,000. I never had twenty-seven cents that I took to school in the morning. That would have been $1.35 a week. Lunch on the reduced meal plan, that's forty cents. That's another $2.00 a week. I was lucky. I lived right across the street from the elementary school. I could stay in bed a little bit later, I could eat breakfast. Breakfast was cereal. But I had breakfast, I walked across the street, and I think back about our New Hampshire kids. There aren't a lot of New Hampshire kids that live across the street from their schools. A lot of them board buses, a lot of

them are in transportation for a long period of time. A lot of them leave the household and may not have breakfast. Well we know that's true for 7,100 kids, who don't have–, well maybe it's true. But why should we even doubt that fact? Why shouldn't we know that all of those 7,100 kids have breakfast? Here's the point; if I knew that at the end of the month my family was going to be billed $15.00 for me to eat breakfast and lunch at school, would I have gone without a meal? And I would have, I think I would have. I wouldn't have wanted that burden on them. I never went without a meal by the way. I always felt that my parents were taking good care of me. But I walked back and forth to school for breakfast, for lunch. My mom came home from work, we had dinner. Would I have been that kid in the school waiting for the school bus to take me home and possibly going without a meal because our family income was between 20 and $30,000?

How do we help underachieving kids? How do we help underachieving schools? We make sure that kids are ready to learn. That's what this is about. We can talk about the money. This is about, is a kid who goes to school, the bell rings and they are ready to learn like every other student in their class. I've gone to schools, I've heard from those young ages, this kid comes from this kind of background. It's tough for this kid to concentrate in class. We shouldn't have kids starting school with insufficient food. Food insufficiency is something that we should take responsibility for. If families are in that kind of financial shape, we can do this.

We were told when this bill 590 was introduced to us how this was an important allocation of five and a half million dollars. To go towards children and family welfare in this state. This is $345,000 per year. We're already spending three cents. Three cents is what the state's putting towards that thirty cents that the Federal Government doesn't pay for. This is raising it by twenty-seven cents. We should be working together on this. We really should see this as a bipartisan effort. We saw Medicaid and granted advantage as a bipartisan issue. We see child and family welfare as a bipartisan issue. We should see a meal subsidy for families who are food insufficient for kids who need an equal start to their education, an equal opportunity, we should help underachieving kids, underachieving schools, food insufficient kids to have the same kind of opportunity as all other kids, as all other school districts that face better economic situations. I ask my colleagues consider this bill, consider this amendment, $345,000 on a $5.6 billion annual spend. In comparison to $5.5 million that we're putting towards children's welfare. This is a good investment. Thank you, Mister President.

Senator Bradley presiding.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in opposition to this amendment for a number of reasons. First we have a budget and while it might be tempting, we're responsible to try to adhere to the confines of that budget. That's the least important reason. Let's go to the New Hampshire Constitution. If the family is indigent to the point that they cannot afford twenty-seven cents a day, every single town in this state is required by the constitution to provide them with assistance. There isn't a town in the state that couldn't provide the money for a child to eat at school. The very best welfare programs are those that are administered locally by people who know the people that are in trouble, not 7,100 students with an indeterminate number, but we're going to fund it for everyone just in

case. That's not responsible tax policy or spending policy. No evidence was presented other than from those who engaged in the government aspects of gaining money from the taxpayer.

I have not heard from one child, from one teacher, from one principal from one superintendent and I have very poor schools in my district. Our communities take care of our poor. We don't need to overreach them and establish yet another state program, with taxpayer funding that removes the control of a very important aspect from those best suited to deal with it. I don't know what happens in the District 10 schools, I don't know what happens in your schools, I know what happens in mine and I also know and have every faith that when a family in need goes to the select board in our town or the welfare administrator in any of your towns that they will be taken care of. I trust those local officials, I believe in their compassion, I've seen it, as I've done it as a selectman. I'm a member of the school board. We take care of our children. To insinuate otherwise and to state that the state has an obligation to fill in just in case, is a specious argument. Our towns do an excellent job of caring and I submit to you that not a single town in your district or mine would deny twenty-seven cents a day for one child or ten children for a family that is in need. I ask you to oppose this amendment and support the bill as written. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you very much, Mister President. Once again I have spent a lot of time in schools and I'm not sure how many people have taught elementary school students for example in this body, but I don't know if you know how many people actually, how many teachers keep food in their drawers. They are not only buying supplies for their children, they are not only spending their own money on books for their children, but they're spending their own money on food, that's how the local, that's how it's being handled in many towns that don't have any extra money in their budget for something like this but they certainly aren't going to let a child go hungry in the morning before school. This is another one of those that I see as, the amendment is asking us to take care of children so now, so that we don't later have all the expenses that go along with getting behind in school, being labeled as disabled when in fact they may just be hungry. I have seen the children who cannot attend to what's going on in the classroom, over and over and over again because they didn't have breakfast. And they may not have had breakfast for several days. So I'd like to believe that we all care as much about the children whose families can't afford thirty cents or whatever it is for each child in their family, which of course then multiplies. I've been very fortunate never to be there but that doesn't mean I don't care about those who are. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: I rise having been at the hearing here and in light of what my friend from District 2 said, I would like to note that it was the great eloquence of Senator Stiles who spoke on behalf of, testified on behalf of this. We all know her extraordinary history in trying to provide nutrition for our public school children and I just wanted to make sure that we didn't leave with the impression that only people who were self-interested somehow were there to support this. And I'll also just note as well the experience I had when I invited Commissioner Edelblut to come to Somersworth, you know he was new to the job and I wanted

him to see the most recently opened kindergarten in the state and it happened to be in Somersworth and so we visited all the classrooms and you know how the commissioners like to get down on the floor and play with the kids and doing the good experience and then we gathered all the teachers, all five of the teachers of the kindergarten classes at lunch time and asked well you know what's the best effects of this and they said, well you know we're already seeing educational advances in first grade, we're seeing better test results you know this is really on social development so on but then one of the teachers jumped up and said we get to feed them twice. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise in opposition to the amendment. Been listening intently to the debate and you know I haven't heard one number of people who are actually not eating. I've heard 7,100 students that are eligible, but because they're eligible does not mean, nor does it equate to the fact that they may not be eating. Neither does underachievement as it was brought up. Underachievement does not necessarily equate to the fact or the possibility that they're not eating. We don't know and no one has bothered during this debate to bring forward a number. I heard the member form District 2 state that he had heard from a number of different ones that we haven't received any input. We've had people that have talked with their district, they said there's no problem. I mean we live in one of the best educated states in the country, we have some of the highest income in the country and the lowest unemployment. We're talking twenty-seven cents a day. I think any parent would be able to find twenty-seven cents to make sure that their child has a meal before they go off to school. When we sit here and we talk about local control, that's all I heard about yesterday. Gee today we don't talk at all about local control, about the local welfare offices taking care of these. You know there seems to be, you know depends on the debate that you want to have. But I don't see the need for this, the amount that's out there that would call for this. If we ever dug down to find out how many people actually need it out of those 7,100 people. Then it might be a question also is to what priorities there are in making sure that the children are fed before they go to school. Thank you, Mister President.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise to give my honorable colleague from District 11 some numbers. I checked with the Nashua school systems and there are 6,779 students on free and reduced lunch from elementary school through middle school through high school. Four of those schools feed a population of over seventy-five percent. Now with all due respect you know some of those may be getting a second meal, but I truly doubt it, and I do know from my campaigning from talking with the school system that these are children that really need these meals. Whether it's to do better in school or whether it's just to have a meal for the day. So there are some figures and if you want I'm happy to take any one of you on a tour of Nashua's schools so that you see the faces of these children that need this assistance to eat. Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you very much, Mister President. Mister President, I'd like to take the Senate back to 1973, when I sponsored the School Feeding and Nutrition Act. It was a very difficult act

to get passed and it took us almost the entire session to get it done, but when we finally got it done, the bill called for a couple of things. One was a meal, should be served in every school in the state of New Hampshire, a meal. And we were able to accomplish this because there was a situation in a city where one child was eating at one school but his brother could not eat at another school so we had a very, very much of a prejudicial situation. So we passed the bill. The discussions on the floor were should the family be responsible for feeding the child? Can't the child get a meal someplace else? All of these discussions have been hashed and rehashed and rehashed. But let me give you some numbers because I think numbers are important. We all like data, we're a data driven society.

Let me tell you about the schools that I represent in the city of Manchester that are in my district. Central High School, West High School, Parkside Middle School, Gossler Park School, Northwest Elementary School and the Parker-Varney School. For the month of September 2017 at Central High School, 1,592 free breakfasts were served. At West High School 1,738 free breakfasts were served. At Parkside, 696 free breakfasts were served. At Gossler Park 1,525 free breakfasts were served, this is over a fifteen day period. At Parker-Varney 3,210 free breakfasts were served. Percentage of the schools, I may not give that but for the month of October at Central High School 2,216 free breakfasts, at West 2,408, at Parkside 1,098, at Gossler 2,291, at Northwest 2,293, at Parker Varney 5,078. In the month of November at Central High School 2,064 free breakfasts, at West 1,948 free breakfasts, at Parkside 1,011 free breakfasts, at Gossler 1,994 free breakfasts, at Northwest 1,891 free breakfasts and at Parker Varney 4,292. This is aggregate over the month. In the month of December at Central High School 1,798 free breakfasts, at West 1,997, at Parkside 1,022, at Gossler 1,582, Northwest 1,506 and at Parker-Varney 3,705. My children all went to the Parker Varney School, my wife went to the Parker-Varney School as a child growing up in Manchester. I don't think I need to go through the rest of the months of January and February, but what I need to say is there are 328 homeless students in the Manchester School System, homeless. They don't know where they are. They don't know where they sleep, they don't know who's taking care of them.

Alright we talk about the wealth of our society and the ability to take care of people, well we have a difficult situation in the city of Manchester. There are children who depend upon the breakfast and the lunch. Many of these children get food packed up for them at the end of the day to take home. On Fridays packages are sent home with children. I'm just giving the emphasis of the need for the meal and the fact that they can't afford it.

We have a food pantry in St. Raphael's Church. I was married in that church, fifty-seven years ago. We have a food pantry on Mondays, Mister Majority Leader, we have a food pantry on Mondays, the line is out of the building. We have a clothing giveaway on Monday evenings. Father Jerome runs it, a Benedictine. These are in existence as we speak in the city of Manchester. On Tuesday I went to the breadline at New Hampshire Horizons, the breadline. It was out of the building, out into the street and the breadline on Tuesdays you don't have to say you're a citizen of Manchester. Anybody can go to the breadline.

So when we talk about thirty cents, who can't afford thirty cents, thirty cents times five if you have a couple of kids it becomes an expensive

situation and single parent families. That's a difficult situation. Then I looked at the truancy rate. The truancy rate in the city, 1,000 kids a day do not go to school. A thousand children a day don't attend. Why don't they attend? Is it because the family doesn't want to send them, are they embarrassed to go? There's probably 1,000 reasons. But a truancy rate of 1,000. There are children in our, my district, without this meal they're not going to survive, you know they're just not going to survive. And I can remember Chris Spirou telling me in the House back when and I think Mister President, you were there at the time. If it weren't for us feeding him, he wouldn't have survived. He was forced to eat breakfast and it was a free giveaway when he was in Greece.

So X number of dollars is required. I worked with Nancy Stiles in 1973, when she was President of the New Hampshire School Food Workers Association. We worked to get that bill through. I'm sure that the former Senator has been in touch with many of our colleagues here to speak for this piece of legislation. Thirty cents, not a lot of money, not a lot of money. This is how the numbers work out as we speak. The Federal Government will give us $1.75 for every free meal we serve. The state will put three cents in for every meal that we serve. If there is a severe case of abuse, severe the Federal Government will pay $2.09 for each free meal, the state will put in three cents. Three cents. I mean what can you buy for three cents today? What can you buy for three cents? You know when I was a kid you used to go in the subway and you went to the gum machine and for a penny you could get a piece of gum. That package of gum costs what a dollar today? So think about a three cent reimbursement. What can you buy for three cents? You can't buy anything for three cents. And if we didn't have the federal participation where would we be when you think of thousands and thousands of meals being served. So I ask my colleagues, think about it.

You know, think about your kids. Boy, I could tell you that when our neighbors came to our house, they hadn't had breakfast, my wife fed them. And we had a neighbor next door that had four kids, they were in our house all time for breakfast. All the time. My wife would make breakfast for them. When I was teaching and coaching I would bring kids home to my house to have breakfast, to have lunch, to have dinner. I had a family when I taught at Kennett High School in Conway where the father had to jack deer in the winter to provide enough food for the family. Those boys would come to my house and believe me when I tell you I lived in the back of a shoe store in an apartment that cost $55.00 a month, okay? Fifty-five bucks a month. The biggest room in that apartment was the bathroom. The kitchen the living room and the bedroom were very small. We would bring kids in to eat. So there is a need, there really is a need and we've got to address that need. We talk about the opioid problem, we talk about the alcohol problem, I could go on and on and on about that Mister President, but there's a need. And that need is omnipresent in the district that I represent. They need us, those children need us, those families need us. And indeed if we can do something to help them we ought to do it. Thank you, Mister President.

(The Chair recognized Senator Gray for a question of Senator Fuller Clark.)

SENATOR GRAY: In your testimony you pointed out that the effective date of sections 23 and 24 is July 1, 2019. I have a problem with trying to bind the future legislature with something that we pass today. If this bill were not inactive until the next session and still had an effective date of July 1, 2019 would anything be different for the children?

SENATOR FULLER CLARK: The reason that you have a bifurcated, fix on when the bill would take effect is one; to have the Department of Education file a request in the next budgetary two years for this additional money to be included in their budget to go for reduced lunch for children, but it wouldn't cover that lunch program until the years of '20 and '21. So it has the potential to take effect but it will again have to be considered as part of the overall budget. But we want to make sure it's a priority that goes forward in terms of shaping the budget for the next two years. I heard Senator Giuda say that he had difficulty as I understood it, with changing the budget for FY '19. We corrected that to make sure there was no misunderstanding, and that there are two parts to this legislation. Obviously if it doesn't make it through the budget, then there is no money to fund this program.

SENATOR GRAY: Again, I don't know that you actually answered the question, was that I understand from your answer that there would be pre-planning. But going through the budgetary process here, I believe all the things that you mentioned would happen next year if the bill were passed, so again I ask the question, would anything change so that students if this bill were passed next year with the same effective date?

SENATOR FULLER CLARK: No, but it would not ensure that it made it into the budget process.

(The Chair recognized Senator Feltes for a question of Senator Fuller Clark.)

SENATOR FELTES: Thank you for taking my question Senator Fuller Clark. There's some concern about potentially affecting the next budget. Didn't we in the prior budget that we just passed last year, that we voted against accelerate business tax reductions and therefore revenue loss in the next budget?

SENATOR FULLER CLARK: We certainly did.

SENATOR FELTES: And the state's share, can you say what the state's share of this would be and how much federal money would be able to come into the state of New Hampshire?

SENATOR FULLER CLARK: Yes I can do that. I have that in my original remarks. I would give it to you again and in responding to that, I feel it's important to also respond to the comment that was made that we can leave this to local communities to pay for children who aren't getting breakfast. The reality is local communities don't qualify for the federal share. They would have to pick up the total cost and in return it would impact on our property taxes. But this is what it would do. If the state would be expected over the next biennium to allocate $772,000 which would be automatically matched by over $2 million from the Federal Government and we know that since the 1970s, the Federal Government has decided that food insecurity for children is not an appropriate situation to leave our children in, and they have been promoting this program all over the country because they know how important it is that we invest in the next generation and that we all have a responsibility to partake in doing that.

I would agree that on one level, you know, as we heard any parent should be able to afford twenty-seven cents a day. But the reality is if you listen to the very fine remarks of Senator Kahn, that that's not the case and I would ask everyone here why are we punishing children because they

either have families that are irresponsible or they have families that simply are so economically stressed that they are looking for every assistance that they can get, and we're going to turn our backs on providing this money, the bulk of which comes from the Federal Government.

SENATOR FELTES: Thank you, Senator.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. I stand, I represent the towns of Hampstead, Windham and Derry, three entirely different types of towns. Very diverse. Derry, and I understand Windham and Hampstead, to say that we're turning our backs on our children, we are not. My towns take care of their kids. Derry provides breakfast and lunch to all their students. I understand, I'm waiting for Windham and I understand Hampstead does too. But to say that we're turning our backs on our kids. I'm not turning my backs on our kids. I support my towns so thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. Bromides and platitudes, the air is full of them today. The fact is the Senator from District 20. You stated thousands and thousands of children that are receiving free breakfasts. The system is working. To insinuate that Republicans are heartless and want to harm children is unconscionable. We are spending hundreds of millions of dollars on various programs in our state to help kids, okay? Prior Governor didn't. We established those programs, okay? And we are fulfilling our obligation to our children. I resent the insinuation that our communities aren't capable or willing to care for their children. I would submit that if a school sees a child that is starving at breakfast, maybe DCYF deserves a phone call. We have agencies in place to car for kids that are abused and I would consider starvation a form of abuse. I resent the insinuation that our towns are not capable or willing of caring for the families that live therein. They are the best qualified, the most knowledgeable and I believe the most willing to do the right thing regardless of circumstance, because when you put a program like this in the hands of the state or Federal Government, local control, accountability and effectiveness all go out the window. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: So, back to the Hinsdale School. To qualify for free and reduced lunch, welfare, I can't put myself in the welfare office, I just know that their first response really ought to be, did you file the papers for free and reduced lunch subsidy? That should be the first question right? And we know that families don't do that. We know it, we hear that in every school district. There's the embarrassment, there's the bureaucracy there's I have to declare my sources of income, when I'm working, if I'm not. And there are reasons people don't follow through with it. You've seen that commercial, Mom I got a job. You're Dad provided for us. It's on all the NCAA tournament games. That's the position that I'm trying to say, I would have found myself in. I think kids are in that, fifteen dollars a month. Mom, Dad, I could contribute that by going without a meal. Kids shouldn't be in that position. That's what we're talking about, that's what I'm talking about here. It's child's welfare, it's trying to just do something that'll attract money into the state that limits– School principals, superintendents shouldn't be going chasing the parents you know pleading to fill out the paperwork, due on your fifteen

dollars for this month and that month. Let's get on with the business of education and do the best that we can for the kids and the schools in our state. That's what $345,000 a year will buy us.

(The Chair recognized Senator Hennessey for a question of Senator Kahn.)

SENATOR HENNESSEY: Thank you, Mister President, and thank you for taking my question. I was hearing what the Senator from District 2 was saying about calling DCYF when children are coming in without breakfast. Do you think that would increase the likelihood that they would fill out forms asking for help or decrease?

SENATOR KAHN: I'm a little unsure, I do know that we are making an appropriation of $5.5 million which includes voluntary services, which we would expect then if a kid is neglected and the parent, and that's reported and we know that our schools will report neglect. Hopefully that family would receive the kind of assistance to make sure that they do that. But we also know that there are kids who are returned to their households and that paperwork is not completed, and those kids continue to struggle with their environment and in their school. Thank you for the question.

Without objection, Senator Birdsell moved the question. Adopted.

(The Chair recognized Senator Morse.)

SENATOR MORSE: Well, I oppose this amendment but I really stepped down to clarify something. You know when we're in committee, it was spoken about Salem. When we came to the Senate floor today it was spoken about Salem. If you don't think I didn't pick up the phone when it was first mentioned, then I picked it up again this week and called and asked where are we with this? I would have thought as a Senator I would have heard about it by now. I would have thought somebody would have called me as someone that's very involved in the community, certainly helps on all the organizations that Senator D'Allesandro talks about that are helping in his community and I was told there isn't a problem in my community. So to the Senators that suggested, I will go take that tour down there. Because I certainly when I heard about guns, I called my best friend on the school board and I said call Perry Plummer and get on this committee. I want your opinion, I'm not sure it's like mine, I didn't give a damn. But I asked him to do it.

And then as we talked today and we go further, there's no lock on our lives I can tell you that much. I ate toast with sauce on it and a piece of cheese and that was considered pizza. And cereal was dinner in my house. And my father had mental illness. So as we talk about are we doing enough for the people in the state of New Hampshire, we just passed a budget that I firmly believe doesn't put us back into 2008, ever. Ever. Because if you remember in 2008 we didn't have anywhere to go. We didn't have a bucket of money to draw on. We just raided accounts from there on in, to survive as a state. We weren't driving business into New Hampshire, we were upping the tax rates. And we're upping the fees. I firmly believe the reason that we're solid right now and remember, the liquor tax? Underperforming. Homes? Not selling as well. Business taxes? They're up. I know, I just paid my federal one. They certainly got more money towards the trillions that they're missing, out of me. But I felt obligated to do it, just like I felt obligated as a ten year old to do better than my Dad could do for the family. He couldn't provide a penny. When my mother first went and got that box of cheese it was the last time she went, and I've told many of you about that. She never

did it again. She was embarrassed. And I don't honestly believe there's a teacher out there that gives a damn if somebody fills out a form if a kid's hungry. I honestly believe they'd do it for them. I honestly believe they care. But what the debate comes down to is, we just passed the budget. This wasn't in it. And I love Senator Stiles, but the same Senator Stiles sent me a document that said on education funding eliminate the subsidies. So Manchester? You're done. Derry? You're done. That's 50 million bucks. I've already heard from both of you about the fact that I reduced it by 4 percent for twenty-five years. She sent that because it's a fairness issue. Well it's a fairness issue here too. We passed the budget.

You're about to vote on 8.2 million Senator Bradley, and I don't believe we can afford it, in three bills. It originally started at 4.5, I added a million dollars for the disabled community, TANF went away, rose up to 7 million. LBA gave me the score yesterday, it was 8.2 million. I don't believe we have it. I don't believe we should be spending it. Yet we're going to pass it out of the Senate today, probably with my vote, because the policies should pass. But this issue, we didn't talk about in the budget. The issues that are being finished up today and those three bills were certainly talked about in the budget and we said we're going to get to them and talk about them and we even said as a Senate, we don't believe the House is doing it right with the disabled community. We knew it we had a solution, but the House wouldn't accept it.

I can't support this because the reality of the whole thing is, I checked with my communities and they're telling me they're taking care of it. You know, you voted for the Boys Club to get funding, after school programs to make sure that kids were being taken care of after school. Single parent families, you voted to send them money. I can tell you who took it out of the budget, when I left here in '06. It was in there from me. It certainly wasn't us. They took it out because Morse put it in. And here we are this year we just put it back in because you know what; the best thing we could do is after school programs. Because for those families, they've got to work to the end of the day and there's nowhere for those kids to go.

This Senate has done a heck of a lot to put New Hampshire in a better position financially and to grow in the future. And as we debate issues like this, I firmly don't believe that anyone, I don't care what community you come from, has a lock on taking care of people and doing it better than the next. I know most of you and what you do in your life when you leave here. I know most of you call and say I've got to help someone else, I've got to do something. We've got to find a way. Isn't that what this state is about? I don't think we're doing anything today that isn't already being done. I don't support this amendment and I hope we can vote this down and move forward. And as we go to the House, I think we have work on these three bills that we're passing financially. Thank you.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Lasky, seconded by Senator Feltes.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Morse, Gannon, Innis, Bradley.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 9 - Nays: 14. Failed.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Lasky, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Giuda, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Morse, Gannon, Innis, Bradley.

The following Senators voted No: (None)

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

President Morse presiding.

SB 592-FN-A, relative to the child welfare system.
Ought to Pass with Amendment, Vote 6-0. Senator Reagan for the committee.

Senate Finance
March 20, 2018
2018-1153s
04/05

Amendment to SB 592-FN-A

Amend the bill by replacing section 5 with the following:

5 Department of Health and Human Services; Supplemental Appropriation.

I. The sum of $445,160, for the biennium ending June 30, 2019, is hereby appropriated to the department of health and human services for the purpose of funding the following positions, as either state employee or contract positions within the department:

(a) Eight child protective services workers, who shall be designated resource workers.

(b) Two licensed alcohol and drug counselors, who shall contract with the department.

II. The appropriation in paragraph I shall be in addition to any other funds appropriated to the department for the biennium ending June 30, 2019. The governor is authorized to draw a warrant for such amount from any money in the treasury not otherwise appropriated.

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 592 Ought to Pass with Amendment. This bill does four things: Excludes the costs of voluntary services from the parental reimbursement requirements under the Child Protection Act. Second, expands home visiting services and funds these services with federal TANF funds. And third requires the Department of Health and Human Services to use allowable TANF funds to contract with a family resource center of quality specialist. And fourth establishes a committee to study family drug court models. The committee amendment appropriates the sum of $445,160 to the Department for funding eight child protective service workers and two licensed alcohol and drug counselors. The Senate Finance Committee recommends passage of Senate Bill 592 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.

JUDICIARY
CACR 22, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights.
Ought to Pass with Amendment, Vote 4-1. Senator Carson for the committee.

Senate Judiciary
March 20, 2018
2018-1146s
06/04

Amendment to CACR 22

Amend the resolution by replacing all after the resolving clause with the following:

I. That the first part of the constitution be amended by inserting after article 14 the following new article:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2018.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2018 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2018 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting after article 14 a new article to read as follows:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2018 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

SENATOR CARSON: Thank you, Mister President. I move Constitutional Amendment-Concurrent Resolution 22 Ought to Pass with Amendment. Upon passage by the legislature the question of whether the rights of victims should be enshrined in our constitution or not, will be before our citizens in the next election. This amendment would make it a constitutional right that a victim be treated with fairness and respect in terms of their safety, their dignity, and privacy. Furthermore, upon request, the victim would also be afforded the rights to reasonable and timely notice of, and be present at court proceedings, that those proceedings be free from unreasonable delay, that they be afforded reasonable protection from the accused, to refuse an interview or deposition request made by the accused, that they would be able to confer with the State's attorney about the disposition of the case, that they would be heard at any proceedings involving the release, plea, sentencing, or parole of the accused, that they be reasonably informed of the release or escape of the accused, to full and timely restitution, and to be informed of all of their rights under this amendment.

Throughout the hearing and exec'ing process on this amendment there has been much discussion regarding what rights this will actually establish. To be clear, this amendment will not give victims the right to an attorney at the cost of the state, the ability to veto any plea agreements, nor any unnecessary or over burdensome protection for their physical safety provided by the state. At its core, this amendment will simply give victims a voice and a seat at the table.

I have sat as the chair of Judiciary for several years, and from time to time, I have heard firsthand testimony from law enforcement, prosecutors, victims, and the victims' advocacy community that our criminal justice system is stacked in favor of the accused or the convicted. Currently, the accused and convicted are afforded the protections of constitutional rights throughout the state and federal constitutions, while victims are simply protected by state statute. When these rights bump up against one another, constitutional rights always trump statutory ones, constructing this unbalanced system. In fact, the justice system has in many ways left the victim out, muting their voice and giving them no formal place in the process. New Hampshire is one of just 15 states that afford victims absolutely no constitutional rights. Victims deserve a justice system that is fair, equal and balanced, and that affords them no more rights than the accused or the convicted. They deserve a voice and they deserve to have that voice heard.

I have worked closely with Attorney General MacDonald and the Department of Justice on the committee amendment before you today. This amended language truly represents a New Hampshire solution to the inequity playing out in our courts every day. I want to thank my fellow committee members, Senators, and all the advocates who have worked on this issue, the survivors and their families who have bravely shared their stories to shed light on this issue. Ultimately, the question as to whether or not this language should be enshrined in our constitution should be answered by the voters, and it is time that New Hampshire's citizens be given the opportunity to make that decision. Therefore, the majority of the Judiciary Committee asks for your support for the motion of Ought to Pass with Amendment on CACR 22. Thank you, Mister President.

Recess. Out of recess.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I rise in support of CACR 22, I'm just going to call it 22, as amended. This is now a good bill. Actually it was a good bill before it was amended, now it's a really good bill. As my friend from District 3 as you often say, don't let the perfect be the enemy of the good. I learned, takes a little time. Mister President, I support 22 because I believe that our crime victims deserve a balanced and level playing field in our criminal justice system. When victims of a crime confront the justice system here in New Hampshire, they do so at a disadvantage. They're already feeling isolated, vulnerable from the harm that they've suffered at the hands of an offender. But once their case enters the courts those feelings are often compounded as the process they use behind victims, they're left voiceless and they are left alone. Offenders and their attorneys have numerous statutory and constitutional rights afforded to them within the criminal justice system, and this is rightly so.

All victims are asking for here is to be on the same level of rights, no more but also no less. Right now thirty-five other states have recognized this imbalance, incorporated some very basic rights for victims of crimes into their state constitutions. Twenty-two will provide equal rights for crime victims without taking away any rights from those accused and convicted of a crime. So if passed, victims of a rape would have the right to know when the rapist is being released or paroled. If passed an owner of say a pub restaurant, here on Main Street in Concord would have the right to know, I'm sorry, who has suffered a financially devastating burglary, would have the right to court proceedings free from unreasonable delay that could further harm their livelihood. All victims of a crime would have the right to be treated with fairness, dignity and respect. These might sound like simple courtesies that should be the norm in our criminal justice system. Unfortunately because victims lack state constitutional rights, they are not.

Over the last past month, our Judiciary Committee, thanks to our chair who has done an excellent yeoman's job, we have reviewed testimony from several victims and family members who describe the system that at best silences them and at worst re-victimizes them. As we learned in our committee CACR 22, also known as Marsy's Law, doesn't give victims veto power over the cases. It gives them a meaningful voice, it gives them a seat at the table. Nonetheless, some have come forward with concerns that CACR 22 might infringe upon the rights of the accused. One thing I found very productive in our committee hearings was listening to all involved and finding some significant compromises that will protect both the victims and the defendants and they are here in this amendment. The amendment supported by the attorney general's office is designed specifically to protect due process rights. In the spirit of compromise, it removed a directive that the courts enforce victims' rights in a manner no less vigorous than the rights of the accused. In addition the amendment requires victims to request specific rights, clarifying the existing opt-in system. It also narrows the times at which a victim may request to be heard in court and removes the right of a victim to refuse pre-trial discovery requests from the defendant. I believe these substantive changes strike the right balance between some different viewpoints. I'm hopeful that we can come together in support of this compromise. Although this measure has been implemented in other states, CACR 22 has many differences now and it has been designed to make it New Hampshire specific. This is a measure for the crime victims of our state, New Hampshire. It's in a manner to make it work best for us. In conclusion Mister President, Granite Staters are resilient people who value fairness. We don't like to be labeled as victims or to feel powerless and alone. But when citizens suffer because of a criminal wrongdoing, they deserve dignity, basic fairness and a voice in the judicial process. In New Hampshire, we rally around our neighbors when they are victimized. I hear that all the time from the good Senator up in the North, and that's the way it is in all twenty-four districts. In return, all they ask for is fairness and to have their basic enforceable rights. They seek to be notified, they seek to be heard. Basic judicial concepts. They deserve these rights and that's why I support the amended version of CACR 22 and I ask my colleagues to do so also. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise to speak in support of the committee amendment to CACR 22. In

passing CACR 22 as amended by the committee, we have an opportunity to ensure the most vulnerable citizens in our state are treated with fairness and respect that they deserve. Our legislature has a long and impressive record of working together to protect the rights of crime victims. But until we grant victims constitutional protections that are on par with the rights we provide those that are accuse and convicted, our system will never be truly just. CACR 22 as amended by the committee provides basic rights to victims of crime and gives direction and clarity to the courts about how to enforce these rights.

Each of the rights enumerated within this amendment serve a specific purpose and address gaps in our state's current system. The committee amendment is the result of extensive collaboration between the attorney general's office, the Judiciary Committee and stakeholders. It is truly a New Hampshire amendment and made considerable concessions from the original language. Throughout the amendment this language makes it abundantly clear that a victim must proactively, proactively request specific rights. They're not automatically applied as they have been in many other states, which was a problem. We fixed that. And this will most likely reduce the number of victims who assert these rights, reducing the overall impact on our criminal justice system. Rather than allowing a victim to request to be present at all hearings involving the criminal or delinquent conduct, it says that a victim may request to be present any time the defendant has the right to be present.

This change assures both parity and clarity. And in that same vein, the amendment narrows the time at which a victim may request to be heard in court, which again reduces the overall impact on our criminal justice system. Significantly, this amendment removes the right of a victim to refuse pre-trial discovery requests that come directly from the defendant. New Hampshire has an established procedure based in case law for courts to review documents that a defendant requests from the victim. This modification ensures that CACR 22 comports specifically with the existing New Hampshire law. Some have claimed that this amendment will somehow take away the rights afforded to those accused and convicted. This is simply not true. The amendment elevates victims' rights to the same constitutional level as the rights afforded to the accused and convicted. In the nearly forty years that states have had victims' rights in their constitution, there has not been a single case to show that providing victims with constitutional rights diminishes the rights of a defendant. Nor would those of us who care about civil liberties support an amendment that would do so.

Right now when a defendant's rights and a victims' rights come in direct conflict with one another, the court has to default to the constitutional rights. This amendment fixes this imbalance and allows courts to weigh the rights co-equally. Courts are accustomed to considering and conducting these assessments and making a fair determination. That is not something new for our court system. In fact CACR 22 as amended by the committee tells the court when victims' rights are applicable and how they should be weighed against the rights of the accused. Enumerating specific rights is both necessary for a victim's rights to be meaningful and to provide clarity to the courts. This amendment is clear and concise, striking a balance for a New Hampshire constitutional amendment.

You know, I've heard some say that this amendment is too long for our constitution. I'd like to point out that the New Hampshire Constitution

currently has five separate sections, sections 15 through 20, dealing with defendants' rights. This would simply add one section for victims. Victims' rights need to be clear and be given equal weight to defendants' rights. Particularly since victims have not had long standing constitutional protections like defendants have and therefore cannot rely as defendants can on pre-existing court interpretations of their rights. I know in many of my conversations with some of you there was concern expressed initially about the length of the amendment, but as I remind most of you, the language in our constitution dealing with defendants has been enumerated, has evolved and been interpreted in court cases and I daresay the stack of cases if we were to put them one on top of the other would probably be as tall as I am and I'm wearing heels today.

One of the most important pieces of this amendment though is the enforcement mechanism that it provides. CACR 22 as amended by the committee explicitly outlines that a victim has a constitutional right to be made aware of the rights they're afforded. How they may assert those rights and at which point during the criminal justice process their rights apply. I was proud earlier this year to testify before the Judiciary Committee in support of this amendment alongside a remarkable victim from my own district, John Cantin. John's daughter Missy was a victim of domestic violence who was shot and killed by her estranged husband. And when talking about the importance of providing victims with constitutional rights, John shared, when a family has lost their child like I have, there should be guaranteed equal rights to the murderer. They should be treated with fairness, dignity and respect. They should be part of the process. They never should be re-victimized by the criminal justice system itself. Each one of us has constituents like John living in our districts that have been victimized and we have a responsibility to each and every one of them to make sure that they face a system that does not ignore or silence them, that allows them to participate. You know there have been a lot of statements made about this amendment about its length, about what rights might be afforded. Some statements that I think might be misleading, some that I think frankly were untrue. But the fact of the matter is victims of crimes have been through enough and at the very least, they deserve a seat at the table, and they deserve to have their voice heard in this process. I believe this amendment as amended by the Judiciary Committee is clear, fair and a necessary New Hampshire solution. Let me emphasize a New Hampshire solution as redrafted to a New Hampshire problem. I would ask all of you to join with me in giving my constituent John Cantin, your constituents and all those that have been victimized in this state a voice in this process. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Avard, seconded by Senator Carson.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 22 - 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 CACR 22, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights.: Reconsider the vote on the Committee Amendment. Adopted.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Avard, seconded by Senator French.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 22 - Nays: 1. Adopted.

Senator Hennessey offered a Floor Amendment.

Sen. Hennessey, Dist 5
March 22, 2018
2018-1200s
06/04

Floor Amendment to CACR 22

Amend the resolution by replacing paragraph I with the following:

I. That the first part of the constitution be amended by inserting after article 14 the following new article:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an unnecessary interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting after article 14 a new article to read as follows:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an unnecessary interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court."

SENATOR HENNESSEY: Thank you. I was saying I really do respect and honor what everyone has said so far in this room. And I hope we will all respect each other's opinions on a matter as difficult as this. I think it's extremely important to balance the voice of victims with what is the best we can do, it may not be perfect, but what is the best good we can do for all. I just want to say before I sit down that part of what has made this so challenging for me is hearing from people pleading on both sides of issues and what I really needed was more time to have a discussion about it and I'm disappointed that it felt like this was, we didn't have that time. I'd also like to say that the other piece that makes it very difficult for me is that I was a victim of assault. As an undergraduate and at a previously all male college in the first class of coeducation, many of us were victims of assault. I believe I know what it's like to be a victim. Nonetheless, I am going to submit this amendment and another amendment later that I believe make this bill and this amendment even better. Thank you, Mister President. Oh I didn't even say what it was. I'm sorry. I take back the thank you, Mister President. If you look at the amendment on page 12 there is one word added. Line 12, page one, the line starts with refuse and we added unnecessary interview or deposition. That I believe I'm quite sure is reflecting the current statute, and I would like to add that one word. So to refuse an unnecessary interview or deposition request made by the accused. Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President I rise in support of Floor Amendment 1200s. I refer from my colleague from Manchester that this does not change existing law with respect to interviews and depositions, and discovery requests. This Floor Amendment makes that clear. The standard is necessity with respect to discovery requests and unnecessary is the language that's been incorporated here, so it makes good sense to make that clear so that we avoid any ambiguity or any uncertainty in interpretation. Everybody here I think understands that we're trying to codify existing law with respect to depositions and discovery requests. This makes it much more clear and so I support the Floor Amendment. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to speak against the proposed Floor Amendment 1200s. My friend from colleague 15 is correct. What is in statute is a necessary interview. Now if you look at what we just voted on, it says outright, to refuse an interview or deposition request made by the accused. That's very clear. They have the right to say no. Who here is going to determine what is unnecessary? Are you going to have to go to court? You're going to have to ask the court to tell you whether or not this is a necessary deposition. This weakens Marsy's Law as we just passed the amendment. I just Mister President, I'm just surprised after what we just passed, a very strong statement for victims' rights and now we're trying to water it down. And I would ask the body to join me in saying no to amendment 1200s. Thank you very much.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of this amendment. I think it is both appropriate and necessary and I refer to article 15 of the constitution which states, and I quote, "every subject shall have a right to produce all proofs that may be favorable to himself to meet the witnesses against him to face to face and to be fully heard in his defense by himself and counsel." Anything that would infringe on that other than that which is perhaps judicially mandated for the protection of minors or other situations that are extraordinary, I think would cause harm to the intent of this and also to the constitutionality of it. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Just briefly, if we are doing what we say we're doing with respect to the committee amendment, existing law would have a court determine whether or not it's necessary to have a deposition. So this just clarifies, it makes it clear so that anybody on the ground when they're interpreting this knows what we are thinking with respect to this provision. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: I would like to point out that during the public hearing we had testimony about how the interview or deposition process is being used to continually batter victims. This is in here, this absolute right to refuse is there to protect victims from being battered again and again and again by the accused or the accused attorney. And I want to make that point very, very clear to everyone. And think of this, if you have been someone who has been assaulted or you have been raped, physically harmed in some way, you're going to get dragged into court,

another expense by the way, to face this person. You are being told you must sit across from the person who has violated your very person and why? So they can depose you. We are only one of seven states that allows this pre-trial. Mister President, I would ask you to please say no to this amendment and protect victims' rights and protect what we just passed. Thank you very much.

(The Chair recognized Senator Lasky for a question of Senator Feltes.)

SENATOR LASKY: So Senator, if adding this word to this would not take away the ability for the victim or anyone to have a deposition then would it? It just means an unnecessary request, correct? And again I have concerns as our colleague from District 14. How would unnecessary be determined?

SENATOR FELTES: Thank you very much for the question, Senator Lasky. Unnecessary is going to be determined based on whether or not it's unnecessary which is existing state law. Necessity of the deposition is evaluated by a court, it's quite frankly, rarely granted and in my view if you want to codify the existing law, which is what the intent is, and quite frankly the intent of people, the proponents of this bill, so then let's just add the word. It clarifies things and makes it clear. I respectfully disagree, it doesn't change things other than the committee amendment. It makes it clear, existing law.

SENATOR LASKY: The question I had about depositions, it does not change the ability for that to happen, unless the victim refuses to?

SENATOR FELTES: Correct, so under this, Senator Lasky, if the victim wants to refuse a deposition it would go through the same process as of right now and they can refuse it, if that deposition is not necessary. So it's the same standard right now, it's a high standard to meet for the accuser to get the deposition, it's rarely granted under existing law, this codifies existing law.

SENATOR LASKY: This would enshrine it in the constitution, what you say is happening now?

SENATOR FELTES: Yes.

SENATOR LASKY: Thank you.

(The Chair recognized Senator Carson for a question of Senator Feltes.)

SENATOR CARSON: Thank you, Senator for taking my question. If this is something that is rarely given, why do we need to do this?

SENATOR FELTES: Thank you very much, Senator Carson. There is due process rights and other constitutional rights for defendants to be able to undertake discovery where it's necessary. And under existing state law, you've got to go through a process of demonstrating that it's necessary. This just makes it clear. But I thank you, Senator Carson for all your great work on this. Senator Soucy and others have articulated which is that we want to codify state law with respect to this.

SENATOR CARSON: Senator, you know again, I think in the amendment we very clearly said that they have the right to refuse and I think by adding this language here it makes it unclear and I think that again, would you believe I guess or there's a question in here someplace. Would you agree with me, that it states here very clearly they have the right to refuse? In the proposed amendment it says well, you know the defendant can still do this and you're going to have to go to court and you're going to have to face me, which is probably what

most victims don't want to do. This can be used as a tool and I think we all know in the past that it has been used as a tool to batter victims. Would you agree with that?

SENATOR FELTES: Senator Carson, that's why only necessary depositions are allowed and that's exactly what the Floor Amendment does.

SENATOR CARSON: I respectfully disagree. Thank you very much, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you for the opportunity to speak. I support this amendment because without it we run the risk of foreclosing on the rights of the accused that are guaranteed under article 15 creating a constitutional conflict that will have to be adjudicated over time. It's a direct head on. You have a right and then this amendment as written says no you don't. When you put in unnecessary as explained by our colleague from District 15, already exists the legal qualifications, though rarely used, the bar is high in court meaning a judge would have to say you know that's a valid request and though it's unpleasant it's still constitutionally required. That's a very high bar, so I'd ask you to please support the amendment. 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, Giuda, Watters, Hennessey, French, Sanborn, Daniels, Avard, Lasky, Feltes, Reagan, D'Allesandro, Fuller Clark, Innis.

The following Senators voted No: Bradley, Gray, Ward, Kahn, Carson, Soucy, Birdsell, Gannon, Morse.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 14 - Nays: 9. Adopted.

Senator Hennessey offered a Floor Amendment.

Sen. Hennessey, Dist 5
March 22, 2018
2018-1196s
06/10

Floor Amendment to CACR 22

Amend the resolution by replacing paragraph I with the following:

I. That the first part of the constitution be amended by inserting after article 14 the following new article:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense is committed or who is directly and proximately harmed by the commission of the offense. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole

of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting after article 14 a new article to read as follows:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense is committed or who is directly and proximately harmed by the commission of the offense. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court."

SENATOR HENNESSEY: Thank you very much. In this amendment there is a word omitted from line 6 on the original pad. If you read across it said criminal offense or delinquent act is committed or who is directly and approximately etcetera, etcetera, so or delinquent act are the three words that are omitted in amendment 1196s. So instead it now reads a victim of crime includes any person against whom the criminal offense is committed. It doesn't say the criminal– Line 5 and 6, the words were taken out on line 6 after criminal offense it said or delinquent act. So those

are the three words I took out; or delinquent act. In the current statute RSA 169-B, the juvenile justice system it's carefully implemented differently from the adult system and I believe that they should be different.

It lays out distinct victims' rights in cases of violent and non-violent crimes as well. So the substantial difference in a victims' rights between non-violent and violent juvenile offenses are completely eliminated the way the amendment is written and the amendment we passed. The result would lead to severe erosion of the confidentiality needed for the juvenile system to function and the current goal to provide restoration and rehabilitation for our youth. It is well known now that juveniles' brains are different from the brains of adults. Juveniles seventeen and under, their brains are not as fully developed. And I think it's extremely important that we are providing adequate rehabilitation and restoration for those who really and truly have an opportunity to be rehabilitated, for our youth. It also provides increased pressure as it is written now for punitive actions against juveniles. This would be compounded exponentially if the prosecutor were to be, as she or he could be under the AG's and Senator Carson's amendment, with representing the victim during any part of the proceeding. I urge you to consider Floor Amendment 1196s. Thank you, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator Hennessey.)

SENATOR SANBORN: Senator, thank you so much for taking the question. I want to make sure I understand you because I may be a little confused. So are you suggesting that you'd like to take out the or delinquent act on line 2, which if I'm reading this correctly would exclude all juvenile crime from the same protections you're trying to embody within Marsy's Law today that would not have the protection of victim rights if you remove that for juveniles?

SENATOR HENNESSEY: Well, no I don't agree with the way you phrased that. I believe that the way that the statute now protects juveniles should be retained. And it does.

SENATOR SANBORN: Senator, thank you very much. And I respect your opinion but I'm not sure I agree with your preposition on the fact that if we're contemplating a constitutional amendment, specifically to give protection to victims by removing juveniles from the protection, which is what this would do, would remove them from having the victims' right protections from underneath the constitutional amendment. Please help me explain this.

SENATOR HENNESSEY: It removes the delinquents who are the accused from being under this same overall victim protection. So, I mean the victim– What am I trying to say, I'm so flummoxed. A victim of a crime would include somebody who has any person against whom the criminal offense which assumes is committed or who is directly and proximately harmed, so yes if you had a sixteen year old as opposed to an eighteen year old, one would be seen under the current statutes, which also have victims' protection and the other, and I believe should be done differently because we, as it is now, we treat juveniles differently and I think that we should. Treat them differently than adults.

SENATOR SANBORN: Thank you.

(The Chair recognized Senator Giuda for a question of Senator Feltes.)

SENATOR GIUDA: Can a juvenile commit a criminal offense?

SENATOR FELTES: Well he can commit a delinquent act.

SENATOR GIUDA: I'm not familiar with the law. The reason for my question is, I'm wondering if removing delinquent doesn't accomplish the objective of the Senator from District 5.

SENATOR FELTES: Thank you very much for the question, Senator Giuda. Based on my reading, based on what I have heard, my understanding of the Floor Amendment is that taking out delinquent act would take out the application of this to victims for the victims of a delinquent act of a minor. So that's my understanding of the Floor Amendment. I hope that answers your question.

SENATOR GIUDA: It does.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Gray.)

SENATOR GRAY: When I look at the amendment 1196 and I look at the amendment that was just passed 1200, I notice the language in 1200 is not contained in 1196 and it would appear to me that we would undo by passing this the language that we just passed.

PRESIDENT MORSE: You're absolutely right, Senator and you could have pointed it out in speaking, you didn't need– But we'll continue.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. That was my same concern.

(The Chair recognized Senator French.)

SENATOR FRENCH: That was my observation.

(The Chair recognized Senator Gannon for a question of Senator Hennessey.)

SENATOR GANNON: Senator Hennessey, it's been a while, I think thirty-five years ago I was involved in a juvenile case. It was a heinous case and at that one they had a transfer hearing, there was some group of boys they did whatever they did and at the transfer hearing some were fifteen, some were fourteen, some were sixteen. Are you going to take all of those, are you going to let people be tried as adult if they do a heinous crime at a certain age, or are you saying that even at seventeen you can't be transferred, which I think would be a change to the law? Maybe Senator Feltes could help me with that. If you can't, Senator Hennessey.

SENATOR HENNESSEY: I mean I can tell you my interpretation of it but I don't think it changes.

SENATOR GANNON. My first would be to you, do you want to take everyone out if someone at seventeen that does a heinous crime?

SENATOR HENNESSEY: If it's been deemed that they be tried as an adult then they would still be tried as an adult.

SENATOR GANNON: And then Marsy's Law would apply to them?

SENATOR HENNESSEY: That's right.

SENATOR GANNON: So even at sixteen, fifteen, fourteen?

SENATOR HENNESSEY: If the court decides they should be tried as an adult.

SENATOR GANNON: Thank you.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Whether or not you're voting yes or no on this Floor Amendment, regardless of how you feel about it and how you're going to vote, assuming it passes, is the Clerk authorized to make adjustments reflecting the fact that we just passed a separate amendment and make those kind of adjustments?

PRESIDENT MORSE: It would be the Chair's determination that it's a flawed amendment. So you would, can spend the afternoon correcting it. So, right now the way the amendment's presented it wipes out what just happened and that's what you're voting on. So if you want to withdraw this and correct it, you can do that.

Recess. Out of recess.

Senator Hennessey withdrew Floor Amendment 2018-1196s.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
March 22, 2018
2018-1181s
06/04

Floor Amendment to CACR 22

Amend the resolution by replacing paragraph I with the following:

I. That the first part of the constitution be amended by inserting after article 14 the following new article:

[Art.] 14-a. [Rights of Victims of Crimes.] A victim of crime has the right to be treated with fairness and respect for the victim's safety and dignity, the right to fair notice of relevant proceedings involving adjudication of an accused's guilt, sentencing, and post-conviction release of a convicted defendant, and the right to be heard at such proceedings, all of which rights shall be enforced consistent with the rights guaranteed to others involved in the criminal justice system.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting after article 14 a new article to read as follows:

[Art.] 14-a. [Rights of Victims of Crimes.] A victim of crime has the right to be treated with fairness and respect for the victim's safety and dignity, the right to fair notice of relevant proceedings involving adjudication of an accused's guilt, sentencing, and post-conviction release of a convicted defendant, and the right to be heard at such proceedings, all of which rights shall be enforced consistent with the rights guaranteed to others involved in the criminal justice system."

SENATOR GIUDA: Thank you, Mister President. I've been in a constant conversation with retired Justice Conboy of the State Supreme Court, working in collaboration with Professor Scherr from UNH. The words in this amendment are theirs. They are recognized as eminent scholars and participants in, for decades, our judicial system. Their concern is that the language in the committee amendment and as the following amendments opens to interpretation things that will be challenged when what we're really trying to do is establish a constitutional basis for victims' rights.

This amendment would do that. It would then allow the legislature to craft laws very similar to but probably better the existing victim rights statutes in chapter 21 of the statute. And so it's brief, but encapsulates the concept of victims' rights and enables the legislature to put specifics into the law. It also enables us to use that constitutional basis for these rights as a reason for a remedy for them. It isn't specific, and in being non-specific it enables us as legislators to enact laws and as in the future terminology, the nature of crimes, new laws and constitutional interpretations both at the state and national level will take place.

We won't have to amend the constitution every time a word or a phrase or a concept is amended at the state level or the federal level in the Supreme Courts. Wording is very simple. Victim of a crime has the right to be treated with fairness and respect for the victims' safety and dignity. The right to fair notice of relevant proceedings involving adjudication of an accused guilt, sentencing and post-conviction release of a convicted defendant. The right to be heard at such proceedings all of which rights shall be enforced, consistent with the rights guaranteed to others involved in the criminal justice system. It's deliberately crafted to be non-specific to avoid the legal conflicts that will ensue from the language in the current amendment. And I have utmost trust in the competency and the good intentions and the legal knowledge and the drafting ability of a retired Supreme Court justice and the eminent scholar of the law, Professor Scherr. Thank you, Mister President.

(The Chair recognized Senator Avard for a question of Senator Giuda.)

SENATOR AVARD: Senator Giuda, thank you for taking my question and thank you for bringing this amendment forward. Is it your understanding that without this amendment all of which rights shall be enforced will not be enforced? Is that your understanding? I notice that you have that in these words.

SENATOR GIUDA: We're leading into my next amendment but the answer to this is yes. Under present law, under the proposed amendment the victim is afforded rights up until the point that the victim is re-assaulted or murdered or in any other way victimized, at which point the state, which is the sole entity under the amendment constitutionally authorized to apply those rights and responsible for providing those rights is indemnified from any accountability for failing to do so. So we say you have rights as long as you're alive, but if you get killed or maimed, then sorry. You don't have recourse. I think that is simply unacceptable, if we're seeking to really enshrine women's rights and the rights of victims and children in the constitution we do it in such a way that a failure to enforce those rights brings accountability. Else we have a paper tiger that sounds good and makes us feel good but produces no improvement whatsoever from the status quo. Thank you.

SENATOR AVARD: Thank you for taking my question again. One of the comments that was brought earlier in bringing this constitutional amendment was the fact that Marsy's Law will allow the victims to be heard. Do I read correctly that this also guarantees the right of the victim to be heard?

SENATOR GIUDA: Absolutely. And the right to be heard in such proceedings.

SENATOR AVARD: And shall be enforced?

SENATOR GIUDA: Correct.

SENATOR AVARD: Thank you, Senator.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I haven't fished in a while, I might need to go up North with the Senator from District 1. There's a couple terms way back again to law school. Void for vagueness comes to mind. Fairness, respect, dignity. There's no teeth, you've taken away the victims right to privacy, the right to notice, their right to, they're not at the table anymore. They are not protected from the accused. It's an empty bag here. Fairness, respect, dignity are so vague, they give the defendant no rights. Are we treating them fair now, are the being respected now? The amendment and the bill as amended give specifics. This is so vague I know I'm only a night law student who graduated but I did pretty well in com law and this would fail. It would fail any first year law professor's if they had to write a bill. All respect to the good ex-Supreme Court but this is horrible. Again, you are taking, it is three legged chair we were making, the victim was going to have seat at the table, and you've taken everything away from them. So this would just destroy the day. Thank you.

(The Chair recognized Senator Fuller Clark for a question of Senator Giuda.)

SENATOR FULLER CLARK: Senator Giuda, did you present this amendment to the committee?

SENATOR GIUDA: I can't hear you, Ma'am, I'm sorry.

SENATOR FULLER CLARK: I wanted to know if you presented this amendment to the committee.

SENATOR GIUDA: The amendment was presented, I believe to the committee.

SENATOR FULLER CLARK: And would you tell me what happened to this amendment in the committee?

SENATOR GIUDA; It was voted down I believe 4-1. It was not seconded, that's right, it was not seconded.

SENATOR FULLER CLARK: Thank you very much for answering my question.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. There's been a lot that's been said about this amendment and I'm rising to ask the body to not accept this amendment, because it's basically what I like to call Marsy's Law Light. It's a light version of the other. And it's too vague and I would like to just show all of you, we tend to give these to the children who come to visit us when they're in fourth grade. If you at the New Hampshire Constitution, the first part; Bill of Rights, there are thirty-nine stated rights. Some of them are one sentence, some of them are paragraphs. This is just a very simple paragraph but just very vague. If you look at our federal constitution, which by the way is really kind of interesting and I'll put my historian hat on here, because when you talk about the ratification and the arguments that surrounded our federal constitution. There was a huge argument between the Federalists and the Anti-Federalists about whether or not to include a Bill of Rights in our constitution. Thank God that Thomas Jefferson and the Anti-Federalists won the debate. Because we now have enshrined in our constitution the first ten amendments which considers our Bill of Rights. And we always have great arguments about those rights; Free-

dom of Speech, Freedom of Religion, very clearly stated. If you look at this amendment, one thing that's glaringly different is they've taken out the victims' right of privacy. That is very, very concerning. Just because you become a victim, do you lose your right of privacy? I would argue not. I would think you would want to protect that victim's right to privacy, but this amendment basically guts that. There's a couple of other points here that I'd like to, points I'd like to make, and it's on line 6, and it says the right to fair notice of relevant proceedings. Well who gets to decide what's relevant? It's going to be the court. And part of the problems that victims face is the delay, the delay, the delay tactics of the defense. To put this off and in fact we heard from someone during our public hearing, that a young girl came forward at age six to say that her grandfather had sexually molested her. He was able to successfully put that trial off until she was ten years old, excuse me, twelve. So let me ask you the visual here. You have a six year old little girl sitting there talking about what happened to her versus a twelve year old. And finally it wasn't finally adjudicated until she was eighteen years old. Let me ask you, was that fair to the victim? I would argue that it was not.

One other thing that's been brought up has been the indemnification of the state. Well, during the public hearing we heard that Oh my goodness, this is going to create a situation where somebody's constitutional right was violated and now they have the right to sue the state and what if they're poor, we're going to have to provide them with an attorney, and this is going to put a huge burden on the state budget. Well, in the spirit of compromise we took existing language, it's already in statute, to indemnify the state. Does this mean that people cannot bring a case against the state? Of course not. People sue the state all the time. But what it does do is when you stand in front of a judge and you say; Judge my constitutional right was violated. I was not heard in this proceeding. That carries more weight than someone saying well, your honor, they violated RSA so and so and so and so. We heard from Thomas Velardi, who's the Strafford County Attorney and he said the statute regarding the victims' rights evaporates, it evaporates in competition against the constitutional rights of the defendant. All this does, the amendment that we have voted on by the committee, is attempts to balance. This is too vague, it's too, too vague. And victims are going to find themselves in court over and over and over again as that case law gets established. That's unfair to the victims, Mister President. It's very unfair and it is yet another delay, delay, delay tactic to keep the victims out of the process and keep them out of the court. Thank you very much, Mister President.

(The Chair recognized Senator Soucy for a question of Senator Carson.)

SENATOR SOUCY: Senator, could you tell me in this amendment that's before us who is a victim? I've looked for a definition and it' unclear to me who would actually be a victim under these circumstances.

SENATOR CARSON: Thank you very much for that question, Senator. I would argue that it doesn't even define what a victim is. So what are we talking about here? Did I answer your question?

SENATOR SOUCY: You did, thank you.

(The Chair recognized Senator Avard for a question of Senator Carson.)

SENATOR AVARD: Senator, thank you for taking my question. I've heard that the phrase right to be heard, but I see on line 19 that it does say that the victim basically has the right to be heard at such proceedings, all of which shall be enforced. So there seems to be some teeth into this. Help me understand this.

SENATOR CARSON: Okay. Thank you, Senator. And again we have two documents, we have proposed amendment 1181s that says that the right to be heard at such proceedings, okay? What does this amendment say? It says, and it's very specific, it names all of those rights, much like we see here. Let's see, they have the right to be treated with fairness and respect for the victims' safety, dignity and privacy and upon request, because remember this is opt in, to reasonable and timely notice of and to be present at all court proceedings. This does not say anything about that. Including post-conviction proceedings on the same basis as the accused, to proceedings free from unreasonable delay, and again we've changed this, it says here to refuse an interview or deposition request made by the accused, to confer with the attorney for the state about the disposition of the case, to be heard at any proceedings involving the release, plea, sentencing and parole of the accused, to reasonable notice of the release or escape of the accused, to full and timely restitution and to be informed of all rights under this article. You have that and balance that with the right to be heard.

SENATOR AVARD: Recently we passed the rape shield bill and that was to protect privacy. How does this affect that? Marsy's Law?

SENATOR CARSON: I would think that it would enhance it, Senator. Unfortunately, if we had had victims' rights at that time that were constitutional rights that decision by the Supreme Court probably would have not gone forward. That dragged the family back into court. After someone had been found guilty of murdering their child, they had to go back in and defend their daughter's privacy.

SENATOR AVARD: And so based upon what you said, there are certain protections for victims that we as a body have passed?

SENATOR CARSON: Yes, Senator. Again, I would say yes they are, but again I would go back to the testimony that we had from Mister Velardi. The statute regarding victims' rights evaporates in competition against the constitutional rights of the defendant.

SENATOR AVARD: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. With respect to the Senator from District 23, there are rights enumerated in this. The right to fair notice of relevant proceedings, relevant meaning anything related to the case as it's moving forward. The right to be treated with respect, fairness and respect for the victims' safety and dignity. The right to be heard at such proceedings, meaning any proceeding involving the adjudication of an accused guilt, sentencing, a post-conviction release of a convicted defendant. All of its rights shall be enforced consistent with the rights guaranteed to others involving the criminal justice system. This balances this amendment. So your statement, Senator was utterly incorrect and misleading. There are specific rights enumerated in this amendment. The next thing this amendment does, it puts teeth into Marsy's Law. It gives enforcement a place where the current amendment removes the ability in the event of the most egregious breech of the victims' rights, the re-offense, the murder, the rape, whatever it is. And we indemnify the very people and the only people responsible for enforcing those rights from the failure to do so with horrific potential consequences.

This does a wonderful job of protecting the system as it changes nothing, it puts nice words into the constitution and then removes accountabil-

ity for failure to exercise those words. We already have victim statutes, twenty-three items and one I would call it an adjunct item, that are not being enforced but putting it in the constitution will not bring enforcement, but neither the constitution nor the statutes are self-enforcing. They require human interaction and when that interaction fails, and a victim dies, we do a great disservice to the women, the children, the men whoever it is that the victim might be. Because we will have knowingly put into the constitution an escape clause from accountability for failing to enforce the very things we say we're providing. I cannot support this language in the current amendment. I ask you to implement a constitutional amendment that gives broad authority, establishes specific rights and achieves a remedy if those rights are not exercised by the only authority, law enforcement, parole, sheriff's departments, judiciary with horrific consequences to the very victims we're trying to protect. I ask you to support amendment 1181s to CACR 22. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. Again, this, the amendment that the committee passed incorporates statutes that we currently have. This is based on New Hampshire law. We heard from Attorney Ward from the AG's office that many police departments, the courts, they're already doing this. This is already happening today. Many, even police prosecutors, police departments have victims' advocates on staff to help people so we're not re-creating anything really new. We are taking statutes that in some instances we have voted for, and putting them together as a constitutional amendment to protect the rights of the victims. I've already spoken to why the indemnification is in there. It doesn't stop anybody from suing the state, they can do so if they choose to. We, the state, are just not going to pay for it. We are not going to provide them an attorney. And that, again, that language is in place in various statutes that we have. So it is not something new that was created just for this.

And again Mister President, I just want to go back again to what Attorney Velardi said; the statute regarding victims' rights evaporates in competition against the constitutional rights of the defendant. If you don't state and be specific what those rights are, you will find yourself constantly in court. And again, that comes back to delay, delay, delay. And we don't want that. We don't want that for the victims of crimes here in the state of New Hampshire. Earlier we heard testimony about the learned scholar, Judge Conboy, who by the way did not come in to testify to the committee. But we did have testimony from Attorney Chuck Douglas, another individual who has served on our State Supreme Court. And he said victims should be treated with respect for their safety, dignity and privacy. Make no mistake, this proposal and this proposal that he's speaking of was an amendment that was brought forward that was a little bit longer than this but basically the same thing, would render the constitutional amendment meaningless and would lead to decades of litigation over its true intent. If you want to treat victims with fairness, respect and safety, you need to do more than just say it. He goes on to say that this amendment is a poison pill that would invalidate the proposed rights of the victims under CACR 22 and would maintain a system where the rights of the defendant and criminals are given greater weight than the rights of the victim. Thank you, Mister President.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I, as a member of the Judiciary Committee am, you know, have been living with this bill. This was presented to us the first week of February and in all fairness I don't believe there is one person that came in to testimony or one person that I have heard from. Because I've struggled with this. One person that I've heard from of all the stakeholders who hasn't said no we don't need any kind of victims' rights. I believe that the issues have been as to how to best achieve that. When we are putting something or plan to put something in the constitution, that is one of the most serious things I believe that we do here as a legislator. And I believe that this committee has looked at it very seriously has brought in you know, stakeholders again and people that are concerned with this. And certainly any one of us, there has been no dearth of people who have not come in to my office if I've asked them to explain one thing or another. I'm not an attorney, so there are things in the law that do need to be explained. What I want to say is that I do think that the product we have, while not perfect, is certainly a good start. And this will go on to the House, they, you know what the House does, they will have you know, four-hundred opinions, as it should be. And I think that again, the subject matter is certainly worth, it's worth all this debate, it's worth anything we can put into it, but I do believe at this point in time that the committee has worked long and hard, we've tried to balance and that's what this is about; balancing the victims' rights with the defendants' rights and it's very serious business but I do think and as I said, I haven't heard from anyone that something does not need to be done. So I urge you to pass the amendment as presented by the Judiciary Committee and I do believe that that's the best way to go. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. When a statute conflicts with the constitution it should evaporate. That's why we have a constitution. Is to make sure that laws aren't made by people with unjust purposes that do not reflect the values established by the founders and changed or removed or improved over the centuries. Chuck Douglas is an honorable jurist, Chuck Douglas is very well paid for the testimony, he is a paid lobbyist on this issue. He was paid to say what he did, and he's a friend of mine. He appeared in my office with an orange badge saying you should vote for this. And I said no, because it does not solve the problem. It elevates language, then it takes the teeth out, just like the existing statute does, so that victims when most egregiously offended by a parolee who then rapes or murders, have absolutely no recourse and the state has failed to provide them the notice, the state should be held liable. It's just that simple. We make people feel good with this language, we don't accomplish anything, we elevate a statute into constitutional standing. And we also with the only, only language in the entire constitution despite various statutory exemptions, this is the only amendment that places an exemption for those who fail, into the constitution. The only place in that entire document. We have numerous places in the law where we provide immunity, partial immunity or it's implicit. In this case we're making immunity a constitutional right for those who failed to protect the people we're trying to save. That's unconscionable. I ask you to support this amendment and then I'll introduce a later amendment to rectify. Thank you, Mister President.

(The Chair recognized Senator Avard for a question of Senator Carson.)

SENATOR AVARD: Thank you for taking my question. I just, with regards to the immunity of those that fail to enforce this. Do they still have immunity?

SENATOR CARSON: This says that they do, but you can sue anybody for anything, anybody will tell you that. It won't be for a criminal offense, but it could be for a civil offense.

SENATOR AVARD: So if the state fails to enforce these constitutional rights, where does the victim go?

SENATOR CARSON: Thank you for your question. As I said earlier, the victim can go in front of the court and say my constitutional rights were violated. I was not given the right to be heard or whatever they claim has been violated and the court has to address those.

SENATOR AVARD: So then if the court fails the victim by not helping the victim with the constitutional right under Marsy's, can the victim sue the court for failing to, because they failed the victim?

SENATOR CARSON: Senator, now you're really getting into the weeds, I am not an attorney, and I don't pretend to be one. But if you remember we had Mister Ward in our caucus this morning talking about the fact that the judges oftentimes ask the victims, did you participate in this, where's the victim, had they been heard, so again, we're not creating anything new. These are things that are already happening in our court system now. We're just saying okay we're going to put them together, they will; be in constitutional amendment that recognizes the victim and when we look at that scale of justice because right now it's like this. All constitutional rights belong to the accused. The victims have nothing. It's an attempt to try to get a balance and that's all this is, is to recognize that victims have rights as well. Not affecting anything that is attached to the defendant, but they have rights as well.

SENATOR AVARD: Thank you, Senator.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. The committee amendment as amended states this section does not create any cause of action for compensation or damages against the state, any political subdivision of the state any officer, employee or agent of the state or any of its political subdivisions or any officer or employee of the court. Black's Law defines damages as, and I quote, "A pecuniary compensational indemnity which may be recovered in the courts by any person who has suffered loss detriment or injury whether to his person, his property, his rights through the unlawful act or omission or negligence of another." With this language we foreclose on the ability of a victim to sue the court and deny them the most essential of rights, that being life and safety.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator French, seconded by Senator Avard.

The following Senators voted Yes: Giuda, French, Sanborn, Daniels, Avard.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 5 - Nays: 18. Failed.

Recess. Out of recess.

Senator Bradley moved to Lay on the Table CACR 22. Adopted.

SPECIAL ORDER

Without objection, the following bill is special ordered to the current time. Adopted.

FINANCE
SB 541-FN-A, establishing a fund to reimburse costs associated with firefighters who have cancer.

FINANCE
SB 541-FN-A, establishing a fund to reimburse costs associated with firefighters who have cancer.
Ought to Pass with Amendment, Vote 4-2. Senator Daniels for the committee.

Senate Finance
March 20, 2018
2018-1156s
08/04

Amendment to SB 541-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Commission to Study the Funding and Operations of the Presumption Under Workers' Compensation Requiring the Reimbursement of Costs Associated with Firefighters who Have Cancer. Amend RSA 281-A by inserting after section 17 the following new section:

281-A:17-a Commission Established.

I.(a) There is established a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer. The members of the commission shall be as follows:

(1) One member of the senate, appointed by the president of the senate.

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(3) The labor commissioner, or designee.

(4) The commissioner of safety, or designee.

(5) The insurance commissioner, or designee.

(6) A representative of the New Hampshire Municipal Association, appointed by the association.

(7) A representative of the New Hampshire Association of Counties appointed by the association.

(8) A fire chief, appointed by the New Hampshire Association of Fire Chiefs.

(9) A representative of the Professional Fire Fighters of New Hampshire appointed by that organization.

(10) A representative of the New Hampshire Public Risk Management Exchange, appointed by that organization.

(11) An attorney practicing in the field of workers' compensation defense, appointed by the governor.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II.(a) The commissions shall study:

(1) The costs that have been incurred to date under RSA 281-A:17.

(2) How to conclusively determine that the cause of cancer is occupationally related.

(3) Reasonable methods and practices to screen out non-occupationally related cancers, that are a result of, including, but not limited to; other employment, genetics, and life style choices made before, during, and after service.

(4) The annual costs to provide physicals and the additional workers' compensation coverage.

(5) An appropriate, stable, and long-term funding mechanism.

(6) Any other issues applicable to the subject matter of RSA 281-A:17.

(b) The commission may solicit input from any person or entity the commission deems relevant to its study.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

IV. On or before November 1, 2018, the commission shall submit a report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

2 Repeal. RSA 281-A:17-a, relative to a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

II. The remainder of this act shall take effect upon its passage.

2018-1156s

AMENDED ANALYSIS

This bill establishes a commission to study the funding and operations of the presumption under workers' compensation requiring reimbursement of costs associated with firefighters who have cancer.

SENATOR DANIELS: Thank you, Mister President. I move Senate Bill 541 Ought to Pass with Amendment. This bill sought to establish a fund to reimburse costs associated with firefighters who have cancer. The fund as proposed would be supported by an annual assessment by the Insurance Department on carriers and self-insurers issuing homeowners and business insurance policies. A majority of the committee support the concept of the bill, but feel serious questions remain unanswered, such as causality, cost and the appropriate funding source. No committee member questioned the possibility that cancer could be contracted as a result of fighting fires. The committee amendment establishes a comprehensive commission to develop answers to the remaining difficult questions. The goal of the committee members is to fund the bill in the

next budget cycle. The Senate Finance Committee recommends passage of Senate Bill 541 as amended, and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I'd ask that we turn down the committee amendment so I can introduce a Floor Amendment.

The question is on the adoption of the Committee Amendment. Failed.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
March 22, 2018
2018-1188s
01/03

Floor Amendment to SB 541-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT establishing a fund to reimburse costs associated with firefighters who have cancer and establishing a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.

Amend the bill by replacing all after the enacting clause with the following:

1 Workers' Compensation; Firefighter With Heart, Lung, and Cancer Disease. Amend RSA 281-A:17, II to read as follows:

II. Notwithstanding the provisions of RSA 281-A:2, XI and XIII, 16 and 27, there shall exist a prima facie presumption that cancer disease in a firefighter, whether a regular, call, volunteer, or retired member of a fire department, is occupationally related. In order to receive this occupational cancer disability benefit, the type of cancer involved must be a type which may be caused by exposure to heat, radiation, or a known or suspected carcinogen as defined by the International Agency for Research on Cancer***, including such types and variations as colon, lung, melanoma, mesothelioma, multiple myeloma, non-melanoma skin, prostate, rectal, non-Hodgkin's lymphoma, and stomach***. However:

(a) A [~~call or volunteer~~] firefighter shall have the benefit of this prima facie presumption only if there is on record reasonable medical evidence that such firefighter was free of such disease [~~at the beginning of his or her employment~~] ***for 10 years after completion of the comprehensive medical physical***. It shall be the duty of the employer of [~~call or volunteer~~] firefighters to provide the required reasonable medical evidence ***as outlined by the National Fire Protection Association standard 1582 or another evaluation mandated by the fire standards and training commission under RSA 21-P:25***. [~~If the employer fails to do so, the call or volunteer firefighter shall have the benefit of the prima facie presumption regardless of the absence of said reasonable medical evidence.~~]

(b) A retired firefighter who agrees to submit to [~~any~~] ***a compliant*** physical examination [~~requested by his city, town, or precinct~~] ***during employment and meets all other standards pertaining to this section*** shall have the benefit of the prima facie presumption for a period of 20 years from the effective date of such firefighter's retirement.

(c) To qualify for treatment under this paragraph, a firefighter shall:

(1) After completion of a comprehensive medical physical determining the firefighter is cancer-free, document a tobacco-free lifestyle.

(2) Have continuously served at least 10 years in the fire service.

(3) Have completed courses and training in accordance with certification for firefighter I in accordance with RSA 21-P:25.

III. There is hereby established in the office of the state treasurer a fund to be known as the firefighters with cancer disease fund. All moneys in such fund shall be nonlapsing and continually appropriated to the commissioner to be used for the sole purpose of reimbursing costs associated with medical physicals under subparagraph II(b) and additional costs in workers' compensation coverage. The state treasurer shall disburse moneys from the fund only upon written order of the commissioner. The commissioner, with the approval of the fiscal committee of the general court, shall disburse moneys from the fund to the political subdivisions of this state and to the public risk pools covered under RSA 5-B. The commissioner shall conserve the assets of the fund. The attorney general shall appoint an employee of the department of justice to represent the fund in all proceedings brought to enforce claims against the fund. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the proper administration of the fund.

2 New Subparagraph; Rulemaking Added. Amend RSA 281-A:60, I by inserting after subparagraph (aa) the following new subparagraph:

(bb) The administration of the fund established in RSA 281-A:17, III.

3 New Subparagraph; Special Fund Added. Amend RSA 6:12, I(b) by inserting after subparagraph (339) the following new subparagraph:

(340) Moneys deposited into the firefighters with cancer disease fund, established in RSA 281-A:17, III.

4 New Section; Commission to Study the Funding and Operations of the Presumption Under Workers' Compensation Requiring the Reimbursement of Costs Associated with Firefighters who Have Cancer. Amend RSA 281-A by inserting after section 17 the following new section:

281-A:17-a Commission Established.

I.(a) There is established a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer. The members of the commission shall be as follows:

(1) One member of the senate, appointed by the president of the senate.

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(3) The labor commissioner, or designee.

(4) The commissioner of safety, or designee.

(5) The insurance commissioner, or designee.

(6) A representative of the New Hampshire Municipal Association, appointed by the association.

(7) A representative of the New Hampshire Association of Counties, appointed by the association.

(8) A fire chief, appointed by the New Hampshire Association of Fire Chiefs.

(9) A representative of the Professional Fire Fighters of New Hampshire, appointed by that organization.

(10) A representative of the New Hampshire Public Risk Management Exchange, appointed by that organization.

(11) An attorney practicing in the field of workers' compensation defense, appointed by the governor.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II.(a) The commission shall study:

(1) The costs that have been incurred to date under RSA 281-A:17.

(2) How to conclusively determine that the cause of cancer is occupationally related.

(3) Reasonable methods and practices to screen out non-occupationally related cancers, that are a result of, including, but not limited to: other employment, genetics, and lifestyle choices made before, during, and after service.

(4) The annual costs to provide physicals and the additional workers' compensation coverage and how they should be funded.

(5) An appropriate, stable, and long-term funding mechanism and the costs of administering the funding mechanism.

(6) Whether the funding mechanism should include an insurance assessment against carriers issuing certain insurance policies.

(7) Any other issues applicable to the subject matter of RSA 281-A:17.

(b) The commission may solicit input from any person or entity the commission deems relevant to its study.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

IV. On or before November 1, 2018, the commission shall submit a report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library.

5 Repeal. RSA 281-A:17-a, relative to a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer, is repealed.

6 Effective Date.

I. Sections 1-3 of this act shall take effect July 1, 2018.

II. Section 5 of this act shall take effect November 1, 2018.

III. The remainder of this act shall take effect upon its passage.

2018-1188s

AMENDED ANALYSIS

This bill establishes a fund to reimburse costs associated with firefighters who have cancer. The fund shall consist of moneys from an annual assessment by the insurance department against each carrier and self-insurer issuing homeowners and business insurance policies. This bill also establishes a commission to study the funding and operations of the presumption under workers' compensation requiring reimbursement of costs associated with firefighters who have cancer.

SENATOR BRADLEY: Thank you very much, Mister President. I have to do a mea culpa here. I have not been at all involved in this bill so let me do the best I can to explain this amendment from 100,000 feet and perhaps others are going to have to answer questions about it. My under-

standing of what the amendment does is that it takes out the assessment on the premium tax knowing that we're setting up the fund and that it has to be funded in the next budget. That's what this does. I hope that in the spirit of bipartisan cooperation that with the unanswered questions about how much money is necessary and where it will come from so that we can move forward with what had been the position of the Finance Committee to create a commission to look at this with the indication that this amendment indicates that it will be funded in the next budget after a determination is made as to how great it is, the expense. Maybe we should switch positions and I'll let the Senate President explain the amendment. Senator Bradley presiding.

(The Chair recognized Senator Morse.)

SENATOR MORSE: The amendment's drafted this way: The original bill basically acknowledges that we want to create a fund and then along with that the original bill used an insurance tax to cover the fund to the tune of $3 million. But one thing that isn't figured out yet is, one; I think the committee was pretty much under the understanding that the insurance tax piece wouldn't work. The Governor had another idea of bonding, which I believe may be the way we end up on this, but like any bond in the state of New Hampshire, you've got to have a solution for paying it back. So basically what I did in this amendment was set up the system, there is no, anything in this bill that says this is going in the next budget, however I can tell you the Governor wants this in the next budget. What I didn't have answers for was how we're going to set up that system to fund it. So you set the buckets up in the treasury, you acknowledge that we're going to put this policy in place, that's what's being passed.

The committee that is going to do the work is basically looking at four or five different things on how to set this up. And that has to report out by November, so that it can go in to the next budget. I don't think there was anyone, well I shouldn't say that because there might be other people on Finance that disagree with me. I believe that we should be solving this problem. What I don't believe is we have the solution yet of how to solve it financially, and that's why I'm proposing putting these people together to solve those. Other people want to solve some of the other problems. I guarantee when this gets in the House, they only have two months but the solution will be worked on while they're in the House. If they can't get it done then we go to the committee that's being adopted but I believe it needs time to develop what the solution's going to be. I don't think anyone, if you vote on this today and vote on what's being proposed in front of you, you're voting to set up the system. That's what you're doing. So with that, I guess we're going to recess.

Recess. Out of recess.

(The Chair recognized Senator Feltes for a question of Senator Morse.)

SENATOR FELTES: Thank you for taking my question. Mister President, you had mentioned that this would be funded in the next budget. Just reviewing this I do not see any language that–

SENATOR MORSE: I think I made it perfectly clear. There is no language in this bill that says it's funded and I stated that. What I said was we have to report out by November 1, on the funding source. I made that pretty clear.

SENATOR FELTES: Thank you, thank you very much.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. This bill is a bill that I put forward and I think it's an important issue for us to address. And I may have mentioned previously that my father-in-law passed away in December, he was a firefighter, non-smoker, died of lung cancer. It's sometimes difficult to establish causality but we sure as heck have correlation that shows that firefighters have a higher degree of certain cancers than the rest of the population. And the purpose of this bill was to help firefighters and their families who find themselves facing cancer that is very likely related to their job and their daily activities. While I understand this amendment and what it's trying to do, I like it because I think it's important that we find the right source of funds and one that we can rely on and the fact that we'll have an identifiable source by November that we can work into the next budget, I think is a good thing. The original proposal I didn't think was bad, I made the argument in committee it was pennies for consumers and it was. But this feels better in a lot of ways. The House has a crack at it, the Governor will work with them I'm sure and I will if I can help and I do believe that we'll get the fund established as we need it and we'll find a way to get the money into it. Will it happen tomorrow? No, but will it happen with the next budget? I'm confident it will. And I ask you to please support the amendment.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to ask the body to vote down this proposed amendment. This Floor Amendment basically replaces the original bill with a study commission that delays action on an issue of importance to those who protect us, the citizens and the visitors of the state of New Hampshire. This issue has been debated in our body before, to the extent that in 1987 when the original statute came before the legislature, the full Senate voted 22-1 in favor of the bill. Four years ago we agreed to study this matter, to fine tune the statute. Our colleague from District 17 served on that study committee which came with some strict qualifications to pursue this coverage. The fire service in New Hampshire is quite diverse. It is career firefighters such as in my towns of Hudson and Londonderry, and volunteer departments that serve Meredith, Barnstead and New Boston. And mixed departments of career, on-call and volunteer firefighters such as in Auburn, Danville and Milford. The original bill as drafted encompasses all firefighters answering the call in our diverse state and draws revenue from the very industry that profits off the success of our fire departments. It is now our turn to answer the call and protect those who protect us, not study this issue any longer. I ask you to vote down the committee amendment. Mister President, time and time and time again in this chamber we have talked with great pride of our first responders, and the job that they are doing for us, especially now since we find ourselves embroiled in the opioid crisis. They're the ones that will appear with ambulances to homes where parents, young adults have overdosed. They go to cars, when people who have gotten into accidents, to pull people from cars because they've passed out and caused an accident. If we truly value what they do we will today recognize the fact that they have problems, health issues related to cancer that are directly related to the job that they do. It is time, it is time for us to stand up and do the right thing. Thank you very much, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, having filed a conflict with the Clerk, I will be participating as this is an issue that may impact my client. I have to say I'm dismayed by the amendment. I'm dismayed for a couple reasons. Most notably though, I find it very hard that this body, actually this entire state government, thirty years ago, thirty years ago recognized that cancer was a significant problem because of the nature of the work that these men and women do every day to protect each and every one of us. The presumption that cancer happens on the job is well settled. As I said, thirty years ago. And here we are thirty years later saying, you know we're almost there, but we're not quite there. Do you know how many people have died, how many firefighters have died because of on the job related cancers, because we haven't come up with a funding source yet? Well, I'm going to keep working at this and I believe the funding source proposed make a lot of sense. But let me say this; what doesn't make a lot of sense and what I find downright offensive in this amendment, is line 12 of page 2. Because what we are saying is that if you're a firefighter, you have to go through physicals, you have to do all of these various things, all of these expectations in order to prove that your cancer was related to the job. And once you've done that, we set that very high bar, once you've done that, the Commissioner of Labor then says we're going to pay for your services. But what do we do? So the commissioner, you've proven the bar, the commissioner has granted you this authority. We have statutorily said, this is what you have to do, but the commissioner is going to go to Fiscal. And what if Fiscal says no. What then? What does that say to these people if we set up yet another political hurdle? That is simply wrong, simply wrong.

Now we can debate what the funding source should be, but to suggest that we have set up a scheme for which people can be compensated in small part for the cancers that they have caught, that they acquired because of the things they've been exposed to, saving us and saving our constituents? It's to me unconscionable, and for that reason I can't support this amendment, never mind that the study committee that we're setting up, a member from the association of counties, really? Counties have fire departments now, that's news to me. I don't know what they're doing here. Line 17 of page 3; how to conclusively determine that the cause of cancer is occupationally related. Really? Thirty years later we're still trying to figure that out? My friends, today is the day to take action on this bill. There's no doubt that there are brave men and women every day exposing themselves to chemicals and carcinogens that may eventually lead to their death, and they're doing it and will continue to do it and we at the very least, at the very least should be able to pass the original version of this bill. Thank you, Mister President.

(The Chair recognized Senator Feltes for a question of Senator Soucy.)

SENATOR FELTES: Thank you for taking my question. Senator, you just mentioned the language starting on line 11 going to line 14, on page 2. While we've just seen this language about ten or fifteen minutes ago, would you agree with me that subjecting individual workers' comp cases to the whim of a political body presents serious constitutional and due process problems?

SENATOR SOUCY: Senator not only do I think it presents very serious constitutional and due process problems, as I stated I think it's unconscionable to do that, thank you.

SENATOR FELTES: Thank you.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I'd like to address some of the comments that were made earlier about how it's so unconscionable. The fund that currently exists in statute right now, the first part of it deals with heart and lung disease, the second part deals with cancer. In twenty-nine years there have been two hearings based on claims against cancer. One was settled with a $1,000 lump sum settlement, the other the claimant withdrew the quest on appeal. The funding source that we're talking about and that we're trying to find, some find so acceptable now. Let me just share some data with you that approximately twenty-one states have some kind of a fund in regard to cancer right now. But not one of them deals with it the way that we're proposing. They deal with it with a workers' comp trust fund or insurance carriers. I mean we would be the only state that is looking to tax property and casualty insurance companies for this. This is what we're trying to deal with and find a way that is acceptable so that you're not targeting one segment to fund a service that everybody benefits for. So I rise in support of the amendment, ask that you support that. Let's go forward, put the program in place and let us work to find the funding mechanism for the next budget. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise against the amendment. I think I'm the only one here who's here because of the bravery of firemen. As a kid I lived on the third floor of a building in East Boston on Gladstone Street. House burnt to the ground, to the ground. My mother, my father, my brothers, my aunts and my uncles were taken out by firefighters. They went to the third floor of the building that I was living in as a babe, they took me in their arms and took me down. They didn't ask if there was asbestos in the building, they didn't ask if their lives were in danger, they went up to the third floor, picked me up out of my bed and took me down. I'm alive because of the bravery of those guys. How can I not support something that supports them? We have a Manchester firefighter who's dying of cancer now. That person needs our help, needs our help. These men and women who are firefighters risk their lives every day. They risk their lives every day, and as I said, I'm here, my brother is alive because of what they did. It's the highest compliment that I can pay to anybody. Let's take care of them. Thank you, Mister President.

(The Chair recognized Senator Morse.)

SENATOR MORSE: Thank you, Mister President. No good deed goes unpunished I guess. The reality is, I haven't been here thirty years, but once again the Senate is solving a problem and I think we're doing it the logical way that the Senate does things. We didn't have 2000, 2002 they passed a drug and alcohol bill, Senators were here for years and it was under our leadership that we now fund the Governor's Commission. Not at 3.4, we doubled it, and now we're taking it to $10 million. It was our leadership that did it. I made it very clear, the Governor is going forward with this bill. I made it very clear, so I'm not walking away from it. I support it, you have until November to come up with the ideas of how we believe it should go in the next budget. Otherwise the structure's already done because this puts that in law, so I can go home and hold my head up just fine. I support it. But the reality of financials in the state, I'm not afraid of Fiscal, I'm not afraid of Governor and Council,

because I think that's a responsibility of the Senate that we have. And I don't believe anyone brought a solution to that problem yet. It was pretty obvious hitting the insurance fund was not going not going to be the solution. That's been obvious for quite a while now, because the reality of doing that is, who's next? Who's next? I mean we're certainly singling out the firefighters here which I support, but who's next? And that's what we'll be putting on the insurance policies.

So I said let's come up with a solution that works for the state of New Hampshire, but I don't have it, and no one else brought it forward. So all I suggested was let's get it done before November. I'm telling you right now the Governor supports this bill. That's why I suggested putting the structure in place today. And that's what we're doing. If the House were to come back to a committee of conference, or come back with an idea that you could agree with without a committee of conference, I'm sure you'd support it here in the Senate. But no one brought an amendment forward to say how it's going to be fixed today. And I think you need to do that. I think it's responsible and I think you're making a statement today that you support it and I could just as equally argue that voting against it says you don't support it. Because you are putting it in place with this amendment. So I ask for your support on this amendment today, I think it's the right thing to do, I think the Senate's always been responsible and then you have two months to go work the House and find a solution or let this committee develop the solution. Thank you.

(The Chair recognized Senator Feltes for a question of Senator Morse.)

SENATOR FELTES: Thank you for taking my question, Mister President. This language, which we are still digesting says, correct me if I'm wrong, that an individual workers' comp case is decided and then the commissioner must go before Fiscal to fund that individual workers' comp case of a firefighter. Is that right?

SENATOR MORSE: Senator, I took the language from the original amendment that I picked up and put it in this bill. There were two pieces. There was the original bill, then there was an amendment to do a commission to study this. I just tried to marry them with what we could do today. If I've made a mistake, you're setting up the system. I have no problem acknowledging today in the Senate that we're setting up the system and we need the funding source. Beyond that, I do believe that we move this along in the process with the understanding that the House will fix this and make it work. If they can't get it done, I'm sure all of us can go to the House and say these things need to happen in that committee that's going to work the next six months. I'm sure we can get there. So if I failed, I'm sorry. But I intend to get this done.

SENATOR FELTES: One last question. Thank you, and I appreciate the intent. In Senate Finance I did present an amendment to fund it in the general fund in the next budget. So that proposal was made, it was rejected. I'm wondering why we don't fund it in this actual amendment. Why don't we fund it?

SENATOR MORSE: And ultimately, you're letting me answer a question that Senator D'Allesandro asked too. Ultimately we may have to set up that system, but ultimately, by doing what you suggested in Senate Finance we were nailing in on $3 million. I'm not sure that's the right answer because I know Senator Giuda was getting ready to jump up and say, you know he's studied data that it's a half a person every two years or something like that. I'm not ready to come up with that number. But

as for the person with cancer in Manchester right now, it was the intent of the original legislation that this go in the next budget. So I don't think we're slowing anything down by doing what we're doing. The intent was to put it in the next budget, and whether it goes in the general funds or not Senator, it's going to be one of us that's going to be on that committee that basically figures out how to do it.

SENATOR FELTES: Thank you very much. Thank you.

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: Giuda, Gray, French, Ward, Sanborn, Daniels, Avard, Reagan, Morse, Gannon, Innis, Bradley.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Soucy, Birdsell, D'Allesandro, Fuller Clark.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 12 - Nays: 11. Adopted.

(The Chair recognized Senator Sanborn for a question of Senator Daniels.)

SENATOR SANBORN: Senator, thank you for taking my question. Could you explain to the body and help us understand, because I have not heard it in the debate or anything I've seen presented. Clearly this is an issue, clearly this body wants to try and do something. But what part or what role is there or should there be or has there been, in the local communities that actually hire and support the local first responders. Are there systems or funds set up or is this a co-payment system or is this in absence of it or help the body understand what the state's responsibility is or what we're debating as relates to the communities that are actually hiring and supporting and paying for first responders?

SENATOR DANIELS: Okay, thank you for the question. Typically when a firefighter gets hired by a municipality they go through an examination. My understanding is the examination is being proposed in the legislation is a more comprehensive examination to make sure that they're free of the cancers that are listed. That examination runs about $900 per examination. Also during that time that they are firefighting they would be covered under the municipality insurance, but they can reach a point where someone has contracted a cancer and that cancer may have gotten so bad that they cannot perform their duties anymore. And so they may be released from service with that municipality. At that point in time they could pick up COBRA, but COBRA is only for a certain amount of time as well. Once that COBRA runs out is where the problem runs in and that's what we would be looking for in here is to see what would be available so that we'd be able to continue taking care of that firefighter.

SENATOR SANBORN: Thank you for your answer, I appreciate it. So is the question one of the policy consideration is to fund long term health insurance payments for firefighters who may have conducted cancer or is it to create a presumption that a firefighter got cancer while on the job and the job was responsible for it, of which there was worker comp payments would do both medical and indemnity for life? Or both?

SENATOR DANIELS: The presumption already exists in the statute now. That reference I can't think of, it was something seventeen. But there's two parts in there now, lung and heart disease and cancer. There's a prima facie presumption already that if you're firefighting you develop cancer that it was a result of the occupation. So I believe that needs to

be looked at, I don't know how you conclusively tell, I think there's times that you can certainly come to a conclusion that there is, that the cancer exists because of the firefighting activities, and I don't think anyone disputes that the activity of firefighting exposes yourself to chemicals that could cause that. What you don't know for instance, and skin cancer is one of those things that is listed as a presumption if you end up with skin cancer and you're a firefighter, it was because you were exposed to the heat of fire, fighting fires. It doesn't seem to give any regard to the fact that if you were a teenager laying on the beach during the summertime fourteen hours a day, or if you're currently a construction worker working out in the sun all day long, that that may have contributed to it, so I think those are some of the hard questions we need to look at as we go about developing this whole policy.

SENATOR SANBORN: Thank you, Sir. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I listened with great interest to what our good colleague from District 11 had to say in answering the question from the Senator from District 9 and it kind of prompted my memory a little bit. And I just wanted to give some more information out to the body so they can hopefully help them make a decision. In the fall of 2013, the National Institute of Occupational Safety and Health released a study looking at the mortality of cancer incidents in a pool cohort of U.S. firefighters from San Francisco, Chicago and Philadelphia, from 1950 to 2009. The findings of this study are consistent with other studies and strengthen the evidence of relations between firefighter's occupational exposure and cancer. Most important to note are cancers of the respiratory, digestive and urinary systems. The study concluded that even after passing the healthy worker test required of those protecting us, firefighters around the county are 9 percent more likely to be diagnosed with cancer and therefore, 14 percent more likely to die from cancer.

I'd just like to inform the body as well that over the past seven years five New Hampshire families have lost loved ones who served New Hampshire when the bell rang for automobile accidents, house fires, commercial fires and hazardous material incidents, and put them in harm's way. Mister President, I will vote for this because I think something is better than nothing but I am very concerned. This has been something this body has looked at for years and yes, hopefully, we'll have something to put forward in November, and then we're going to wait until June and I would sincerely hope that we don't lose another firefighter to cancer while this is going through a process. Thank you very much, Mister President.

Recess. Out of recess.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I will vote for this amendment with full confidence that the President of the Senate as he has articulated will work to solve this problem. I trust him, I believe in him, I have every confidence that it will happen. And for that reason I'm going to support this amendment. The President is true to his word, always has been true to his word as it relates to me and any action I've had with him. So I express confidence in the President that we will solve this. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of this amendment and I can assure you that Mister President, there isn't a member in this body who isn't appreciative and admiring of respectful of and grateful for the service of the fire professionals who save our families, our homes, our property day after day around the state. Finance Committee worked very hard on this because there are some questions, legitimate questions whether or not how do we raise the money, is it equitable to the taxpayers of the state? That also must a consideration of this body and that's a consideration of the Finance Committee. We are charged with it. The Senate President has come up with an exceptionally good idea that establishes the premise, the fund, the structure and does the homework we need to make sure that the financial decision that we make that will go forward I would say in perpetuity. It is the right one for both the firefighters and the people of our state. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise to state that I will vote for this amended legislation, but in doing so, in doing so, I trust that as we continue to work on this, we also address what I believe is an unconstitutional issue. On page 2, line 12 where we set up a process to adjudicate a workers' comp claim, determine it's a legitimate claim, have the Labor Commissioner make that determination and then insert what is a political process into that. That is not constitutional, that as we work forward needs to be removed. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Giuda, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Morse, Gannon, Innis, Bradley.

The following Senators voted No: (None)

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

INTRODUCTION OF GUESTS

SENATOR BRADLEY: And while the President resumes his position up here I'm going to take personal privilege and introduce my wonderful Fiancée, Karen McNiff.

President Morse presiding.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove CACR 22 from the Table. Adopted.

JUDICIARY
CACR 22, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights.

The pending motion is Ought to Pass with Amendment.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Are we speaking of amendment 1202?

PRESIDENT MORSE: We're speaking of amendment 1202 that says Hennessey, Feltes and Giuda so it was picked up as Hennessey. So are you offering Floor Amendment 1202?

SENATOR GIUDA: I am now, Sir.

Senator Giuda offered a Floor Amendment.

Sen. Hennessey, Dist 5
Sen. Feltes, Dist 15
Sen. Giuda, Dist 2
March 22, 2018
2018-1202s
06/04

Floor Amendment to CACR 22

Amend the resolution by replacing paragraph I with the following:

I. That the first part of the constitution be amended by inserting after article 14 the following new article:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an unnecessary interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting after article 14 a new article to read as follows:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the

case; to reasonable protection from the accused throughout the criminal justice process; to refuse an unnecessary interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request.

SENATOR GIUDA: Thank you, Mister President. This amendment has come a long way, and it's been a difficult process. At the end of the day, what we're seeking to do by protecting victims' rights is in effect to protect their lives and safety in this exceptional circumstance. When the state, which is the sole provider and overseer of those rights, fails in the course of a judicial proceeding, a motion can be entered, a complaint can be filed, the judge will be, I'm sure, under the constitutional onus of this rights, willing and able to provide a remedy. But what happens when the system fails and the state as a sole arbiter of these rights, fails to notify a victim and that person is then offended again, relives, revisits, perhaps raped or killed? The existing amendment, which we choose to change with 1202, establishes that the only remedy is an apology from the state. When we leave exemptions in for those who are sole stewards of these rights, we invite a lower level of scrutiny and application of those rights when we put teeth into this law, this constitutional amendment. We say that we value the lives of women and children and men and all who are victimized. We value not only their right to due process, but we value their lives.

This amendment gives full credence to that value and gives the victim any person against whom the criminal offense or delinquent act is committed or who's directly and proximately harmed by the commission of the offense or act, in this case re-offense, rape, murder, whatever it might be, we give them the right to say the state failed and I or my loved one suffered a terrible consequence. That is the reason we have victims' rights. And I would submit to you that without this amendment, we perform chicanery that sounds good, but in fact really doesn't honor our obligation to the most fundamental of all rights for victims and that is to stay alive and free from harm. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in support of the amendment 1202s. Let me just explain what this does. In line 12 of the amendment it incorporates the word unnecessary which this body has already adopted. And then the second thing it does is it deletes the sentence, this section, this what the sentence says that's being deleted, this section does not create any cause of action for compensation or damages against the state, any political subdivision of the state, any officer, employer agent of the state or any of its political subdivisions or any officer employee of the court. So ostensibly what we're debating here is the deletion of that sentence.

The Senator from District 14 is accurate that even with this sentence, nothing precludes the victims from going to court to seek restitution, to seek redress, to seek injunctive relief. Nothing precludes victims from potentially filing a class action lawsuit against the state for the failure to implement the provisions. However the specific language of this sentence that is suggested to be deleted says individuals who are aggrieved for the failure to fulfill these rights and these standards don't have access to compensation or damages. What this amendment does, it says victims whose rights are aggrieved can get compensation and damages in individual cases. That's what it says. So I think we all want to stand up for victims, to preclude victims in individual cases for not getting compensation or damages I think is not a reasonable way to go. So the deletion of that sentence makes sense. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I rise to speak against amendment 1202s. Mister President, we've already had a pretty extensive discussion about the state being given indemnity and again it is something that is throughout our statutes, but I'd also, Mister President, like to remind everyone of something that I had said. We had testimony that claims that if this indemnification was not put in, that people would have the right to sue the state and if they could not afford an attorney, we would have to pay for it, which is a, could be a huge expense. There are remedies Mister President, there are. And I've already stated them. If someone believes that their rights were violated, they can stand up in front of the court and say my constitutional right, just for example, to be heard has been violated and the court has to address that. So are we now going to have victims suing prosecutors, because you didn't do what I wanted you to do? You did a plea bargain, I didn't support that. So now I get to sue you. And now again, more delay while this gets sorted out through the court. This is not the right way to go, Mister President. The language that was in the amendment that was passed by this body and passed by the committee has been fully vetted by the attorney general's office. Mister President, the only thing I can conclude is this is yet just another poison pill to destroy the possibility of our state's citizens voting on Marsy's Law. Thank you very much, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. The only poison pill in the existing statute as we have amended it, without this amendment, is the poison pill that denies a victim who's killed or raped from any access to judicial action in their own defense. I would also submit that you can't stand in front of a judge if you're dead. You deny the family of those victims the right to do so. As I said, indemnity in courts, let's talk about that. This is the only place in the entire body of law in the state of New Hampshire where we're taking and indemnify those who have the sole right and responsibility of enforcing the statutes that protect victims from failing to do so. No other place. There are numerous places in statute, in statute, not in the constitution in which we afford such exemption, including the existing victims' rights statute. I would remind this body that the first duty of the attorney general of the state is not to victims, it's to the state. And that is why this is in here and I would expect them to put it in. I would also expect us as a body to remember that we're representing people and victims and our obligation is not to the state, our obligation is to justice, to those blind scales for the people

we represent. And if we leave this clause in, we do them a grave disservice and we support the fact that we believe that the state has the ability to exempt itself from responsibility for its own failures when such failures cause the death of another citizen. Thank you, Mister President.

(The Chair recognized Senator Watters for a question of Senator Feltes.)

SENATOR WATTERS: Thank you for taking my question. Is it correct to say that one of the reasons we're passing this amendment is because we heard from people who said that despite the victims' bill of rights and even if it wasn't on a constitutional basis sometimes people in the system were not following that?

SENATOR FELTES: Correct.

SENATOR WATTERS: And another question if I may follow up. So here's a hypothetical; if someone is not notified that someone has been told say or has been released or otherwise and that person comes and attacks the victim, if we have this provision, that sentence is in there, that person would have no recourse?

SENATOR FELTES: Thank you for the question, Senator Watters. With this provision in there that person would have no recourse for compensation or individual damages against the state or the subdivisions. As the Senator from District 14 noted earlier, that person could still go and get individual injunctive relief by the court, whatever that may be at that point. And it doesn't prohibit class actions for injunctive relief either. But in terms of individual compensation and damages, it would prohibit that.

SENATOR WATTERS: Thank you for classifying that, thank you for taking the question. I guess I'm not going to ask you to speak for other state constitutions, but if we were to have such language within the constitution, would that not be a unique incidence in our constitution, to have such language?

SENATOR FELTES: Thank you, Senator Watters. I think in terms of our constitution part 1 article 14, we've talked about access to justice and getting remedies. So I think to some extent this sentence which would limit victims' individual remedies, compensation and damages, I think would be something that's new in terms of our constitution. I can't speak to you know constitutions around the country.

SENATOR WATTERS: Thanks for taking my question. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. What we have in the passed amendment is the way the law works right now. It's been in our laws for hundreds of years; goes back to feudal days that the king is immune because there could be a million mistakes, they're in every single trial. You're going to open up every single one of them. Someone's going to find some little thing and you're going to have the most litigious society you've ever had. A lot of lawyers going to make a lot of money, but that's not what we're here for. It's just opening up a can of worms by putting this back in. Again, we do it in Transportation. The state is often immune and has limits to the damages that can be sued. So it's not a new concept, it exists all over the law. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. With all due respect, we're talking about the lives of citizens here. Heinous crimes committed

because the state failed. This would be a first. I think it's a necessary first. If you truly support victims' rights, then you take that support pass paperwork in courts and injunctions and motions and pleas, and you take that support for victims' rights to the point that we actually believe their life if forfeited because of the failure of the state, deserves some recognition and their relatives deserve some compensation. Yes, it is a first. I think this makes victims' rights the best in the country, and I'm proud to be a co-sponsor of this amendment. I ask you to support it and do what's right for the victims. Not for the attorney general or the lawyers, okay? But for the victims. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. In regards to what my colleague from District 2 has just said, the state is not immune from heinous acts. In fact right now, we have a number of lawsuits that have been filed against DCYF for negligence, for things that they did not do that they were supposed to do. And children have been harmed. So by any means, if anybody, a heinous act was committed that person would have the right to sue, they would be able to do that beyond this. They just couldn't sue under this section. There are other sections that they could sue under and again that was explained to everyone this morning in the Republican caucus by Attorney Ward, okay?

Now the other thing that I wanted to talk about was that my good colleague from District 15 brought up about Article 14; legal remedies to be free, complete and prompt. Every subject of the state is entitled to a certain remedy, but it doesn't say what it is. It just says a certain remedy, leaving it up to the court to determine. By having recourse to the laws for all injuries he may have received in his person, property or character, to obtain right and justice freely without being obligated to purchase it. Completely and without denial, promptly and without delay, conformably to the laws. That already exists. And in as far as the indemnification, we are all indemnified, we cannot get sued by our constituents, because they don't like the way we voted on any one particular issue. Can you imagine what it would be like for any sitting representative to not have that protection? We'd be in court all day. Who here wants to give that up? Which one of you wants to say oh no, that's okay, you can go ahead and sue me whenever you want, if I don't do what you want. I don't want to give that up, I don't want to spend my time in court, and I don't think anybody else in here wants to spend their time in court as well. That is there for a particular purpose. And there is a remedy, you get to stand in front of the judge and argue that your constitutional rights were violated. Now if this passes, your honor, my constitutional rights were violated. Pay me. Really? Is that what it's come down to? I want you to pay me. The prosecutor, Mister President, didn't do what I wanted them to do. So now I'm filing suit against the prosecutor. Pay me. Is that what justice is about? I would argue no it isn't. Are mistakes going to be made, Mister President? Of course. Justice is not perfect as much as we would like it to be. It makes mistakes. But there is a remedy, maybe not under this section, but under other sections in the law. So if somebody feels that they have been aggrieved by this process, they can sue. Thank you, Mister President.

Senator Bradley presiding.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. Thank you for your indulgence. That is what we call in political parlance a pivot. The DCYF

suits are brought under statute, okay? That any exemption that might exist is in statute. But their brought into statutes that allow. Our statute currently doesn't allow for victims. The current statute does not. This amendment isn't a broad exemption, doesn't include political action or politicians or statesmen or people in elected office. It very specifically lays out the rights that are expected to afford to victims. There's no broad, you just killed an amendment that would have given broad jurisdiction. You've gotten specific, so now we are specific and our obligation must be to protect those specific rights as enumerated very clearly by the amendment and produced by the chairman of Judiciary. Let's protect those rights up to and including the point at which a victim is denied the basic fundamental right to life by an action caused by the failure of the state. There's no political risk here, we're not going to get sued. This is a very explicit statute, I'm sorry, amendment. It is a very explicit exclusion and it very clearly demonstrates our commitment to people that have suffered through horrific events and who with the worst possible incidents that occur from the states' failure have lost their lives or been re-assaulted or any number of horrific possibilities you can think of. This amendment truly brings victims' rights to where they need to be. If you're offended or you are killed, you and your family have a right to hold the state accountable. This is new ground. Victims' rights elevated in this state to a constitutional level is new ground. We have the opportunity to make it the best it can be to truly make sure that those victims' rights are carried through all the way, not just in a paper drill in the courtroom. Thank you, Mister President.

(The Chair recognized Senator Avard for a question of Senator Feltes.)

SENATOR AVARD: Senator in light of this amendment, in part 1, article 32 of breeches of grievances it says. Basically we're codifying, we're putting into our constitution, it's on page 182. We're putting into our constitution an immunity, right? Basically if we do not adopt this amendment. This article 32 says; "The people have a right, in an orderly and peaceably manner, to assemble and consult upon the common good, to give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer." Does Marsy's Law affect this or could it affect this part of our constitution? Withholding the ability for people to redress and petition their representatives?

SENATOR FELTES: Thank you very much, Senator Avard. I don't think that CACR 22 is going to inhibit the application of Part 1 Article 32. I do agree with the Senator from District 14 as a general matter, the state has, generally speaking, the statute RSA 541-B, relating to negligence, and where there could be individual damages claims and it could elevate into the constitution a specific prohibition of compensation and damages, potentially from negligence for failure to follow something. There may be an implication that in other provisions there is a cause of action for damages and compensations in the other provisions. I don't know how a court's going to review it. The safest thing is to keep the sentence out in my view. I understand and respect the opinion of others but the safest thing to do if you don't want to open up the floodgates, is to keep this out so that courts don't interpret other provisions that's potentially allowing compensation and damages types of claims. That's my view anyways.

SENATOR AVARD: Thank you.

President Morse presiding.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you. I have not participated all that much in Marsy's Law. I think everybody knows I'm pretty busy, from the other things that we've been debating. I've never seen a debate, though on an issue as important as this going sideways as this is going. We all may think we're doing the right thing by voting for this amendment. This amendment to me, maybe I don't know well enough, is a poison pill. Unmitigated disaster, unmitigated exposure to the state for mistakes, human mistakes the prosecutors can make. If this amendment is adopted, somebody please tell me why I should vote Ought to Pass as Amended afterwards. I think we're better off tanking the whole thing if this amendment passes. So I urge the body to vote against this amendment. I can't do it in stronger terms. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Wasn't the question already called?

PRESIDENT MORSE: I didn't accept that call. I was going with the fact that I had no more, but if you want to stand up after this speaker and do that I'll accept it.

SENATOR GIUDA: Yes, this opens the state to liability for its failures. During the judicial process that liability consists of pleadings and emotions and remedies in a courtroom and discussions between people. But when the state ultimately fails and a life is forfeited, yes I believe, especially for victims who have already suffered heinous crimes against them that we have an obligation, not to the state's treasury, but to the lives and the welfare of people who have already suffered. And I think the responsible thing to do is to support this because in so doing, we support victims' rights and if we fail to do it, we foreclose on the most egregious of offenses against the victim because of the failure of the state. Thank you, Mister President.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator French, seconded by Senator Giuda.

The following Senators voted Yes: Giuda, Hennessey, French, Sanborn, Daniels, Avard, Feltes, Innis.

The following Senators voted No: Woodburn, Bradley, Watters, Gray, Ward, Kahn, Lasky, Carson, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Morse.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 8 - Nays: 15. Failed.

Senator French offered a Floor Amendment.

Sen. French, Dist 7
March 22, 2018
2018-1204s
06/01

Floor Amendment to CACR 22

Amend the resolution by replacing paragraph I with the following:

I. That the first part of the constitution be amended by inserting after article 14 the following new article:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any natural person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an unnecessary interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting after article 14 a new article to read as follows:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any natural person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an unnecessary interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon

request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court."

SENATOR FRENCH: This is a very simple issue. I sat there and I heard the families of murder victims looking for relief, I heard people who were raped that were victims and wanted to be heard. We want to protect the most vulnerable citizens. But my question to you is do we also want to protect 21,000 businesses within the state, and call them victims in crimes? So I can understand for murder, I can understand for rape, but I can't understand why we would define a person as a business so I added "natural" in front of person so it's actually a person and not a business. I ask you to go with me on it. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: You know how this is going. Thank you, Mister President. So my good friend from District number 7 doesn't think that the business community ever gets victimized. So when someone comes in and burns down some small little restaurant or steals a bunch of cars and goes and hits someone with it, or breaks in and terrorizes people within the organization or if you're a condo association and something bad happens the condo members don't have a right to find out about what's going on in the proceedings. Sure today we, you know we, I don't think we want to have today a conversation on Citizen's United and our corporations people too, so I'm trying desperately Mister President, to stay away from that debate. But I think it's incredibly important if we respect the 146,000 individual entities in this state, with 76,000 individual owners, that bad things happen on commercial property, bad things happen to companies. If someone comes in to a business and assaults somebody or worse, don't you believe that that organization has the right to find out when the court date is? So I'd ask the body to reject my good friend's amendment and recognize the fact that victims come in all shapes and sizes and they should all be treated equally. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to speak against amendment number 1204s, and our colleague from District 9 is exactly correct. Business owners are victims of crime as well. He owns a restaurant down the street with big glass windows. So, decide someone wants to break those windows and rob his establishment, are you telling me that he is not a victim? Mister President, you own a business, you own a nursery. What happens if somebody comes, oh well two nurseries, and they destroy a good part of your nursery. Are you not a victim as well? Currently businesses do have standing and they do have rights. To remove them, Mister President, I at this point I'm a little speechless. Believe it or not at the end of the day, thank you, well, hey it happens, what can I say, usually I'm quiet, but, our businesses deserve the same protections because they are and can be victims and that their status should be protected as well. Thank you, Mister President.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you. These rights do not get extinguished, these rights are still set forth in statute. All I'm saying is do we really have to give them the same level within our constitution as people, actual people, not Wal-Mart, not the NRA and not Planned Parenthood? As people, that's all I'm saying. Give it some thought.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Mister President, once again I will repeat something, testimony that was given to the committee, by Thomas Velardi, the Strafford County Attorney who states the statute regarding victims' rights evaporates in competition against the constitutional rights of the defendant. Thank you.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator French.

The following Senators voted Yes: Hennessey, French.

The following Senators voted No: Woodburn, Giuda, Bradley, Watters, Gray, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 2 - Nays: 21. Failed.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I know the hour is late, the dog is hungry and your concern of the other bodily functions to get home in time so I'll do my best to be brief. From this debate I've heard today, it's clear that we all believe there's a problem. We all believe there are victims from crimes who feel they are not being represented at any sort of an equal level. But my question is how do we solve that? And this is what I've been struggling with all day and I came in today truly in an unknown position. One of the rare times for me, that I was not pre-disposed one way or the other because I really didn't understand where the debate was going. And I wanted to hear what you said.

There has been precious little time talked about the fact that we actually have statutes, statutes, we have laws that are supposed to be protecting victims in crimes. But I've heard precious little reason why we're not beefing up the statutes or enforcing the statutes or penalizing anyone for not following the statutes. Instead we're having debate about changing the most precious document our state has and frankly it makes me nervous. Because for ten years I have walked these halls and for eight years as a State Senator, we are still fighting over the words adequate and cherish. Just two words, and that battle rages still today. And yet we use the legislative process to dance around it like a hot summer night.

Now for the record, my family is a victim that would be recognized under Marsy's Law. Someone got out of prison after serving nine years in August, in October committed a crime in my family. Got arrested in February. That was the last we heard. Never heard of the arraignment, never heard of the charges, never heard a court date, never heard there was a plea deal, never showed up at court. Never heard they got put up in Concord prison, never heard there was a parole hearing after eighteen months and let out onto the streets of Concord. It's amazing how many of us have had

a bad experience with our judicial system. I'm not here to try and fault them, for my family it was complete failure. Not a single communication throughout an entire process. At all. Clearly I believe something's wrong. But I'm challenged today that I'm not sure this fixes it.

I'm not sure and I guess I have yet to hear this compelling definitive position I was hoping to hear today that this will solve our problem. What I hear is 8,700 amendments, people fighting on both sides, still squibbling over words, without resolution. I hear fights relative to whether or not a constitutional amendment should be a conceptual statement which would leave the legislature bound to crafting specific statutes to fix, or if we look at the constitution as a place to provide absolutely no wiggle room and solve all of the potential outcomes and embed that into our constitution. So I remain as confused now as I was at, what time did we start Mister President, 10:00 a.m. This is not to be disrespectful to all of you and your debating and all of your amendments, because I know everyone is very passionate about their side on this. But for me Mister President, at this point I want to vote on something, let me be very clear. In my eyes and my family's eyes, the system is broken. I know my family is not the only family that feels that they have been disrespected, left out in the cold and completely ignored by the system. But the truth is I don't think this product is ready for prime time I don't think, but I don't want to see it die either. So I guess my message to the body is, I know you've all worked real hard and I compliment you all for it, but as a Senator who sits here I am still struggling with what our path is and whether or not this is the right path. Thank you for allowing me to give my statement Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I've listened very carefully to the testimony we had in committee and the arguments that have been put forward today and unfortunately, there seems to be a disconnect someplace. And to the Senator from District 9, you're right. What your family has gone through is very sad. But if we had Marsy's Law in our constitution, your family would have been able to go to that court and say my constitutional rights have been violated. I demand the right to be heard. I demand the right to be noticed. Statutes really don't carry that same weight. And again, I repeated over and over and over and over today that statute regarding victims' rights evaporate in competition against the constitutional rights of the defendant. You have statutes and the constitutional rights. Those take precedence. So any statute we might have, sure the court can look at it, but the court has to honor those constitutional rights before they honor the statutes. This elevates victims. Are they going to be completely equal? I would argue, close to it. But we weigh so heavily in on the rights of the accused, because here we are actually talking about in a criminal case, depriving somebody of their liberty. They face the possibility of going to prison and years of well over 200 years ago, this country decided that that was important. The other thing to remember at the time the constitution was put together, victims brought suit against people who hurt them. The state was not involved. And in the process of evolving the role of the state, the victims have been left behind.

This bill as amended, this CACR, tries to balance that out and I think it's done a very good job. And I would like to applaud the attorney general's office for crafting something that's for New Hampshire. Looking at our existing statutes, and embodying them into a constitutional amendment

that will protect every victim in the state of New Hampshire. Mister President, we, you're right we've had a long discussion and I'm sure a lot of people are tired, you've got to go home and feed the dog, some of have got to go home and, pardon? Alright, well that's good. Some of us have to go home and feed our families as well, although I suspect tonight might be a takeout kind of night. But I think we have had a good and robust discussion on this issue. And please join me in supporting CACR 22 as amended so we can begin the process of recognizing the fact that our citizens who through no fault of their own become victims, will have constitutional protections. Thank you very much, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in opposition. That's probably not a surprise. We pass this legislation as it is, we as a body are telling every victim in the state, hey we're with you 100 percent as long as it's in a courtroom. But when the state is charged constitutionally to protect your rights, fails and you die, I can see neither you nor your family has any recourse because we think it's more important to protect the state, than it is to protect the victims that we say we're helping here today. That's the big lie. It feels good, it sounds good but when the chips are down and it's your son or daughter or husband or wife laying dead on your kitchen floor, and you seek redress, it's not there. It's a constitutional requirement that we not be able to have the victims that suffer and are killed because we fail, have no recourse. That is something I cannot support in conscience, and I certainly hope you won't support with your vote. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in support of this amendment and there's been a ton of debates, discussion, a lot of it very challenging, a lot of it very emotional. But I rise in support of the amendment because since I've been in the Senate, worked on a number of pieces of legislation. A lot of them dealing with victims' rights, and they've always been bipartisan issues, we've worked on them together, we recognize that we can always do more and always do better. And I heard today a statement that I often think about in many of the things that I do which is, we can't let the perfect be the enemy of the good. And today we've certainly had a lot of issues raised. The fact is we're taking an important first step. The fact is the twenty-four of us are not going to make this decision. This decision is too profound for the twenty-four of us or the 424 of us. The fact of the matter is this decision should be made by the people of the state of New Hampshire when they go to the ballot box. When they cast their votes, when they decide who their leaders should be, they should also make the decision and they should do it by a significant majority as our constitution requires, to afford rights to victims that are on par with those of defendants. I do not believe for a second that we in any way diminish any existing constitutional rights. We merely are trying to elevate rights to put them on par for victims. And with that I would ask my colleagues please, please listen to everything you've heard today, but please recognize that the people outside of these walls are the ones who are going to make this decision, who should make this decision, but the only way they can, is with us moving this question to them. With that, I thank you Mister President and ask for your support.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, we've heard something earlier about making this New Hampshire. And I appreciate all the work that has gone into this because, you know what? It shouldn't be drafted by a billionaire from California, it should be drafted by people here in New Hampshire. And you know what? I think it went a long ways to making it New Hampshire. This is on the right track. I agree with a number of the Floor Amendments. I do think there's still redress in many situations. It is much more New Hampshire than it started out to be. Substantial changes were made, including getting rid of no less vigorously enforcing these rights, including putting the opt-in language, including more closely aligning with the statutory rights, including what we adopted today, on a 14-9 vote, clearly setting out what is existing law with respect to depositions. So Mister President, it isn't perfect, but the people in this chamber went a long ways to make it New Hampshire, and I appreciate that. 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 Avard, seconded by Senator Feltes.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Daniels, Lasky, Carson, Feltes, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, Sanborn, Avard.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 20 - Nays: 3. Adopted by necessary 3/5 vote. Resolution ordered to Third Reading.

COMMERCE
SB 318, amending the prohibitions on youth employment.
Ought to Pass with Amendment, Vote 4-0. Senator French for the committee.

Commerce
March 6, 2018
2018-0981s
08/05

Amendment to SB 318

Amend the title of the bill by replacing it with the following:

AN ACT amending the prohibitions on youth employment and relative to documentation requirements for the department of labor.

Amend the bill by replacing all after the enacting clause with the following:

1 Legislative Findings and Purpose. The general court finds that:

I. There is a significant and ongoing need in this state to encourage businesses to grow and hire here, particularly small businesses which are the backbone of New Hampshire's economy.

II. Our current laws relating to employment tend to discourage employers from hiring with heavy handed enforcement of excessive and unnecessary laws and with costly, time consuming audits and fines.

III. The overall purpose of the legislation is to significantly reduce the excessive and unnecessary documentation and regulatory (red tape) burdens, both in laws and in rules, that are inhibiting employers from hiring and growing, and preventing people from working.

IV. It is time to change the culture of state government from one of enforcement, fees, fines, assessments, and delays, to one that encourages responsible business activity and hiring with a "how can I help you succeed?" customer service approach instead. This legislation is necessary to move us in the right direction and reset the tone and actions of government.

V. Making our state significantly more attractive and friendly to employers with passage of this Red Tape Reduction Act will enable our economy to flourish.

VI. The goals of this Red Tape Reduction Act shall include the following:

(a) Written documentation is not required to meet the intent of the law and paperwork discrepancies will not be fined.

(b) Reduce limitations and allow flexibility on working hours for individuals 16 and 17 years of age (if parents approve, then any hours are okay).

(c) Allow employees to buy company clothing.

(d) No need for employee signing/documenting when leaving before 2 hour minimum on their own, when correcting hours to be paid due to their clock-in errors, when receiving pay increases, etc. (verbal is okay).

(e) No random or targeted industry/employer audits (burden of proof on department of labor to show need for audit/investigation due to a pattern of documented complaints or known problems for that specific location of multi-site business).

(f) Expand flexibility with unpaid internships for people of all ages if both parties agree with express understanding that there is no workers' compensation, unemployment, or other benefits provided.

(g) Reduce record keeping requirement from 4 to 3 years.

(h) No fines for not posting laws in "conspicuous" place.

2 Labor Commissioner; Inspections. RSA 273:9 is repealed and reenacted to read as follows:

273:9 Inspections. The commissioner may visit a specific location of a manufacturing, mechanical, or mercantile establishment in the state at a reasonable time for the purpose of ascertaining whether the laws with reference to employment are complied with after a pattern of documented complaints to the department or known problems for that specific location of the business has been identified within the prior 12 months.

3 Protective Legislation; Definition of Terms. Amend the introductory paragraph in RSA 275:4, II to read as follows:

II. In this subdivision, "employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, ***or a person who volunteers to work for an employer for a learning or charitable opportunity and who explicitly agrees in writing to the absence of wages and benefits for a specified period of time not to exceed 6 months,*** or any person who meets all of the following criteria:

4 Protective Legislation; Day of Rest. Amend RSA 275:33 to read as follows:

275:33 Day of Rest. No employer shall operate any such business on Sunday unless he or she has [~~posted in a conspicuous place on the premises~~] ***made available to employees*** a schedule containing a list of em-

ployees who are required or allowed to work on Sunday and designating the day of rest for each[~~, and shall promptly file a copy of such schedule and every change therein with the labor commissioner~~]. No employee shall be required [~~or allowed~~] to work on the day of rest designated for him ***or her***. [~~Whoever violates this section shall be fined $50.~~]

5 Required Pay. Amend RSA 275:43-a to read as follows:

275:43-a Required Pay.

I. On any day an employee reports to work at an employer's request, he or she shall be paid not less than 2 hours' pay at his or her regular rate of pay[~~; provided, however, that~~]. ***If the employee chooses to leave work after reporting, the employer may, without penalty, elect not to pay the employee.***

II. This section shall not apply to employees of counties or municipalities or ski and snowboard instructional employees at ski resorts, provided that these employees receive other compensation that is at least equal to their rate of pay, and provided further that no employer who makes a good faith effort to notify an employee not to report to work shall be liable to pay wages under this section. However, if the employee reports to work after the employer's attempt to notify him or her has been unsuccessful or if the employer is prevented from making notification for any reason, the employee shall perform whatever duties are assigned by the employer at the time the employee reports to work.

6 Protective Legislation; Payment of Wages. Amend RSA 275:48, V(b) to read as follows:

(b) "Uniform" means a garment with a company logo or fashion of distinctive design, worn by one or more employees, and serving as a means of identification or distinction. ***No employer shall require an employee to wear a uniform unless the employer provides each employee with a uniform at no cost to the employee. An employee may purchase any other company garments or items if the employee chooses.***

7 Protective Legislation; Notification, Posting and Records. Amend RSA 275:49, I-II to read as follows:

I. ***Verbally or in writing*** notify the employees, at the time of hiring of the rate of pay, and of the day and place of payment;

II. ***Verbally or in writing*** notify his or her employees of any changes in the arrangements specified above prior to the time of such changes;

8 Protective Legislation;Notification, Posting, and Records. Amend RSA 275:49, VI-VII to read as follows:

VI. Make such records of the persons employed by him or her, including wage and hour records, preserve such records for [~~such periods of time~~] ***3 years***, and make such reports therefrom to the commissioner, as [~~the commissioner shall prescribe by regulation as necessary or appropriate~~] ***are required in statute*** for the enforcement of the provisions of this subdivision; and

VII. [~~Keep posted in a place accessible to his or her~~] ***Make available to*** employees the following ***information***: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an Internet link to RSA 275:37.

9 Youth Employment Law; Prohibitions. RSA 276-A:4 is repealed and reenacted to read as follows:

276-A:4 Prohibitions.

I. No youth shall be employed or permitted to work in any hazardous occupation, except in an apprenticeship, vocational rehabilitation, or training program approved by the commissioner.

II. No youth under 16 years of age shall be employed or permitted to work without a certificate except:

(a) For his or her parents, grandparents, or guardian;

(b) At work defined in this chapter as casual;

(c) As farm labor; or

(d) With the permission of a parent or legal guardian.

III. No youth under 16 years of age shall be employed or permitted to work in a dangerous area in manufacturing, construction, and mining and quarrying occupations, or in woods and logging.

IV. No youth under 12 years of age may be employed or permitted to work except for his parents, grandparents, or guardian, or at work defined in this chapter as casual, or in the door-to-door delivery of newspapers.

10 Youth Employment Law; Enforcement. Amend RSA 276-A:6 to read as follows:

276-A:6 Enforcement. The commissioner shall have the responsibility for enforcing the provisions of this chapter. [~~Investigators and truant officers shall visit and inspect all places of employment and cause the provisions of this chapter to be enforced as directed by the commissioner. For this purpose they shall have the power to serve warrants.~~]

11 Youth Employment Law; Certain Labor. Amend RSA 276-A:11 to read as follows:

276-A:11 Certain Labor. In addition to the prohibitions listed in RSA 276-A:4, [~~III, IV, V, VI, and VII~~] no youth shall be employed or permitted to work at manual or mechanical labor in any manufacturing establishment more than 10 hours in any one day, or more than 48 hours in any one week. No youth shall be employed or be permitted to work at manual or mechanical labor in any other employment, except household labor and nursing, domestic, hotel and cabin including dining and restaurant service operated in connection with such service, and boarding house labor, operating in telegraph and telephone offices and farm labor, or canning of perishable vegetables and fruit, or as a laboratory technician, more than 10- 1/4 hours in any one day, or more than 54 hours in any one week.

12 Youth Employment Law; Additional Prohibitions. Amend RSA 276-A:21 to read as follows:

276-A:21 Additional Prohibitions. The prohibitions under this subdivision shall be in addition to those prohibitions listed in RSA 276-A:4[~~, III, IV, V and VI~~].

13 Youth Training and Employment in Firefighting; Limitations on Youth Training and Employment. Amend RSA 276-A:23, V to read as follows:

V. Fire organizations shall follow the requirements of [~~RSA 276-A:4, VIII and~~] RSA 276-A:24 and rules adopted by the commissioner when employing or permitting 16 or 17 year old youths to work in support of firefighting.

14 Employer's Records; Records of Hours and Wages. Amend RSA 279:27 to read as follows:

279:27 Records of Hours and Wages. Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary, and shall furnish to the commissioner or the commissioner's authorized representative

upon demand a sworn statement of the same. ***Employers shall retain employee records for 3 years and such*** records [~~shall~~] ***may*** be open to inspection by the commissioner or the authorized representative at any reasonable time***, provided that a pattern of documented complaints to the department of labor for the employees of a specific location of the business has been identified within the prior 12 months***. [~~Every employer subject to a statutory minimum wage shall keep a copy of such statutory minimum wage posted in a conspicuous place in every establishment in which employees are employed. Employers shall be furnished copies of posters on request without charge.~~]

15 Repeal. The following are repealed:

I. RSA 276-A:5, relative to youth employment certificates.

II. RSA 276-A:13, relative to youth night work.

III. RSA 276-A:14, relative to a special agreement for youth night work.

IV. RSA 276-A:20, relative to posting of notice of meal breaks permitted to youth employees and maximum allowed hours for youth employment.

V. RSA 276-A:22, relative to evidence of violations of youth employment in certain jobs.

16 Effective Date. This act shall take effect upon its passage.

2018-0981s

AMENDED ANALYSIS

This bill repeals certain provisions of the youth employment law governing the employment of youths 16 and 17 years of age. This bill also modifies notification requirements regarding work schedules and payment of wages, and deletes the requirement that investigators visit places of employment.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass with Amendment on Senate Bill 318. This bill repeals certain provisions of the youth employment laws governing workers that are sixteen and seventeen years old, including a restriction on the amount of hours worked. The committee amendment makes several changes known as the Red Tape Reduction Act, removes the requirement for a business to post in a conspicuous place Sunday's schedule. It will be required to be made available to employees. An employee may buy additional work garments other than the work uniforms without the employer being fined and employers may discard an employee's record after three years. This is a very busy, a business friendly bill so please join the Commerce Committee in voting Senate Bill 318 Ought to Pass with Amendment. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I actually ask the body to overturn the committee amendment so that Senator French can introduce a Floor Amendment.

The question is on the adoption of the Committee Amendment. Failed.

Senator Bradley offered a Floor Amendment.

Sen. French, Dist 7
Sen. Sanborn, Dist 9
Sen. Bradley, Dist 3
Sen. Morse, Dist 22
Sen. Innis, Dist 24

March 22, 2018
2018-1198s
04/10

Floor Amendment to SB 318

Amend the title of the bill by replacing it with the following:

AN ACT relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

Amend the bill by replacing all after the enacting clause with the following:

1 Labor Commissioner; Inspections. RSA 273:9 is repealed and reenacted to read as follows:

273:9 Inspections. The commissioner may, subject to the provisions of this paragraph, without notice, visit, at a reasonable time, a manufacturing, mechanical or mercantile establishment in the state for the purpose of ascertaining compliance with the laws adopted under this title. The commissioner shall only visit such a specific location upon receipt of a complaint, with knowledge of other information that causes the commissioner to have an articulable suspicion that the violation identified in the complaint or other information will be substantiated by the visit to the location, or upon request of the employer to visit other specific locations.

2 New Section; Labor Commissioner; Proportionality of Inspections. Amend RSA 273 by inserting after section 9 the following new section:

273:9-a Proportionality of Inspections. All inspections performed by the commissioner shall be proportional to the seriousness of the violation which the commissioner has an articulable suspicion to believe exists. "Proportional" in this section shall be determined with reference to the importance of the issues at stake in the inspection, the degree to which the alleged violation involves risk of physical injury, the potential for lost wages, the amount in controversy, the parties' relative access to relevant information, and the parties' resources.

3 Protective Legislation; Day of Rest. Amend RSA 275:33 to read as follows:

275:33 Day of Rest. No employer shall operate any such business on Sunday unless he or she has posted [~~in a conspicuous place on the premises~~] ***and made available to employees*** a schedule containing a list of employees who are required or allowed to work on Sunday and designating the day of rest for each[~~, and shall promptly file a copy of such schedule and every change therein with the labor commissioner~~]. No employee shall be required [~~or allowed~~] to work on the day of rest designated for him ***or her***. [~~Whoever violates this section shall be fined $50.~~]

4 Protective Legislation; Payment of Wages. Amend RSA 275:48, V(b) to read as follows:

(b) "Uniform" means a garment with a company logo or fashion of distinctive design, worn by one or more employees, and serving as a means of identification or distinction. ***No employer shall require an employee to wear a uniform unless the employer provides each employee with a uniform reasonably suited for the conditions in which the employee would be required to wear one, at no cost to the employee. An employee may purchase any other company garments or items if the employee chooses.***

5 Protective Legislation; Notification, Posting and Records. Amend RSA 275:49, II to read as follows:

II. Notify his or her employees of any changes in the arrangements specified above prior to the time of such changes***, provided however that there shall be no penalty for failure to provide notification to an employee concerning changes to the minimum hourly rate pursuant to RSA 279:21***;

6 Protective Legislation; Notification, Posting, and Records. Amend RSA 275:49, VI-VII to read as follows:

VI. Make such records of the persons employed by him or her, including wage and hour records, preserve such records for [~~such periods of time~~] ***3 years***, and make such reports therefrom to the commissioner, as [~~the commissioner shall prescribe by regulation as necessary or appropriate~~] ***are required in statute*** for the enforcement of the provisions of this subdivision; and

VII. [~~Keep posted in a place accessible to his or her~~] ***Post and make available to his or her*** employees the following: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an Internet link to RSA 275:37.

7 Youth Employment Law; Prohibitions. Amend RSA 276-A:4, VI-VIII to read as follows:

VI. ***(a) In any employer's predetermined designated work week during which school is in session for 5 days,*** no youth 16 or 17 years of age who is duly enrolled in school shall [~~be permitted to~~] work more than 6 consecutive days or more than 30 hours during [~~the school calendar week, which shall be Sunday through Saturday~~] ***that work week***.

(b) In any employer's predetermined designated work week during which school is in session for 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 40 ¼ hours in that work week.

(c) In any employer's predetermined designated work week during which school is in session for more than one but less than 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 48 hours in that work week.

VII. No youth 16 or 17 years of age who is duly enrolled in school shall work for more than 6 consecutive days or [~~48~~] ***56*** hours in any one week during school vacations, including summer vacation. For purposes of this paragraph, "summer vacation" means June 1 through Labor Day. This prohibition shall not apply to youths 16 or 17 years of age who reside and work at a summer camp for minors.

VIII. No youth 16 or 17 years of age[~~, except a youth 16 or 17 years of age who has graduated from high school or obtained a general equivalency diploma,~~] shall be employed by an employer unless the employer obtains and maintains on file a signed written document from the youth's parent or legal guardian permitting the youth's employment. ***A youth who is 16 or 17 years of age who has graduated from high school or obtained a high school equivalency credential shall not require permission of a parent or legal guardian.***

8 Youth Employment Law; Enforcement. Amend RSA 276-A:6 to read as follows:

276-A:6 Enforcement. The commissioner shall have the responsibility for enforcing the provisions of this chapter. [~~Investigators and truant~~

~~officers shall visit and inspect all places of employment and cause the provisions of this chapter to be enforced as directed by the commissioner. For this purpose they shall have the power to serve warrants.~~]

9 Youth Employment Law; Hours of Labor. Amend RSA 276-A:11 to read as follows:

276-A:11 Certain Labor. In addition to the prohibitions listed in RSA 276-A:4, III, IV, V, VI, and VII no youth shall be employed or permitted to work at manual or mechanical labor in any manufacturing establishment more than 10 hours in any one day, or more than 48 hours in any one week. No youth shall be employed or be permitted to work at manual or mechanical labor in any other employment, except household labor and nursing, domestic, hotel and cabin including dining and restaurant service operated in connection with such service, and boarding house labor, operating in telegraph and telephone offices and farm labor, or canning of perishable vegetables and fruit, or as a laboratory technician, more than 10-1/4 hours in any one day, or more than [~~54~~] ***56*** hours in any one week.

10 Youth Employment Law; Notice of Hours. Amend RSA 276-A:20 to read as follows:

276-A:20 Notice of Hours. Every employer shall post [~~in a conspicuous place in every room where youths are employed a printed~~] ***and make available to all employed youths a*** notice stating the hours of work, the time allowed for dinner or other meals, and the maximum number of hours any youth is permitted to work in any one day.

11 Employer's Records; Records of Hours and Wages. Amend RSA 279:27 to read as follows:

279:27 Records of Hours and Wages. Every employer of employees shall keep a true and accurate record of the hours worked by each, wages paid to each, and classification of employment when necessary, and shall furnish to the commissioner or the commissioner's authorized representative upon demand a sworn statement of the same. ***Employers shall retain such records of hours and wages for 3 years and such*** records shall be open to inspection by the commissioner or the authorized representative at any reasonable time***, subject to the provisions of RSA 273:9***. Every employer subject to a statutory minimum wage shall [~~keep~~] ***post and make available to his or her employees*** a copy of such statutory minimum wage [~~posted in a conspicuous place in every establishment in which employees are employed~~]. Employers shall be furnished copies of posters on request without charge.

12 Repeal. RSA 276-A:22, relative to evidence of violations of youth employment in certain jobs, is repealed.

13 Effective Date. This act shall take effect upon its passage.

2018-1198s

AMENDED ANALYSIS

This bill establishes criteria under which the commissioner of the department of labor may conduct a workplace inspection; amends certain notification and posting requirements; amends certain provisions of the youth employment law; and amends the requirements for employer retention of hour and wage records.

SENATOR BRADLEY: Thank you very much, Mister President. I'm going to speak to sections 1 and 2 of the bill and I'm going to let others speak to the remaining portions of the bill. And let me just say this, a lot of work went into this amendment over the last few days. Our attorney Rick Lehmann was very involved with the Commissioner of Labor and the Deputy

Commissioner of Labor. I think it represents a reasonable compromise on how we can proceed with this bill. The first section talks about when the Labor Commissioner can do inspections. And so what's very important in this amendment is the commissioner can only visit a specific location upon the receipt of a complaint with knowledge of other information that causes the commissioner to have an articulable suspicion that a violation has occurred. Translated; no inspections on fishing expeditions.

The second section; when there is an inspection and they found a violation, the penalties need to be in proportion to the scope of the violation. And not a lot of us that are here from 2011 when we passed the statute that created a warning. But there were a number of incidences that had happened in virtually all of our districts when the Department of Labor went in and inspected, came up with any number of violations, kind of threw the book at people and then settled for something that was much less. What this does is say that there has to be an articulable suspension again that would cause the inspection and then any penalties have to be proportional to the scope of the violation. I think this is a very fair and balanced way that both continues to protect what the Labor Department does, which is the health and safety of our workplaces and our workforce but at the same time does not lead to over exuberance of inspections and fining and some of the things that went along with that. So I'm going to stop there and let others talk about the balance of the amendment.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I'll pick up after where Senator from District 3 just left off. So globally there are two issue that we're trying to solve in this amendment. We have one issue where in discussions with the assistant commissioner of the staff and the business community, there's clearly been some friction and acknowledgement from the commissioner and assistant commissioner that there may have been a little bit of over exuberance and lack of clarity in how the Department of Labor was applying some of its rules and laws.

The second part of the bill looks to better define of what truly has been confusion between the department, business and families about how those under eighteen work. What this legislation does is specifically look at sixteen and seventeen year olds, so it does nothing, does not change a single word in the statutes of fifteen or under. So we're focusing on labor just sixteen and seventeen year olds. So what the legislation does is to say that with parental permission, because we all know it's important for parents to be involved in this discussion, that with parental permission, sixteen and seventeen year olds can work a certain length of time during the school year, we modify it a little bit on days where the school is not meeting five days a week, to provide a little more flexibility and we provide clarity that when the school is out and it's truly a vacation time. And in doing so we've changed some parts of the statutes just to make it consistent where previously it wasn't.

The other part of the legislation again has to do with this confusion and concern from the business community relative to what they can and can't do and where there are or are not places where the agency may have been using this statutes in a more punitive manner. For example; during some examinations the statute specifically says that all postings must be conspicuously displayed and we know that some people and some agencies have made their self-determination of what conspicuous means, and penal-

ized against that. Additionally we have seen where there's a requirement for early clock in or clock out without definition of hours, or whether or not a company is keeping records where traditionally the statute said you have to keep records but left it to the discretion of the agency to determine whether or not you were keeping records for a long enough period of time or not, and again penalizing for that. So we've put down in statute that specifically there shall be three years' worth of records.

In addition to that we happened to see that there is a requirement that if you change someone's pay, pay raise or pay cut, the employee has to sign off, but when there are changes to the federal or state minimum wage, which can affect every single employee at once, that three day notice could again be a notice of violation so we provided for an exemption that if the state or the Federal Government does it.

So in the end Mister President, because at this point I'm not even sure we have a quorum left in the room, so I'm talking to myself, what was a twenty-seven item piece of legislation, we've whittled down to eight or nine places where there is agreement on every single side, that the commissioner, the assistant commissioner and members of the Senate and the business community all agree that everyone got a little, everyone gave up a little. But we think it's a step in the right direction. So I'm happy to answer any questions and I commit this amendment 1198, to the body for its approval. Thank you.

(The Chair recognized Senator Feltes for a question of Senator Sanborn.)

SENATOR FELTES: Thank you for taking my question. On page 2, lines 4 through 7 in this amendment adding; "no employer shall require an employee to wear a uniform unless the employer provides such employee with the uniform, reasonably suited to the conditions in which the employee would be required to wear one, at no cost to the employee." Does that now apply to the Department of Transportation plow drivers who don't have up to date boots?

SENATOR SANBORN: Senator, thank you so much for the question. I cannot answer whether or not state employees are bound by the Department of Labor and if the Department of Labor is an examiner and overseer of the state of New Hampshire employees. That I can't answer but what I can answer on this is clearly there has been some question, and the statute has been very clear, the employer is responsible to provide employees with a uniform, but was never really clear to what extent. Do you need to give them a long-sleeved t-shirt in the summertime and then do you have to buy them a, I'm sorry the wintertime, buy them a short-sleeved t-shirt in the summertime? So we actually just included the reasonably suited, to try and embrace and encapsulate that we do recognize that if a business, business, I'm not sure if government is a business, if a business has a uniform and it requires its employees to wear it, that employees have to be provided free but at the same token, the other operative word we put out which was not there before was some employees like to buy extra because they want it in a different color, they want a hoodie, when it's not needed for work and we're giving them that ability to buy that extra uniform or pieces of it if they'd like.

SENATOR FELTES: Thank you, Mister President. Thank you, Senator. Section 6 changes how long the records, wage records are kept which were in rule but now you're limiting it to only three years. What happens if there's a wage and hour claim that involves wages and documentation of wages that stretch back further than three years?

SENATOR SANBORN: Senator, thank you so much for the question. This actually shows up in two different parts of the statute and you'll see within this amendment, shows up in two different places. Traditionally it only said that a business owner had to keep records for such period of time. It actually didn't say anything you could have thrown them out in a week, but it left the discretion and the determination to the department to determine what that length of time was. So what we're trying to do is use commercially reasonable standards and the same types of standards we see throughout all the other statutes relative to business records and record keeping and find something that is reasonable and rational. So we went from no definition to three years.

SENATOR FELTES: Thank you, Mister President. Thank you, Senator. Page 3 line 4 changing the hourly cap on youth employment for sixteen and seventeen year olds, per week, in any one week from forty-eight hours up eight hours to fifty-six hours. So if this passes, sixteen year olds could be in a situation where they're working up to fifty-six hours a week, in some situations?

SENATOR SANBORN: Senator, thank you so much for the question. I appreciate that. What we tried to do in the statute was the hour numbers were different throughout the statute, so we tried to find consistency, you'll see so where it was forty-eight going to fifty-six and in full acknowledgement, it was fifty-four. So at the request of Senator Innis to try and find eight hours a day, seven days a week as the outside, we had to come up with some reasonable number that we could actually justify the math. Now remember this fifty-six hours is only during the summer, summer vacation. So not during any school hours so we had to take in consideration that what about those weeks when a sixteen or seventeen year old is working at the fair or working at a golf course or something seasonal to try and provide some guardrails without making it excessive. Because for the record, I would have eliminated any hour requirements and let parents decide how much their kids work, so this was kind of a compromise number for all of us.

SENATOR FELTES: Thank you, Mister President. Thank you.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the Floor Amendment. When this committee, Commerce Committee, considered the legislation, the legislation came in as changes to the youth employment law and I had some concerns with the policy at that time had asked some questions of the Department of Labor. And lo and behold the committee adopted an amendment, I was not present at the time, that made a whole host of changes to our labor laws, and interestingly enough those proposed changes had been defeated in the other body, had been heard in ED&A and we had also defeated them and yet they continue to come back. And I do have a concern because they're issues that have truly not had, when they had a public hearing people have been opposed to them, they're not changes that people are in support of.

In particular I would note with respect to inspections, we are significantly limiting the authority of the Commissioner of Labor. The Commissioner of Labor has authority right now without a complaint to investigate if there is the potential for harm. That's being taken away and now we're also limiting the spoke of an inspection to proportionality of inspections. There's an attempt at a definition starting on 21, that's de-

termined with reference to the importance of the issue at stake, the lost wage, I mean, how is an inspector on duty going to do that. You know, if something pops up and the commissioner is in the midst of a hearing, I don't know how that's going to happen. Very, very, very unclear.

Some of our clear posting laws which are being changed to make available to the employee. You know that cuts both ways, the reason for clear posting laws is not just to inform the employee of wage an hour. The reason for the posting laws is also to cover the employer. So that the employer is protected. So some of these changes I question.

But most importantly, and I do agree with my colleague from District 15, I find the uniform portion interesting given that's been a continual issue for our DOT employees and we haven't been able to resolve that yet. But I am particularly concerned Mister President, with what was the original issue and with what this amendment purports to do to our youth employment laws. This amendment, I think, you know, I know we've heard some testimony that this is about trying to help the situation for parents, but when the original bill was heard making changes, I specifically asked the Assistant Commissioner of Labor, do you get complaints about these issues, and he said yes. And he gets them routinely from parents and frequently when Department of Labor steps in, it's at the behest of parents because their children do not, their children want to work more hours, or there's a conflict between the children and the adults. I think this goes way beyond what we should expect of sixteen and seventeen year olds. I think this actually interferes with the parent child relationship. I see this as going down a really bad path. You know we discussed earlier, we were talking about Marsy's Law, juveniles and how certain laws impact juveniles. This is not going to be good for juveniles. Now, for some businesses it might be great because they're having trouble finding employees they can get kids working a lot longer. But sixteen and seventeen year olds working these kind of hours, I think is really poor policy. I do think that if we'd had a public hearing, that more parents would have weighed in with concern about this. I've actually heard a couple people who work in this building express concern about the very language in this amendment.

And lastly I would just state that on the last page on page 4, the section where repealing is about evidence of violations of working hours, which says, the employment of any youth in any place or establishment defined in RSA 276-A:11 at any time other than the posted hours of labor shall be prima facie evidence of a violation of the subdivision. How are we going to prove violations of this subdivision without that section? For these reasons Mister President, I cannot support this amendment, I cannot support this original legislation. And I think it's a slippery slope and I think we're doing a disservice to the parents of this state. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thirty seconds, I'm done. I'll use my announcement time too. I want the kids to do better. I know you're job at Brigham's Futures you had to work, your job out in your landscaping company's great, maybe I can get one of my kids there and teach him how to really work. But couldn't just put in words you didn't hear yesterday. Saint Paul's summer program, they take one kid from every high school, this is sort of the deal, if you're going to request, and that creates so much opportunity for her to get into an Ivy League, a little ivy, her life has taken a different path because that one thing. If you worked anywhere near these hours,

even half of them you're not going to, I don't mind the summer hours, you can break your back then. During the school year it's just too much. I want the kids studying more. I'm sorry. Thank you.

(The Chair recognized Senator Giuda)

SENATOR GIUDA: Thank you, Mister President. I rise in support of this amendment. I am meeting next week with three businesses who are closing in my district because the Departments of Environmental Services, Safety and Labor. The one business, a $28,000 fine for having people checking out two minutes late. But they mitigated it to 5,000. We need to allow our businesses a little bit of flexibility, we also need to get the niggling bureaucrats who love to get in and drive these businesses crazy with inspections for any reason whatsoever that they can find, out of the way. We're not going to harm anyone with this. Parents are going to authorize their kids to work. My son was working, when my son was working, I knew where he was working and for how long. I can't imagine that a parent takes so little interest that the parent's not going to say no. Or if it's inappropriate. We have a major problem in the business climate in this state and it is vested in the bureaucracies which go with unlimited scope of authority and unlimited access at any time and hamper businesses from doing what they're supposed to do. There is more than ample room in the statute if this is amended, for those agencies to do their jobs. But what it takes away is the absolute tyranny that they have exercised over three of my businesses that are closing. And these are significant businesses, they are leaving New Hampshire. A convenience store, a restaurant and an inn, because they have been inspected to death, harassed and fined over and over and over for as I said, niggling little deficiencies in the code. We need to let these people do their jobs so our kids can get jobs, learn how to work and participate in the workforce. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and answer a couple of concerns from a couple of Senators. First and foremost, I'd like to reiterate to my colleague in District number 18 that this is language supported, involved in and agreed to and signed off on by the Commissioner of Labor and the Assistant Commissioner, so they are fully involved in the construct and feel very comfortable that they have the ability to enforce the statutes. And in fact it was the commissioner himself that said we actually do not go out to do any investigations unless there is a complaint. So it was his recommendation that actually put that into statute to provide to the business community some level of comfort and knowledge that their not trying to go fishing.

In addition to that you had indicated on the last page the repeal of RSA 276-A:22 is, again this is language in a request specifically from the commissioner, because it is rhetorical and duplicative in nature because then he has other powers that remain in statute that give him the ability to seek penalties if either, and it comes from two ways, if either an employee is working beyond the posted schedule or if an employee is at a manufacturing or high risk environment when technically they're not working because in our statutes presently that also constitutes potential for fine. So again, that specifically came as request from the commissioner himself.

And to my friend from District number 23, who I'm very happy and glad that your daughter got into Saint Paul's because we know the expense she's going to have carrying you around in later life. Very, very high.

But the expense that the hours worked for those while in school when the school's meeting during the week have not changed in this bill that is current in existing law that has not changed. So there's a level of consistency there.

So again I would submit to the body, truly a compromise legislation where everyone involved, including the commissioner, who still recognizes and has said more times that I care to repeat, that his number one job is to represent the employees and not the businesses and I believe there should be a balance so he clearly represented that side that this is a reasonable compromise that everybody agreed to. And I would ask the body support the amendment. Thank you very much.

(The Chair recognized Senator Birdsell for a question of Senator Sanborn.)

SENATOR BIRDSELL: Thank you for taking my question. On page 2, line 33 to 35; "in an employer's predetermined designated work week, during which school's in session for four days, no youths sixteen or seventeen years of age…" So on and so forth. Can an employer require them to work that?

SENATOR SANBORN: Thank you so much for the question. The simple answer is an employer can't force anybody to work, because that is against the law. It's called servitude. So in general, just to back up to the problem was there has been a problem in the Department of Labor statutes that the Department of Labor looks at a work week, looked at a work week from Sunday through Saturday, and not all businesses use a Sunday through Saturday work schedule. So they are constantly getting caught up in how the department was examining employers for compliance to the thirty hours or the forty-eight hours or the fifty-four hours fine print. So what we looked to do in addition to that, there's always been a challenge that we know today in school systems, as those of you with kids in school know, that the school calls school on like August 30th on Thursday and then let them out for Friday for Labor Day weekend. But because they show up for one day that traditionally has been considered a whole school week. So it again changes the laws of how many hours someone can work. So we came up with this compromise to recognize that if the school is in session for five days, there is that limit of thirty hours. If the school is completely out in the summertime, we have the upper limit and if the school is only holding classes one day a week or two days a week, we're providing a little bit more flexibility for both the student to work and the employer to be able to allow them to work.

SENATOR BIRDSELL: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise in opposition. I think the hours are crazy and I don't know how many kids get out of school at sixteen years of age, graduated from high school. We've raised the age to eighteen now, so they aren't graduating and I don't think that they're getting GEDs at that age and what parent, what parent in their right mind would let a kid work fifty-six hours a week? Come on the kid's got to, they have to be home, they've got to be, they have to be studying. I've got three, I think my son got caught up in this when he was a kid, working too many hours. And luckily we were able to bring him back into the fold. But I think it's preposterous, really. It just doesn't make any sense to me. And I would hope that my colleagues would feel the same way. It just doesn't make any sense to me at all. And the uniform situation is another thing that doesn't make any sense. If

you're driving a truck and you don't have decent boots, you're in trouble. You're in big trouble. We've got to address that. And it's getting late in the day, I know I have a couple of things that I'd like to talk to you about later, but indeed I have to say this. You know I'll stay here all night to kill this one. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. Some of us when we were young grew up in families that didn't have money. Didn't have money. Coca-Cola was a luxury. McDonalds was too expensive. When I was sixteen I was told it was time to buy my own clothes, to buy my own car, to pay for my car insurance, oh and by the way, start saving for college. It's hard to do. But I found a job, I went to work and for six years I worked in maintenance on a golf course. The grease is just now coming out of my fingernails. And I worked long hours, especially in the summer. Sometimes over fifty hours a week and I saved that money to go to college. Because my parents couldn't help me, they had nothing to help me. I picked up a great work ethic, I learned things on the job. No one said to me, the law says you have to work fifty-six hours a week. The law puts that as an upper limit, and if parents and the child decide that they're getting too many hours at a particular employer, they have a couple of options. Negotiate fewer hours or quit the job and find another. There are plenty of them available at this point. I don't believe it is our role as the state to tell parents how much their kids should work. It's a family decision and parents know what's best for their kids. And that's why I support this amendment. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise to respond to my friend from District number 20. Senator the GED language was already in statute, we did not change that, so while I know you might be concerned that a sixteen or seventeen year old has a GED, that exists in other parts of the statute. Number two, again as we talked to hours, it was already fifty-four hours in statute, no one had ever brought in a bill to change it, no one ever disputed it, never heard it from either side of the aisle, and just the conversation to round the number off was how the good senator from Portsmouth came up with it. I know, it's Rye or Newcastle but he would love to be in Portsmouth if he could. And Senator D, District number 20, the uniform section actually expands to your benefit, better protections for the employees that didn't exist. So that's actually a move more towards employee protection and away from where it was before in the statute. So I hope that would something again you would support it, because it's going in your direction versus my direction. Thank you, Mister President.

Senator Feltes moved to divide the question.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, this is a big and complicated amendment that we're debating so I'm going to move to divide the question starting first with section 7 VII, which is on page 3, section 7 VII on page 3 and the effective date, 13, would be the first vote. The second, we just start there and go to, or just list them out?

PRESIDENT MORSE: One at a time, Senator.

SENATOR FELTES: Okay so I understand this is divisible. This is what we'd be voting on right now is just the provision increasing from forty-

eight hours to fifty-six hours during the summer. And I agree with the Dean, those hours I think he said are crazy. So I would encourage us to vote this down; section 7 VII that says sixteen and seventeen year olds should work fifty-six hours a week. Please vote it down. Thank you, Mister President.

The Chair ruled the question divisible.

Senator Feltes moved to divide the question: Section 7 VII and Section 13.

The question is on the adoption of Section 7 VII and Section 13.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: If I believe that we should proceed and vote for section 7 now, would I vote yes on the prevailing question?

PRESIDENT MORSE: If you're in favor you're going to say aye. If you're opposed you're going to say nay.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. If I believe that all this section does is to match another part of this section which was already at fifty-four hours, and we're just trying to find consistency and clarity for both the Department of Labor and the business community, would I then vote yes?

PRESIDENT MORSE: If you're in favor you're going to say aye. If you're opposed you're going to say nay.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: This vote that we are about to cast is only on page 3, lines 3 through 7. Is that correct?

PRESIDENT MORSE: I'm going to let the clerk answer that.

SENATOR SOUCY: Thank you, Mister President.

SENATE CLERK: It's section 7 lines 3 through 7.

SENATOR SOUCY: Of page 3?

SENATE CLERK: Of page 3.

SENATOR SOUCY: Thank you.

PRESIDENT MORSE: And the effective date.

A roll call was requested by Senator Bradley, seconded by Senator Feltes.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Hennessey, Kahn, Lasky, Carson, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 12 - Nays: 9. Adopted.

Senator Feltes moved to divide the question: Section 8 and Section 13.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Section 8 on page 3, lines 14 through 18 is what we're voting on. This eliminates a great deal of the investigation and enforcement authority of the commissioner with respect to youth employment law. I don't think it's wise, we shouldn't be taking away this authority from the commissioner to investigate and enforce violations or potential violations of legal violations with respect to our youth and employment. Thank you, Mister President.

(The Chair recognized Senator Soucy for a question of Senator Feltes.)

SENATOR SOUCY: Senator on this issue that you just raised, if we eliminate the sentence starting on line 16, I note that that includes truant officers. They're specifically cited to the extent we delete them. Does the commissioner now lose the ability to include truant officers where they were previously? To engage in these investigations involving youth?

SENATOR FELTES: Thank you very much, Senator Soucy. If the legislature takes this action we are expressly saying to the commissioner that you cannot use truant officers. We're also saying that by not using them they don't have the power to issue warrants either. So this dramatically curtails the inspection and enforcement powers of the commissioner with respect to the employment of youths, which I think we all agree, and we've taken a lot of votes about child protection, talk about youth employment law, we're also talking about child protection in my view. Thank you, Senator Soucy.

SENATOR SOUCY: So in addition to the Department of Labor, the commissioner not being able to include truant officers, truant officers are not going to be privy to information because they're no longer participating in this activity. So we have limited the power not only of the commissioner, but of those in our schools who are attempting to get children back to school.

SENATOR FELTES: Thank you, Senator Soucy, I believe that's an accurate reading.

SENATOR SOUCY: Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and I apologize if I'm confused I thought we were in the voting mode. But, so to answer the body's questions on even though I think we're voting on lines 8 through 13, there's conversations on 8 through 18. Oh we're only on 14 through 18, alright so on 14 through 18 using the truant officers actually came out of, is coming out of the statute, again as a specific request from the commissioner. So let's not confuse the fact that what the commissioner can and cannot do, from a specific request from the commissioner because a) they do not use truant officers anymore in this provision, so they don't use it anymore and b) the commissioner and the assistant commissioner confirm that they have the powers they need to investigate that are still and remain within statute. So this is just clearing up something that they say, they came to us and said they don't use truant officers and that they still maintain the powers that the commissioner has for investigation and enforcement. So I'd ask people to vote in favor of passage.

(The Chair recognized Senator Soucy for a question of Senator Sanborn.)

SENATOR SOUCY: On line 18 it says that for this purpose they shall have power to serve warrants. Can you tell me where the commissioner, where in statute the commissioner retains the power to serve warrants, if it's not expressed as it is here?

SENATOR SANBORN: Thank you for asking the question. The commissioner said he does not serve warrants.

SENATOR SOUCY: He may not as the current commissioner but is there any history in the department of serving warrants, and where in the statute would that be found, if we're removing it?

SENATOR SANBORN: Thank you so much for the question and the conversations we had with the commissioner, he indicated that he does not serve warrants, he is not aware that warrants have been used, and that the agency does not use truant officers. So again, he has asked to have it removed.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. This says investigators and truant officers. And then it says for the purposes they shall have the power to serve warrants. They referring to investigators and truant officers, so the investigators of the department don't serve warrants anymore if we erase this. Now I haven't talked with the commissioner about this provision, I don't know what the commissioner has said, I don't know what the commissioner, if he currently uses truant officers. I presume he still uses investigators and I presume those investigators should still have warrant authority. I would hope. So this is dramatically curtailing specifically. If we pass this as a legislature we're saying you can't do this. Your investigators can't issue these warrants. I would encourage us to vote no. Thank you, Mister President.

The question is on the adoption of Section 8 and Section 13.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Mister President, if I know that the commissioner and the assistant commissioner who I think also serves as legal counsel, or at least as an attorney for the Department of Labor, was included and supports this provision that they do not use truant officers and they do not issue warrants and they feel they have all the other powers that they need to enforce the provisions of statute for the Department of Labor and are comfortable with taking it out, would I then vote yes on the divisional question?

PRESIDENT MORSE: If you're in favor of sections 8 and 13 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 French.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Hennessey, Kahn, Lasky, Carson, Feltes, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 12 - Nays: 9. Adopted.

Senator Feltes moved to divide the question: Section 12 and Section 13.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. I believe that my colleague from Manchester, District 18 spoke earlier about this provision that's being erased in this amendment. The prima facie evidence, evidentiary standards about how the department conducts its

business. So, I mean on the one hand you could say, hey we're getting rid of investigatory powers and warrant authority so why don't we just get rid of evidentiary standards too. But I disagree with that, I think evidentiary standards are good. I think it's good rules of the road for both employees and employers to know it and we should keep it. So vote no on this repeal. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise to ask people to support the divisional question and remind the body that some days it's good to actually repeal laws and statutes we don't use or are ineffective or are no longer valid in a practical matter. Again this is something that the Commissioner of Labor and the Assistant Commissioner came to us in our discussions and asked to remove, and let me give a very practical sense; if a sixteen or seventeen year old is standing in a business and not on the clock, they would be guilty of violating something under this statute. So all we are trying to do again, is to clean up the statutes and recognize the fact that the commissioner has the powers of enforcement to ensure that sixteen and seventeen year olds are not working more than the hours that are prescribed, and if they happen to be hanging out at a restaurant or a nursery when they're not on the clock, they're actually not guilty of anything. So I would ask for the body to support passage of the divisional question. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Mister President, if I know that these issues, not these exact issues, but similar issues had a hearing where the deputy commissioner was present and in another committee some of these issues were raised and the commissioner and deputy commissioner were present and none of these things were asked for at those two hearings, would I now vote no so that we can have an open and public and transparent process where we debate these issues? Thank you, Mister President.

The question is on the adoption of Section 12 and Section 13.

A roll call was requested by Senator Feltes, seconded by Senator Giuda.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Birdsell, Innis, Morse.

The following Senators voted No: Woodburn, Hennessey, Kahn, Lasky, Carson, Feltes, Soucy, D'Allesandro, Fuller Clark, Gannon.

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 11 - Nays: 10. Adopted.

Senator Gannon moved to divide the question: Section 7 VI and Section 13.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: My kid was lucky, she studies like a dog because I break her back. The kids from Senator D'Allesandro's district probably don't have the same home environment, don't have the educational push. If you then put them into working where their life is going to be work, I have friends, the kids don't think, they just don't think about the possibilities of what they could do because they don't have the time studying if they're always working, working for the car that's going to get them to the job, that's going to get them to a nice at best mediocre lifestyle. I want them all to have the aspirations to be doctors, lawyers, Senate Presidents and it comes with education. It doesn't come with do-

ing a blue collar job, which is a good thing, it teaches you a work ethic but education is the way if you look at any estimate of a study, without education you go nowhere. If you work this many hours, forty and a quarter hours during six consecutive days during a school week, you're going nowhere. Maybe some will, but most won't so I can't support this. Thank you.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. I went somewhere. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. For the record, my parents told me that they could not afford to send me to college. We didn't have anything. I started pumping gas full-time at ten years old. I remember the first time a little Honda 600 came to the gas station, back during the gas embargo and filled up their tank of gas for 38 cents, because that's all that person had in their pocket. It has stuck with me my entire life. So work isn't a bad thing. And some of us have to work and some of us should be able to work. And our parents should have the right to determine what is best and not best. I understand that in society today, some people believe kids shouldn't be working ever. Other families believe they should, other families have to work. All this provision does, it does not change the base that sixteen and seventeen year old kids who are in school can only work thirty hours a week. That is current statute, that doesn't change. We know in conversations with the commissioner and the business community that there's been a lot of confusion about what happens if schools only in session one or two days a week. And then what happens during the summertime. So all this change in the statute does is to clarify and provide some guidance that the statute remains identical if kids are in school five days a week, they cannot work more thirty hours. Current statute, doesn't change the statute. If school is not in session for a day, it says you're not in school so you can work that day, and provides a graduated scale for that to happen. We have to remember all those kids working at Canobie State Park during the summer vacation, we have to think about the kids working up in Laconia at the lakes during Labor Day or Memorial Day weekend, or Christmas or Thanksgiving. They could pick up a couple of hours, make a couple bucks. I know Senator French wants his grandkids to get him something nice, pack of cigarettes, unfiltered Camels, but all this does is provide again a graduated scale that goes up current statute that doesn't change, provides for the fact that if the kids are not in school, they can work. If they're in school, still bound by the low hours. So with that I would commend to the body that they would continue to support passage, which is again just clarifying what we need to do so we don't get businesses, parents or kids in trouble. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. Thank you for talking about my former employer. I did work at Canobie Lake Park in the summer. It was a terrible job in the fried dough booth. They told me I was going to get roller coasters and the cool girls all liked the roller coaster guy. Unfortunately in the summer before college I was only seventeen, state law said I couldn't operate the roller coaster, had to go to food. Fried dough was hot, horrible. But it probably taught me something. I'm a blue collar lawyer, I went to law school at night. I did get in B.C.

Law, got no scholarship and the only way I could do it was at night. So I realize I had to hang curtains, I went to work for my uncle in a curtain company, horrible job, still do it but it pays well. And so it did teach me a lot of values but I saw the kids, and my kids who are going to the Connecticut College, they have such advantages, they're getting the world handed to them. They have the opportunity to go to Wall Street, go to Harvard, incomes that we can't imagine. You can't do that if you've got these hours, these thirty hours during a school week, no way, you're not going to do it. AP Calculus, physics. You want to go to these nice colleges that are going to give you a golden life, you've got to be on every sports team, the demands of school are so hard, then you have to get home and study five hours. You do the job five hours a day six hours a day, your future's limited. Thank you.

(The Chair recognized Senator Fuller Clark for a question of Senator Gannon.)

SENATOR FULLER CLARK: I wanted to ask you if you know in today's economy if there's any job that you can work in the summertime, where you can earn enough money to pay to go to college?

SENATOR GANNON: Would depend on the college obviously, but no, certainly not in today's world, no. Your summer jobs are going to pay, if you were lucky, you'd be getting ten or twelve bucks an hour as a kid. Certainly I can tell you Connecticut College is $74,000 a year. No way. All the top colleges that are going to give you those opportunities. You either have to have a great scholarship, being born with the right gene pool. No you can't, these kids aren't going to make it there.

SENATOR FULLER CLARK: Thank you.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. You think we expired on thirty hours a week yet? No just today. Anyway, I just say, it's really a parliamentary inquiry. I want to make sure that I understand that this separation of the question is on page 2 line 28 continuing through page 3 line 2.

PRESIDENT MORSE. I' m getting nods from the lawyer. I don't have the bill. You're voting on section 7, VI and section 13.

(The Chair recognized Senator Sanborn for a question of Senator Gannon.)

SENATOR SANBORN: Senator Gannon I know and understand and appreciate that attorneys are hanging curtains and send their kids to $70,000 colleges, but those of us who come from blue collar backgrounds recognize that one of the best schools in America, Southern New Hampshire University headquartered in Senate District number 20, offers an online degree for $10,000 today. So would you believe that someone working $10 an hour forty hours a week in the summertime for the twenty weeks could darn near pay for a four year education in one summer?

SENATOR GANNON: Oh are advocating a minimum wage higher than 7.25? Is that what you just said? I think you just said, no okay. We do need to address that someday, not this year. No can you afford it, a) I don't pay 74 because they were smart. I got lucky. But so can you go to that school's going to limit your future. You are not going to get into an Ivy League.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Just briefly Mister President, bringing it back to the pending motion. Senator Gannon's motion to divide is lines 28 on page 2 through line 2 on page 3. And the effective date section 13. And just to be clear, it doesn't have anything to do with summertime. We already voted on that. This has to do with the school year. How many hours can employers ask kids to work during the school year? If it's in session for four days or more of school, it goes from thirty hours to forty and one fourth hours. And then if it's between one and four days, it goes from thirty hours to forty-eight. That is substantial increases, and I agree with Senator Gannon, these hours are not, they're not productive for anybody and so I would encourage us to vote no on Senator Gannon's motion.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. Is it not requiring parental permission for a person to work? Number one. Number two; why are we as a state attempting to limit opportunities to work, not everyone goes to college, in fact today I know in my campaigning I ran into about four or five PHDs living with their parents at the age of fifty. So a college degree is no insurance of success. Hard work is one component of success. This is an opportunity for kids to work if their parents allow them to. This is not mandated and if the child doesn't want to work that much, they don't have to. They just go somewhere else or don't work at all. This is about freedom of choice, without the state mandating what you can and can't do in the system where we believe constitutionally that the parents should be the voice of authority over the actions of their children. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Very quickly, Mister President. Coming from the city of Manchester where the textile mills were the place where many twelve and fourteen and sixteen year olds were forced to work many hours, the reason we have limitations in youth employment laws is to prevent exploitation. The policy we have on the books accomplishes that, these hours go way too far and conflict with our policies in trying to educate our children. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. Again, a clarification. We aren't dealing in this with section 8 on page 3, we are dealing only with that section 7, number 7 on page 2 line 28 through page 3 line 2. So we aren't–.

PRESIDENT MORSE: We're dealing in section 7, VI and section 13.

SENATOR KAHN: Yes, and so we are not dealing with the section that deals with parental permission, we're merely dealing with the section that deals with number of hours worked in a week during the school session. Thank you, Mister President.

The question is on the adoption of Section 7 VI and Section 13.

A roll call was requested by Senator Soucy, seconded by Senator Daniels.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Birdsell, Innis, Morse.

The following Senators voted No: Woodburn, Hennessey, Kahn, Lasky, Carson, Feltes, Soucy, D'Allesandro, Fuller Clark, Gannon.

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 11 - Nays: 10. Adopted.

The question is on the adoption of All Remaining Sections and Section 13.

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, Birdsell, Innis, Morse.

The following Senators voted No: Woodburn, Hennessey, Kahn, Lasky, Carson, Feltes, Soucy, D'Allesandro, Fuller Clark, Gannon.

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 11 - Nays: 10. 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 French.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Birdsell, Innis, Morse.

The following Senators voted No: Woodburn, Hennessey, Kahn, Lasky, Carson, Feltes, Soucy, D'Allesandro, Fuller Clark, Gannon.

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 11 - Nays: 10. Adopted, bill ordered to Third Reading.

RULES AND ENROLLED BILLS
SB 343, relative to legislative ethics guidelines.
Ought to Pass, Vote 3-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move Ought to Pass on Senate Bill 343. This bill clarifies certain terms used in legislative ethics guidelines and has two specific parts. The first speaks to the meaning of a rule and means any rule adopted pursuant to the legislative ethics chapter shall not include any rule of proceeding adopted by the House of Representatives or the Senate. The second part of the bill deals with legal representation being considered a gift. This legislation clarifies the word service which relates to the acceptance of legal services on an individual basis when the legislator enters into an attorney client relationship with the attorney, thus clarifying that receiving legal counsel does count as a gift. Please join the committee in voting Senate Bill 343 Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Feltes for a question of Senator Daniels.)

SENATOR FELTES: Thank you, Senator for taking my question. Reading this language it says for the purposes of the section "service shall include but not be limited to acceptance of legal services on an individual basis when the legislator enters into an attorney client relationship with the attorney." Having read that, is the goal of this legislation to prohibit any legislator from receiving legal advice pro bono?

SENATOR DANIELS: No. I'll defer to the Senator from District 14.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you. Thank you, Mister President. No it does not. That's one of the things that the Ethics Committee talked at length about was that we as legislators we get free legal advice all day. Many of the lobbyists here are attorneys. So we don't want to catch people

in that situation, but when someone does say I am representing you, that means something different than someone giving you legal advice. And so I brought the bill forward because I disagreed with the final ruling of the Ethics Committee. I believe that when you are represented by an attorney, that has value. I think we all know attorneys are not cheap, they can be very expensive, upward of hundreds of dollars an hour. And you can get all the legal advice you want but that changes when the attorney, you enter into an agreement with the attorney that they're going to represent you. That is more than $50, which is allowable under our current ethics law, and should be prohibited.

SENATOR FELTES: Thank you, Mister President. None of the Senators here pay for the Senate legal counsel's advice. Anytime you give legal advice the attorney client relationship generally attaches so does this prohibit us from receiving advice from Senate legal counsel?

SENATOR CARSON: Not at all.

SENATOR FELTES: Thank you.

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10
March 22, 2018
2018-1191s
03/10

Floor Amendment to SB 343

Amend the bill by replacing section 2 with the following:

2 Gifts, Honorariums, and Reimbursements. Amend RSA 14-C:2, IV(a)(2) to read as follows:

(2) Any other tangible thing, intangible thing, service, or the use thereof having an individual value of greater than $50. ***For purposes of this section, "service" shall not include acceptance of legal services on an individual basis when the legislator enters into an attorney-client relationship with the attorney for the purposes of addressing a complaint or petition if the attorney is not a registered lobbyist and not in a law firm or other business organization that has as a member, partner, associate, employee, or other person with a similar relationship who is a registered lobbyist.***

SENATOR KAHN: Thank you, Mister President. So I think we're all thinking as soon as we ask for somebody's opinion, the clock starts ticking. That's not exactly what this, I've read the hearing notes, by the way our colleague from District 14's answered a lot of questions today. I appreciate her work on this. But I've got to say when I first saw this, this is pretty constraining. It says for the purpose of responding, responding only responding, I can't ask maybe I would want to bring forward a complaint. Responding to a complaint or petition that could result in a member being expelled. So I think we're missing, wrong one? Anyway this amendment makes it clear that's not what we're doing, this is saying, for the purpose of this it shall not include legal services for the purposes of addressing a complaint or a petition. For addressing, it could go either way. I think we should be more thoughtful about our own needs for legal advice, and I felt as I read this that it was more constraining than it needed to be. I think this is a good idea, hope you'll concur. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in support of this amendment and I also rise because I sit as a member of the Ethics Committee. And we were challenged with this issue when a complaint was brought before us that an individual in the House had sought pro bono legal services to advise that individual when she was called up before the House Committee on Administration which very likely threatened her position in the House. And it was the determination of the Ethics Committee that she was entitled to pro bono support, and that it should not fall under the rubric of receiving a gift. And the issue was we as legislators serve for $100 a year and that there are many people serving in the legislature who are unable to afford the services of an attorney and that if their integrity, if their role as a legislator is being constrained because they cannot seek legal services, we're actually depriving them of due process. And so this amendment has been crafted very carefully to make clear that it says that if a legislator enters into an attorney client relationship, with the attorney, for the purpose of addressing a complaint or a petition, it cannot be a registered lobbyist, cannot be in a law firm or other business organization that has as a member partner, associate employee or other person with a similar relationship who is a registered lobbyist. The purpose for that is to make sure that that attorney cannot gain favor by offering these services to a legislator in need. So I would ask you to support this amendment. I believe it's unconscionable to put barriers around a legislator when she or he is in need of legal support and may not have the ability to pay for it himself or herself. Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to speak against amendment 1191s. I find it interesting when we talk about registered lobbyists. As you know we're all on committees and we have a great variety of people who come to speak before us. As the Chair of Senate Judiciary, I've had the pleasure of meeting a number of retired jurists who appear before the committee. They are not lobbyists, they're not connected to a firm anymore because they're retired. But their reputation has value. Their reputation has value. People know who they are, they have spent years establishing a reputation, not only within the legal community, but within the public at large. That has value. You can take whatever advice you want from that attorney. No one is saying you cannot sit down with that attorney, you cannot consult with that attorney. But when that attorney says, I represent so and so, whoever it is, that has value. Even if they're not working anymore, their reputation has value, their name has value. And what the bill tries to do is just says look, we recognize this has a value to it.

No one is trying to deprive anyone of legal representation. Representatives and Senators are free to go out and hire whatever attorney you want and that's between you and the attorney. But when you're talking about getting something of value for free, you are now talking about legislative ethics. And whether or not it is ethical for Senators, Representatives to receive free legal advice. It is a prohibition in my opinion on the gift statute which says we can only receive something worth $50 or less. A lawyer who has spent decades grooming their reputation. You can't tell me that doesn't have value. If they were working what would they charge per hour? Couple hundred, 300, 400, 500 I'm not sure but I do know it's more than $50. So I'd like all of you to think about that for a minute, and how the possibility of abuse can arise. Even if they're

not a lobbyist. These folks come and testify in front of us. You can't tell me that somewhere down the line a question might not arise. We're trying to be as transparent as possible. People nowadays really don't trust government that much, and sometimes we give them good reason not to. But we've worked very hard on our ethics laws, to rein in what many have considered to be bad behavior. And I'm not accusing anybody in this room of bad behavior. But we want to be as transparent as we possibly can to our constituents. So I ask you Mister President, to turn down Floor Amendment 1191s. Thank you very much.

(The Chair recognized Senator Lasky for a question of Senator Carson.)

SENATOR LASKY: If in fact one of those esteemed lawyers, and I were in trouble, and were to send me a bill for $35. Would that be okay?

SENATOR CARSON: Senator, that's between you and the attorney. If you reach that kind of agreement, that's what you've agreed. We don't interfere in that. It's only when it's offered for free.

SENATOR LASKY: Okay. Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. That's exactly it. This is about interference with the right to contracts. It's about interference with forming those relationships that happen in the legal profession all the time. In fact lawyers are encouraged to provide pro bono advice and counsel. They're encouraged to do it. Especially to the indigent, state legislators. I used to say I used represent low income people now I am low income people. But anyways, interference with the right to contract and in some context potentially infringing on due process rights depending on the context and what's at stake. So with those issues at play, the only way to pass this in a way that I think survives scrutiny is if it's narrowly tailored. And what does this amendment do? It narrowly tailors it, to situations of complaints or petitions number one and number two, who is a lawyer? Is that lawyer a lobbyist? If so, they're out. Is that lawyer affiliated with a lobbyist, or a member or a partner of affiliate with a firm of a lobbying firm then they're out. It's narrowly tailored to the issues at hand and I think it's reasonably crafted and we should adopt the Floor Amendment if we're going to pass this at all. 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 commission have an attorney or counsel available to them?

SENATOR CARSON: Thank you for the question. There are a number of attorneys that are on the Ethics Committee.

SENATOR GIUDA: Thank you, and those attorneys provide advice or counsel to the commission?

SENATOR CARSON: They provide, they are not seen as attorneys, they are seen as members of the commission and they take part in every discussion.

SENATOR GIUDA: Is there an attorney or counsel available to the commission as a whole?

SENATOR CARSON: Mister Lehmann does come in from time to time when he's requested to come in.

SENATOR GIUDA: Thank you, Mister President. Now for my remarks. I'm going to support this amendment, I'm going to tell you why, okay?

Someone levels a challenge against a person's integrity. That's what this is all about, okay? And if a person can't afford it and I don't care if it's in this room or across the hall or anywhere else in this state. When a person's integrity is at stake, they may not be able to afford it. I think this affords a clear definition of what's allowable and not. I think a person has the right to defend their integrity against a council stacked with lawyers who are seeking the truth in the complaint that tries to assail that integrity. This is a matter of the ability of an individual to protect themselves. And I will support this amendment because I think it does what needs to be done. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Feltes.)

SENATOR FULLER CLARK: Senator Feltes, I have two questions for you. One is I just heard that if an attorney made an arrangement with a legislator that the legislator was only going to charge, the attorney was only going to charge $35, isn't that a form of pro bono, because that lawyers services are actually worth much more than that?

SENATOR FELTES: Thank you very much, Senator Fuller Clark. Yes that would be reduced fee pro bono.

SENATOR FULLER CLARK: So, as I understand it, that that would prohibit a legislator from being able to acquire the legal advice and the legal representation when the legislator may not feel that they're qualified to represent themselves. So there's one issue around seeking legal advice, but there's also the issue of being able to have the ability to seek legal representation and without this amendment, that legislator would be preventing form doing that. Am I understanding this correctly?

SENATOR FELTES: I think you are Senator Fuller Clark and your prior question raises something that I think is an additional issue that we haven't talked about. If you do a reduced fee and that reduction in fee is greater than 50, then you potentially implicate this particular bill if we don't amend it. So there's going to be disputes over hey did you get advice and get a reduced fee above 50 bucks? That's going to open up a whole can of worms, so the limitation that we have here in this amendment I think is narrowly crafted and serves a correct purpose.

SENATOR FULLER CLARK: Thank you.

PRESIDENT MORSE: Okay there's two speakers left and then we'll vote.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I agree with the comments of my colleague from Senate District 2. This is narrowly crafted to the instance where a legislator is defending themselves in the legislative capacity. This isn't about a divorce, this isn't about a closing or a mortgage, this is simply about legislative activities and the ability of someone to be able to defend themselves effectively. Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. You know it's really rather interesting. My good friend from Concord gives me free legal advice all the time. He always tells me close the loopholes. So my friend from Concord, you're creating a gigantic loophole in our ethics guidelines if you don't pass this bill as is. We have a $50 gift limit. Probably the best gift I could give to everybody, it's worth a lot more that $50 is to sit down and shut up which I will but I just have to say there is a reason for these

ethics guidelines. The public thinks we are above them and if we don't have these guidelines, the integrity of the process gets undermined. I've served as our friend from Portsmouth and our friend from Londonderry have also on the Ethics Committee. The integrity of the process and how the public views us is very, very important. I urge that we vote down this amendment and vote Ought to Pass on the bill.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Kahn, seconded by Senator Fuller Clark.

The following Senators voted Yes: Woodburn, Giuda, Hennessey, French, Kahn, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark, Gannon.

The following Senators voted No: Bradley, Gray, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Innis, Morse.

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 11 - Nays: 10. 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, Hennessey, French, Kahn, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark, Gannon.

The following Senators voted No: Gray, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Innis, Morse.

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 12 - Nays: 9. Adopted, bill ordered to Third Reading.

MOTION TO REMOVE FROM THE TABLE

Senator D'Allesandro moved to remove SB 586-FN-A-L from the Table. Adopted.

WAYS AND MEANS
SB 586-FN-A-LOCAL, relative to casino gambling.

The pending motion is Refer to Interim Study.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I would like the body to vote against the Interim Study so that I can offer another motion and speak to that motion. So I'm asking the body to vote against Interim Study so that I can offer the motion of Ought to Pass and speak to that motion.

The question is on the adoption of the motion of Interim Study. Failed.

Senator D'Allesandro moved Ought to Pass.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I'm going to quote Yogi Berra, "It's déjà vu all over again," because nineteen years ago, about this time, Senator Klemm was in the Chair, and together we introduced an amendment to a bill to bring casino gambling to the state of New Hampshire. Now we've been here a long time and I don't want to over play the game here, but I just want to say that since we made that suggestion those many years ago, Massachusetts has accepted it,

Maine has accepted it, Connecticut has accepted it, and Rhode Island has accepted it. The only people that didn't listen to me were Vermont. And we're no Vermont! Okay? We're no Vermont. But, everyone around us has accepted the fact that an enhanced revenue producer is casino gambling.

I don't want to go through the bill. You've heard it. You've heard me speak about this bill over, and over, and over again. But, I'd just say, what kind of a psychological exam must we all go through when we've given up a billion dollars in revenue. That's what we have given up from the day Senator Klemm and I introduced this piece of legislation to today–a billion dollars in revenue.

To the south of us there is an institution that's being built and they're spending 2.3 billion just to build a building–2.3 billion. They will employ thousands of people; the average wage will be between 50 and $100,000 a year. And they'll take people from New Hampshire to work at these jobs. We have, during that time period, expanded our charitable gaming. We now have eleven little casinos that aren't really casinos because they're for charitable gaming. So they're charitable gaming casinos. And if you looked at the last little piece of information we got from the lottery commission, which managed these charitable casinos, they did about $30 million worth of business–$30 million worth of business. I don't know how many people are employed, but the charities get 35 percent, 35 percent. So we've got a situation that over the last twenty years charities have become very accustomed to the dollars they get from the little non-casinos, because we don't gamble in New Hampshire. Charitable gaming isn't gambling. What is it? They got cards, they got roulette wheels, they have it all, but we call it charitable gaming.

So, my friends, I don't want to keep going because obviously my level of frustration has increased every year over the last twenty, and we still need money, alright? We still could use the jobs, we could use the revenue; all of these things are still present in the environment. As time has gone on, we've spent time increasing the wage that you spend in charitable gaming, we have added more to charitable gaming, and last year we even brought Keno back. Keno, the worst form of gambling in the world–Keno; addictive, problematic, I don't know anybody who has ever won in Keno. Harold French won! Well, that's a miracle in disguise. He wins at Keno.

I'll tell you, and I know, I wish I could say I was preaching to the choir, but I know a lot better than that. God gave me the ability to count to thirteen, and I can still do that. But I'll just say this; this is probably the last go around for me doing this. My highest level of frustration since I've been around here was when we passed this, we brought it over to the House, and I lost by one vote, and that vote was cast by the Speaker because it was a tie vote. So we lost the vote. At the same time we lost that vote we were cutting the budget because we didn't have any money. We were cutting the budget. So, the fortunes of the time have not shined, has not shone on me all of these years. I think we gave up an opportunity with Rockingham Park to do wonderful things for the community. That's lost.

So what's left? Our bill calls for two licenses. The licenses are worth $40 million each, you'd have to pay 40 million to get the license. I don't have to go through the process with you. That gives you a license that's good for ten years. The renewable fee is 1.5 million. And I looked at the latest financials based on the activity the could take place and it's still

between 100 and $150 million a year in revenue–100 and $150 million a year. Okay? That may be chump change to some people, but that's a lot of money to me. And it could make life better for a lot of people.

So, with that, Mister President, I make my last plea for this body to support it, send it over to the House, where the House, at one time, put in a camping tax, a gambling tax, a recreation tax, and then repealed all of them–good conscience. Put a gambling tax on when we don't have gambling! Huh? Pretty good, huh? Pretty smart, huh, brilliant? Brilliant idea! Let's tax gambling! But we don't have any gambling! We don't have any gambling! But let's tax it at 10 percent. The camping tax was even better; let's tax them for going camping! Pretty good, huh, Senator? Huh? A camping tax? That was repealed the next day. Okay? So we've tried all of these things, and we've passed some of them, repealed most of them, and yet gambling, the sinful activity that would produce $100 million. We let them do it in Massachusetts, Maine, Connecticut, Rhode Island. You know, as I said, the only place it doesn't exist is Vermont. And Vermont doesn't even have charitable gaming, I think. So there we are, there we are; the people's republic of Vermont, once again. You know. It's like Cambridge, Mass, huh? They're sister cities. Vermont and Cambridge, Mass. Vermont and Cambridge; they have a synergistic relationship.

So, with that, Mister President, we're going to end the day at 10 minutes past 7. It's still a great, great American day. Oh, we've got to vote first! We have more bills. Anyway, anyway, that's my plea; I would hope you could support it. I don't get anything out of this except aggravation. I've had stomach surgery because of it, it kills me. But, indeed, if you think it's the right thing you keep working at it, and I've worked at it for a long time. And I thank Mister President for allowing me to speak. Thank you very much for listening, and I hope you'll support it. Thank you.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I too rise in support of this finely crafted legislation. We have a problem facing us. Twenty years we've had the opportunity to pass this great bill. Twenty years, I've been going to Foxwoods, all the way to Connecticut to lose my money. We have an opportunity here today. Keno one time on a two dollar ticket I won two bucks. We really do have an opportunity here to pass this. I believe that the good Senator is not bluffing when he's holding his cards and saying this will be the last time he will put it in. So I ask you, please vote for this bill, send it along its way so I can stay within the state, close to the State House and do my gambling here. Thank you, Mister President.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise too in favor of, finally putting some legal gambling where we can enjoy the revenue that other states enjoy from it and it will rise and fall, it'll do all the things that other businesses do. It is a business. And we in New Hampshire who claim to be so self-righteous when liquor is the family business for crying out loud. We use liquor to gain the revenues that we do and we look to new and better ways all the time to expand that business. I'm not saying that's wrong, but if we were to have a bill such as Senator D has put forth many times, we'd be able to do something about a lot of things. But in particular, about the things that people say they vote against gambling. You know it encourages gambling, we would have the resources to fight and to help problem gamblers. The bills have always said they would not be in a place that the towns and cities didn't approve. So every person would you know would get a chance to approve it. If you don't want it in your town you don't

have it in your town. I think the final straw for me was when we voted, I didn't, for Keno to be used as Senator D said, to help kindergarten of all things. I mean you really lose your moral authority folks. So it is just really ludicrous to me that, and we have passed, I mean Rockingham would have been a wonderful place for a gaming facility. There's land outside of Nashua and Hudson, Green Meadows we went through that land you know two or three times. Would have been another great place. We have been behind the eight ball, we're losing this, in short there probably is very little time to even bother to do this, once you know all the other states have had it. But I do believe it could be done right, it could be done well, Senator D's bills through the years, I believe have taken all the gambling out of it. And I think that we really would solve so many of our problems if we would do this. So, thank you. And I hope you'll vote to pass it.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. It will be of no surprise to many here that I cannot support this legislation. And I cannot agree with the good Senator from District 20 that by bringing gambling to the state of New Hampshire that it would make lives better for people in New Hampshire. One of the problems that we have today is that we have seen now that Massachusetts is investing as you heard more than one and a half billion dollars in a facility in Massachusetts. That facility is not just going to have gaming, it's going to have a number of other venues that bring individuals to the site, including shows, including entertainment, including all kinds of restaurants, including places for people to stay where the cost of staying in those hotels will be very cheap, so that you can afford to go and gamble. And that has the potential, if that were to happen in New Hampshire, to have an enormous impact on so many other aspects of our economy.

I don't oppose gambling on a moral basis, I oppose it on an economic basis, that we have quite an extraordinary economy here that is based on tourism, that is based on outdoor recreation, that is based on cultural recreation as individuals we only have so much time and so many resources to take advantage of that time. This would suck so much revenue out of other elements of our economy and now with this $2.5 billion enterprise being built up in Massachusetts, and again with people having gone to Connecticut, people don't go to Connecticut just for gambling, they also go there for the entertainment value. They go to Las Vegas for the entertainment value. In no way would these casinos that are being proposed in this bill be able to compete with Massachusetts, compete with Las Vegas, compete with Connecticut and so we're going to continue to see people going elsewhere for that type of entertainment. And what will we have left here? We'll have a casino left here, that isn't really a casino, it's going to be a slot barn. All you need to do is go to Oxford and see the casino that has been created there and look at what they promised to build, which was really quite an extraordinary facility, when they got permission to build it in Maine. But that's not what they ended up building. They built a slot barn, and you go there and you see people who used to spend time let's say bowling together, having a cup of coffee together, socializing together. That's not what they're doing anymore. And they're not recreating, they are going to Oxford and they are sitting in front of addictive machines and no, not being able to win, losing money.

We also know when you talk about the wages that have been lost, that the history of these casinos elsewhere has brought in individuals from the outside to which they pay very high salaries, but in terms of the

people who work there on a daily basis, they don't receive wages that are much better than the minimum wage. So I continue to argue that bringing casinos to New Hampshire will hurt our indigenous economy, and that it is a false promise in this day and age in terms of the money that it would create for the state. But it will drain money out of the pockets of New Hampshire residents because people from other states are not going to come here, they have more fancy, more lush, more extravagant casinos to go elsewhere. So it's really a false promise and I would urge you to vote against this legislation. Thank you.

Senator Bradley presiding.

Without Objection, Senator Soucy moved the question. Adopted.

PRESIDING OFFICER SENATOR BRADLEY: The chair would ask everybody to hone their 30 second speeches. We have four speakers remaining. I would ask the members to hone their 30 second speeches please. We have Senators Daniels, Giuda, Gannon and Hennessey.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. While I very much appreciate the assistance of my colleague from District 20 I must rise against the Ought to Pass motion and maybe for a little bit different reason. As we have progressed through this session, as Finance Chair I have tried to be very protective of the integrity of the process that we're using in this institution. Every week we take a look at bills that have FNs on them, fiscal notes, we also look at bills that may have a fiscal impact and we sit down and determine whether those will be waived or whether they will go through Finance. I generally set a low threshold and I'll waive those bills that do not have much of a fiscal impact, but on the ones that have a larger amount, I ask them to go to Finance so we can duly assess them. Obviously with this bill here, whether it's in revenue or expenses, this has a tremendous fiscal impact to it. We are on the last day now, it would not have time to come to Finance and I think to protect the integrity and the work that comes out of this institution, I would ask that we vote against the Ought to Pass motion just because we don't have the time to do the analysis that should within Finance. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I would argue that this is a bill about revenue, not about, raising revenue not about spending it. And that on Ways and Means I voted for the bill. I will support it because I would much rather have roulette garden than keno garden. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. If you build it they will come. All my friends from Medford who are police, they go to Cobbetts Pond in Salem and they will come and they will be there every weekend gambling. New Hampshire is open for business, all types of business. Live Free or Die, it's right on my license plate. Individual choice, jobs, jobs, jobs, construction jobs, great jobs at the casino, if you're a dealer, French, you're going to get twenty-five an hour, you're going to be happy. And jobs, I'm over my limit. Thank you.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you very much I rise to say that I have a conflict of interest because I am psychologist and I stand to gain substantially, the more people that are addicted the better off I do. Thank you.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Lasky, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Giuda, French, Lasky, Soucy, Birdsell, D'Allesandro, Morse, Gannon, Innis.

The following Senators voted No: Hennessey, Gray, Ward, Sanborn, Kahn, Daniels, Avard, Carson, Feltes, Fuller Clark, Bradley.

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 10 - Nays: 11. Failed.

Senator Daniels moved Inexpedient to Legislate.

Senator Feltes moved to Lay on the Table SB 586-FN-A-L. Adopted.

President Morse presiding.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, if I wanted to pull SB 375 off the table. It's already ready for third reading. That would not require another vote after it's pulled off the table and would just go to third reading, or would we have to debate it again?

PRESIDENT MORSE: Senator, if the body were to agree to take Senate Bill 375 off the table, I would just order it to third reading at that point.

MOTION TO REMOVE FROM THE TABLE

Senator Birdsell moved to remove SB 520-FN from the Table. Adopted.

TRANSPORTATION

SB 520-FN, relative to organizations authorized to issue decals for multi-use decal plates.

The pending motion is Ought to Pass with Amendment.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
March 20, 2018
2018-1149s
03/05

Floor Amendment to SB 520-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to organizations authorized to issue decals for multi-use decal plates.

Amend the bill by replacing section 1 with the following:

1 Multi-Use Decal Plates; Authorized Organizations. Amend RSA 261-B:9 to read as follows:

261-B:9 Authorized [~~Organization~~] ***Organizations***. The ***following organizations are authorized to issue decals under this chapter:***

I. Rotary District 7870 Foundation [~~is authorized to issue decals under this chapter~~].

II. New Hampshire Catholic Charities, provided that all proceeds from decals issued by New Hampshire Catholic Charities shall be for the benefit of the New Hampshire Food Bank.

III. New England Donor Services, Inc.

IV. Sophia's Fund.

V. The New Hampshire Breast Cancer Coalition.

VI. The university system of New Hampshire. Granite state college, Keene state college, and Plymouth state university are each authorized to issue decals, provided that all proceeds shall remain with the issuing institution and be used only for student scholarships.

2018-1149s

AMENDED ANALYSIS

This bill authorizes New Hampshire Catholic Charities, New England Donor Services, Inc., Sophia's Fund, the New Hampshire Breast Cancer Coalition, and the university system of New Hampshire to issue decals for multi-use decal plates.

SENATOR BIRDSELL: This is a bill we had when all the decals started coming out and I just ask for your support. We actually have them all numbered, we have the, I'm not going to name them all, I'm just going to say that they're all numbered appropriately so that we can go ahead and move them on up and out. 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 Carson moved to remove SB 461 from the Table. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
SB 461, relative to continuing education for real estate brokers and salespersons.

There is no pending motion.

Senator Carson moved Ought to Pass.

SENATOR CARSON: Thank you very much, Mister President. I move Senate Bill 461 Ought to Pass with Amendment. This bill was brought forward as a result of a collaborative effort between the New Hampshire Association of Realtors and the New Hampshire Real Estate Commission. This legislation as amended makes three changes relating to continuing education. It increases the required core course from three hours every two years to six hours every two years. It increased the total number of elective continuing education classes from twelve to fifteen and it requires the commission to specify topics or courses which a licensee would need to take prior to their first renewal. This brings New Hampshire more in line with nationwide requirements for a real estate license. The ED&A Committee voted Ought to Pass with Amendment and asks for your support. Thank you very much, Mister President.

PRESIDENT MORSE: Senator Carson, the amendment failed. So you can offer an Ought to Pass on the bill and if there's an amendment somewhere that someone wants to add to it, we could do that, but the amendment that was on the bill failed.

Senator Carson moved Ought to Pass.

SENATOR CARSON: Mister President, I took this off the table because a number of Senators came to me afterwards and said, oops, I didn't realize what was going on. I really want to vote in favor of this. So I'm taking it off the table. Please support the committee and thank you very much.

(The Chair recognized Senator French.)

SENATOR FRENCH: I would just like to say Mister President, that the only people that are for this continuing education are the Board of Realtors, they're pushing it, the reason they're pushing it is they offer classes, all the people that don't belong to the board can take the classes for free if they become and join the Board of Realtors. This is adding six more hours every two years to continuing education. I ask you to vote against it so I can bring a motion of ITL. Thank you.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Bradley, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Bradley, Hennessey, Ward, Kahn, Avard, Lasky, Carson, Feltes, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon.

The following Senators voted No: Giuda, Gray, French, Sanborn, Daniels, Innis, Morse.

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 14 - Nays: 7. Adopted, bill ordered to Third Reading.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 576-FN from the Table. Adopted.

EDUCATION
SB 576-FN, relative to home health services rate setting.

The pending motion is Inexpedient to Legislate.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I would ask the body overturn the Inexpedient to Legislate so that I can introduce a Floor Amendment that I understand the Senate President has reviewed with the Finance Committee members and they are okay with this Floor Amendment as a compromise.

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
March 22, 2018
2018-1182s
01/03

Floor Amendment to SB 576-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to home health services rate setting.

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Health and Human Services; Establishing Home Health Services Rates. The commissioner of the department of health and human services shall review Medicaid reimbursement rates for home health services and determine whether they reflect the average cost for providers to deliver services. The commissioner shall consult with stakeholders in reviewing the rates considering the factors of economy, efficiency, quality of care, and access to care, in accordance with guidelines in federal regulations. The commissioner shall report the findings to the president of the

senate, the speaker of the house of representatives, the governor, and the chairpersons of the house and senate finance committees for consideration for inclusion in the state operating budget for the biennium ending June 30, 2021.

2 Effective Date. This act shall take effect upon its passage.

2018-1182s

AMENDED ANALYSIS

This bill requires the department of health and human services to review Medicaid reimbursement rates for home health services.

SENATOR BRADLEY: So when I introduced this bill it was to resume the rate setting proceeding that we have suspended for the past few budgets. This compromise says that the Commissioner of the Department of Health and Human Services shall review Medicaid reimbursement rates for home health services and determine whether they reflect the average cost. And then it goes on to say the commissioner shall consult with all the stakeholders. Look, I think we all know that there are issues with health care provider rates. All this does is send a signal to the Department of Health and Human Services to get started on the discussion about provider rates before the next budget. I thank the Senate President for helping draft this, what I hope is a good compromise. Thank you.

(The Chair recognized Senator Daniels for a question of Senator Bradley.)

SENATOR DANIELS: Just wanted to ensure, I know that the issues that we had before was a direct to the commission to set the rates. It doesn't look like this directs the commissioner to set the rates, but just to review them, is that correct?

SENATOR BRADLEY: Review and consult.

SENATOR DANIELS: 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.

MOTION TO REMOVE FROM THE TABLE

Senator Sanborn moved to remove SB 375 from the Table.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, if I know that this bill passed by a 24-0, I think roll call vote, Tammy might want to confirm that, but there was no opposition to it, would I now vote yes on the motion to take off the table?

PRESIDENT MORSE: If you're in favor of taking Senate Bill 375 off the table you're going to say aye, if you're opposed you're going to say nay.

A roll call was requested by Senator Sanborn, seconded by Senator Giuda.

The following Senators voted Yes: Giuda, French, Ward, Sanborn, Daniels, Avard, Birdsell, Innis, Morse.

The following Senators voted No: Woodburn, Bradley, Hennessey, Gray, Kahn, Lasky, Carson, Feltes, Soucy, D'Allesandro, Fuller Clark, Gannon.

The following Senators were excused: Watters, Cavanaugh, Reagan.

Roll Call, Yeas: 9 - Nays: 12. Failed.

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 Morse: SB 318
Senator Sanborn: CACR 22, SB 318, SB 343, SB 350, SB 375, SB 388, SB 383, SB 453, SB 461, SB 520-FN, SB 526-FN, SB 541-FN-A, SB 548-FN, SB 564-FN-A, SB 569-FN, SB 576-FN, SB 577, SB 582-FN, SBS 586-FN-A-L, SB 590-FN-A, SB 592-FN-A, HB 410, HB 1278, HB 1292, HB 1386
Senator Soucy: SB 541-FN-A
Senator Woodburn: SB 461

ANNOUNCEMENTS

(The Chair recognized Senator Gannon.)

SENATOR GANNON: The Sandown Lions are having their world famous Irish dinner at 4:30 in Sandown on Saturday. Any legislator, or anybody up in the gallery, if you come, I'll pay for your nice Irish dinner on Saturday at 4:30. Come on down. Thank you.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: I just want to remind everyone that we're not having session next Thursday, so Transportation will be meeting at 1 o'clock.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I would just like members of Senate Judiciary to know we are meeting next Thursday at 9:30.

PRESIDENT MORSE: If the Senate could just pay attention for two more minutes, a close friend of mine for the past thirty years, passed away this past week. And it's kind of ironic because when Senator Downing was alive we used to have a St. Patrick's Day party, and we took a year off and then we started it up a year ago. And a bunch of us put together a group called Inspiring Futures and we actually try to help young people with after school programs and projects like that. Chief Consentino came to the event this past Friday night, which was a huge event, and a lot of good friends getting together and when he went to leave I chased him down because he was in a wheelchair and he obviously wasn't feeling good. And he said to me, at the time, this will be the last event that I get to go to, and he passed away. He was one of those guys that did everything for his community, and has been a long time mentor and role model. He served as Police Chief in Atkinson for thirty-five years, was well known for his work for the elderly community serving as Atkinson's Elderly Services Program director for twenty-six years. He's been the driving force behind positive changes in the community in Atkinson, has seen and made caring for the elderly and the disabled a priority in this town. He never stopped giving to the community, having served on the Atkinson Fire Department, as a Selectman, and with the Atkinson Lions Club. He had a hand in many things to make the community of Atkinson great. His unending dedication to the community was obvious even in the last days. He even attended a Board of Selectman meeting

last week. He was devoted, selfless and caring–probably the best way to describe Phil. His many contributions and his leadership will sorely be missed, and his loss will undoubtedly be felt by the town for many years. I want to share my gratitude for all the work he has done over the many years in serving the community. He leaves behind his wife of fifty-two years, Jody, and two sons, Philip and David. Susan and I wish them the best, and our thoughts and prayers are with them.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

CACR 22, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights.
HB 410, relative to the legislative youth advisory council.
HB 1278, naming the rest area in Colebrook in honor of Frederick W. King, Sr. and naming a bridge in Farmington in honor of Major John W. Lawrence, Jr.
HB 1292, relative to the effective dates of changes to the rates for the business profits tax and the business enterprise tax.
HB 1386, establishing a joint committee on employee relations.
SB 318, relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.
SB 343, relative to legislative ethics guidelines.
SB 350, relative to biological products dispensed by pharmacists.
SB 383, establishing a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents.
SB 388, relative to dispensary locations for therapeutic cannabis.
SB 453, relative to requirements and criteria for a competitive grant program for drinking water protection.
SB 461, relative to continuing education for real estate brokers and salespersons.
SB 520-FN, relative to organizations authorized to issue decals for multi-use decal plates.
SB 541-FN-A, establishing a fund to reimburse costs associated with firefighters who have cancer and establishing a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.
SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome.
SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.
SB 569-FN, relative to animal cruelty and establishing a commission to study certain language applicable to the transfer of animals.
SB 576-FN, relative to home health services rate setting.
SB 577, requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.
SB 582-FN, authorizing an assessment to determine appropriate caseload and workload standards for the division for children, youth and families; establishing additional child protection services positions in the division for children, youth and families; relative to foster care and adoption programs and services; and making appropriations therefor.

SB 590-FN-A, making a supplemental appropriation to the state loan repayment program and relative to emergency involuntary admissions, the child protection act, and the developmental disabilities wait list and making appropriations therefor.
SB 592-FN-A, relative to the child welfare system.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 407-FN, requiring workers' compensation to cover prophylactic treatment for exposure.
HB 1295, relative to persons held in civil contempt.
HB 1347, relative to information to be included in the minutes under the right-to-know law.
HB 1373, relative to an individual's property right in his or her DNA.
HB 1411-FN-A, relative to funds transferred to the nongame species account.
HB 1471-FN, relative to telemedicine and establishing a committee to study health care reimbursement for telemedicine and telehealth.
HB 1549, relative to the availability of vehicle accident reports.
HB 1550, requiring electric bills to include the cost of compliance with renewable energy standards.
HB 1586, relative to judicial review for underage marriage.
HB 1627-FN, prohibiting the transmission of images or sounds of another person who is on private property or to conduct surveillance activity.
HB 1698-FN-LOCAL, relative to the cost of special education services for foster children.
HB 1816-FN, relative to Medicaid managed care.
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.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 324, establishing a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire.
HB 628-FN, relative to a family and medical leave insurance program.
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 1313, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile.
HB 1316-FN, relative to revenue collected from concealed carry licenses.

HB 1415-FN-A, establishing a death benefit for a school employee killed in the line of duty.
HB 1499, relative to the focus and components of New Hampshire kindergartens.
HB 1521, relative to the definition of an emergency for a special assessment in a condominium.
HB 1592-FN, requiring the commissioner of the department of environmental services to review standards relative to arsenic contamination in drinking water.
HB 1718-FN, relative to surveillance on the public ways of the state.
HB 1763-FN-A, establishing a road usage fee and making an appropriation therefor.
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.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 1370, relative to a school's emergency management plan.

HOUSE MESSAGE

The following entitled bill is returned to the Senate pursuant to House Rule 35 (e), as the subject matter of the bill was found Inexpedient to Legislate in the first year, and the House failed to achieve the 2/3 vote to consider the bill.

SB 401, relative to repair of roads not maintained by a municipality.

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this Resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted.

First and Second Reading and Referral

HB 324, establishing a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire. (Ways and Means)
HB 407-FN, requiring workers' compensation to cover prophylactic treatment for exposure. (Commerce)
HB 628-FN, relative to a family and medical leave insurance program. (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. (Executive Departments and Administration)
HB 1295, relative to persons held in civil contempt. (Judiciary)
HB 1313, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile. (Judiciary)
HB 1316-FN, relative to revenue collected from concealed carry licenses. (Judiciary)
HB 1347, relative to information to be included in the minutes under the right-to-know law. (Judiciary)

HB 1373, relative to an individual's property right in his or her DNA. (Judiciary)
HB 1411-FN-A, relative to funds transferred to the nongame species account. (Finance)
HB 1415-FN-A, establishing a death benefit for a school employee killed in the line of duty. (Executive Departments and Administration)
HB 1471-FN, relative to telemedicine and establishing a committee to study health care reimbursement for telemedicine and telehealth. (Health and Human Services)
HB 1499, relative to the focus and components of New Hampshire kindergartens. (Education)
HB 1521, relative to the definition of an emergency for a special assessment in a condominium. (Commerce)
HB 1549, relative to the availability of vehicle accident reports. (Transportation)
HB 1550, requiring electric bills to include the cost of compliance with renewable energy standards. (Energy and Natural Resources)
HB 1586, relative to judicial review for underage marriage. (Judiciary)
HB 1592-FN, requiring the commissioner of the department of environmental services to review standards relative to arsenic contamination in drinking water. (Energy and Natural Resources)
HB 1627-FN, prohibiting the transmission of images or sounds of another person who is on private property or to conduct surveillance activity. (Judiciary)
HB 1698-FN-LOCAL, relative to the cost of special education services for foster children. (Education)
HB 1718-FN, relative to surveillance on the public ways of the state. (Transportation)
HB 1763-FN-A, establishing a road usage fee and making an appropriation therefor. (Transportation)
HB 1816-FN, relative to Medicaid managed care. (Health and Human Services)
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. (Executive Departments and Administration)
HB 1819-FN, relative to administration of the education tax credit. (Ways and Means)
HB 1822-FN, making hormonal contraceptives available directly from pharmacists by means of a standing order. (Health and Human Services)

March 23, 2018
2018-1220-EBA
04/08

Enrolled Bill Amendment to HB 1370

The Committee on Enrolled Bills to which was referred HB 1370

AN ACT relative to a school's emergency management plan.

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 1370

This enrolled bill amendment inserts an omitted section heading and corrects a reference.

Enrolled Bill Amendment to HB 1370

Amend section 1 of the bill by replacing lines 1 and 2 with the following:

1 School Boards; Emergency Response Plans. Amend RSA 189:64 to read as follows:

189:64 Emergency Response Plans.

I. [~~Within 2 years of the effective date of this section,~~] Every public and nonpublic school

Amend RSA 189:64, II as inserted by section 1 of the bill by replacing line 8 with the following:

safety. The director of homeland security and emergency management, department of safety shall

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 1292, relative to the effective dates of changes to the rates for the business profits tax and the business enterprise tax.

HB 1386, establishing a joint committee on employee relations.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

April 5, 2018

The Senate reconvened at 10:00 a.m., a quorum being present.

The Reverend Jon Hopkins, chaplain to the Senate, offered the following prayer:

Dear God, be with us today, extending your grace, granting your freedom, providing your protection and empowering with your strength. We pray that you would unify us so that we can make a difference in this land. We pray for all of those in authority, that you would give them your wisdom and discernment as they lead. We ask that you would appoint strong, faithful men and women to serve this state and our nation. We pray for your great healing on your land. Remind us today that you have shown us what is good and what you require of us to do justly, to love mercy, to walk humbly. We ask that as a people we may humble ourselves so that we might be servants of one another. Help us in our state to work as never before to strengthen our families and to give our children hope and a moral foundation for the future. May our desire to be, to serve all people in this great state of New Hampshire so that freedom may ring, and when we allow freedom to ring we will speed up that day when all of God's children, black men and white men, Jews and gentiles, Catholics and Protestants will be able to join hands and to sing; "Free at last, free at last, Thank God Almighty we are free at last." America, the place of patriot dreams, God shed your grace on thee and on us here today. Amen.

Senator Avard led the Pledge of Allegiance.

Aidan Dennehy sang the National Anthem.

Senator Watters is excused for the day.

INTRODUCTION OF PAGES

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. It's my pleasure to introduce Adam Minahan. Our Senate Page for the day from Keene High School, whose favorite subject is biology, something he intends to study as he moves on to a four year degree upon high school completion. He's currently a junior at Keene High School, a member of the National Honor Society, the Keene Interact Club, the Edge of Leadership and the United Nations Representative for the model United Nations. He enjoys playing violin and guitar as well as running and he works at the Colonial Theater in Keene as the concession manager and he no doubt is looking forward to the Monadnock International Film Festival occurring next, on April 19th. Adam, it's a pleasure to meet you, and to welcome you to the Senate. Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. It's an honor to welcome as a page Aidan Dennehy, who just gave that wonderful rendition, also serving two duties today; as a page as well. He's age 12, in the sixth grade, hometown Concord, goes to Concord Christian Academy. His favorite subject is math, his extracurricular activates include drama, Palace Theater Alice in Wonderland, track and field including the 100 yard dash, 200 yard dash, 4 by 1 and long jump. And in the future he plans to be on Broadway. Let's give a warm welcome to Aidan.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. And I apologize to Senator Cavanaugh for introducing his guest but I think it's appropriate that the Democrat leader introduce one of the most successful Republican strategists in the state of New Hampshire and very good friend, Michael Dennehy and I just want to say that before you clap, that I don't know if there's a better father in the world from what I've seen working professionally and as a friend, than Mike Dennehy. He inspires me and everybody every day by what he does and we just love him for his work. Thank you, Mike.

SPECIAL ORDER

Without objection, the following bill is special ordered to the beginning of the regular calendar. Adopted.

HEALTH AND HUMAN SERVICES
HB 1785, changing "hearing impaired" to "deaf" or "hard of hearing" in the New Hampshire laws.

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, April 19, 2018. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1506-FN, relative to regulation of graduate physicians.

FN REPORT FOR APRIL 5, 2018

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with a fiscal note or an appropriation of funds:

CONSENT CALENDAR:

ENERGY AND NATURAL RESOURCES
HB 1286, relative to fishing and hunting licenses for permanently disabled veterans.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1441-FN, establishing the office of the ombudsman in the department of state.
HB 1823-FN, relative to layered amortization of retirement system liabilities.

JUDICIARY
HB 1425-FN, relative to simple assault.
HB 1683-FN, relative to the definition of child abuse.

REGULAR CALENDAR:

COMMERCE
HB 1252-FN, relative to certificates of insurance.
HB 1308-FN, relative to non-renewal of lines of business.

ENERGY AND NATURAL RESOURCES
HB 1280-FN, relative to bow and arrow hunting licenses for permanently disabled military veterans.
HB 1352-FN, eliminating the nonresident freshwater bait dealers license.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1421-FN, relative to the regulation of event tents.
HB 1506-FN, relative to regulation of graduate physicians.
HB 1676-FN, repealing the licensing requirement for open-air shows and repealing the laws related to the keeping of billiard tables.

TRANSPORTATION
HB 1731-FN, relative to regulating bicycles.

Senator Daniels recommends the following bills be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

REGULAR CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1685-FN, establishing a statutory commission for oversight over occupational regulation—if Inexpedient to Legislate recommendation is overturned.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

ENERGY AND NATURAL RESOURCES
HB 1286, by Senator Feltes

CONSENT CALENDAR

Senator Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered to Third Reading.

EDUCATION

HB 1480, relative to the membership of the board of trustees of a chartered public school.

Inexpedient to Legislate, Vote 5-0. Senator Watters for the committee.

This bill would modify the membership requirements of the board of trustees of a public chartered school, changing the ways that parents are represented on the board and making it so that no employee would be a voting member of the board. The committee believes that parent involvement is a vital part of a well-functioning charter school and that having teachers on the board is vital, given their expertise in making decisions that are best for students.

HB 1493, relative to the statewide assessment system of performance in schools.

Ought to Pass, Vote 5-0. Senator Giuda for the committee.

This bill provides that the statewide education improvement and assessment program shall be designed to measure academic achievement and growth. The legislation also specifically enumerates that the assessments address post-secondary readiness and deals with the criteria to be used in the development of the program. This bill is an important step in aligning education statutes with the state's Every Student Succeeds Act (ESSA) plan.

HB 1494, relative to the definition of academic standards.

Ought to Pass, Vote 5-0. Senator Ward for the committee.

This legislation clarifies the definition of "academic standards" by including what a student should know and be able to do in a course or at each grade level, in order to include students who may be taking courses above their given grade level.

HB 1551, relative to the retention of records of individualized education programs.

Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill clarifies requirements to retain records on IEPs and streamlines recordkeeping for school districts. This legislation is important in order to deal with a recent change in rules.

ENERGY AND NATURAL RESOURCES

HB 1575, permitting hunting with an air rifle.

Ought to Pass, Vote 5-0. Senator Innis for the committee.

This bill permits the hunting of small game with an air rifle. This bill comes with the support of the New Hampshire Fish & Game Department. The bill has been tailored to prohibit the firing of an air rifle for the purposes of hunting within 300 feet of a permanently occupied dwelling. Air rifles are often chosen for vermin control and general shooting in compact areas.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1441-FN, establishing the office of the ombudsman in the department of state.

Inexpedient to Legislate, Vote 5-0. Senator Gannon for the committee.

This bill was brought forward to establish an office of ombudsman within the department of state. The ombudsman would investigate criminal complaints from the public and from the New Hampshire General Court, and would also conduct investigations of such complaints. The Committee did not believe there were adequate resources

to support this, in addition, there were no specific qualifications for this position. The committee felt there were many unanswered questions.

HB 1823-FN, relative to layered amortization of retirement system liabilities.
Ought to Pass, Vote 5-0. Senator Carson for the committee.

This legislation incorporates recommendations from the Decennial Commission. It will assist in smoothing out the ups and downs of rates. This bill makes sense for our retirement system's future, in stabilizing the system and in having predictability for the New Hampshire Retirement System employees and employers.

JUDICIARY
HB 1425-FN, relative to simple assault.
Inexpedient to Legislate, Vote 5-0. Senator Hennessey for the committee.

This bill would provide that, for the purpose of the simple assault statute, unprivileged physical contact which does not result in harm or injury to another would be charged as a violation and not a misdemeanor. The Committee believes this would be an unnecessary and confusing change to a statute that is working well.

HB 1683-FN, relative to the definition of child abuse.
Ought to Pass, Vote 5-0. Senator French for the committee.

This bill will amend the definition of 'abused child' to include a child who has been subjected to human trafficking. Enacting this legislation will ensure that children who are sex trafficking victims will be able to receive all available services currently offered to abused children.

PUBLIC AND MUNICIPAL AFFAIRS
HB 1446, relative to childhood cancer awareness month.
Ought to Pass, Vote 5-0. Senator Gray for the committee.

This bill designates September as childhood cancer awareness month. Recognizing that there is a cancer cluster in a five town area of the New Hampshire Seacoast, raising awareness is a priority. This legislation will facilitate the steps needed to encourage research, improve screening, and increase understanding of environmental triggers of pediatric cancers.

TRANSPORTATION
HB 1271, changing the name of Industrial Drive at the Hugh Gallen Office Park to Ratification Way.
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

This bill renames a section of Industrial Drive in Concord as Ratification Way. The cost of any signage or other markers will be covered by the appropriation contained in the current capital budget for the archives building project.

HB 1290, relative to vehicle registration for new residents to New Hampshire.
Ought to Pass, Vote 5-0. Senator Gannon for the committee.

This bill was requested by the Department of Safety to allow them to issue registrations and number plates to new residents whose vehicles were registered in another state and whose titles are held by an out-of-state lien holder. Current statute requires the department to issue temporary registrations valid for 60 days; however,

60 days has proven to be an insufficient timeframe for receipt of the title. The registrations will be valid until such time as they are due for renewal.

HB 1331, relative to incidental uses for agricultural plates.
Ought to Pass with Amendment, Vote 5-0. Senator Ward for the committee.

This bill authorizes uses of a vehicle with agricultural plates that are incidental to agricultural uses. Authorized uses include, but are not limited to, stops at a school or place of business during travel. The committee amendment addresses a request of the Commissioner of Agriculture to update RSA 261:84 relative to farm plates so that a driver authorized by the holder may operate the vehicle.

Senate Transportation
March 28, 2018
2018-1262s
06/03

Amendment to HB 1331

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Farm Plates; Use. Amend RSA 261:84, II to read as follows:

II. This section shall be construed as authorizing the holder of farm plates ***or a driver authorized by the holder*** to operate the vehicle while it is empty so long as it is being used generally to accomplish the purposes allowed in this section, and to transport within such vehicle incidental personal property such as food, tools, and clothing.

HB 1363, relative to the waiver of vehicle registration suspension fees.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill authorizes waiver of vehicle registration suspension fees in cases where an error resulting in suspension has been made by the Department of Safety, the court, or law enforcement.

HB 1453, relative to the traffic safety commission.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill modifies the duties of the traffic safety commission by adding two members from the legislature. Legislative involvement will help to ensure that the legislature knows about the good work that this commission is doing and so that the commission may become better integrated with both the House and the Senate.

HB 1454, eliminating the commission to study recommendations of the National Transportation Safety Board.
Ought to Pass, Vote 5-0. Senator Ward for the committee.

This bill eliminates the commission to study recommendations of the National Transportation Safety Board (NTSB). This commission was formed over 20 years ago and has not held one meeting. Further, studying recommendations of the NTSB is rightfully in the responsibilities of the traffic safety commission.

HB 1517, relative to vehicle inspection failures for rust.
Ought to Pass, Vote 5-0. Senator Ward for the committee.

This bill will amend RSA266 to change rust examination during vehicle inspection and establish a standard for failure from rust that is structural in nature. This change will ensure that vehicles do not fail inspection for rust that is cosmetic only.

HB 1518, repealing the requirement that motor vehicle lighting and safety equipment be approved by the director of the division of motor vehicles.
Ought to Pass, Vote 5-0. Senator Gannon for the committee.

> This bill repeals the requirement that motor vehicle lighting and safety equipment be approved by the director of the Division of Motor Vehicles. As part of vehicle inspections conducted every year on vehicles, this is a more proper venue to determine if after-market parts meet the safety criteria. Further, to date, there has not been a request for approval of lighting devices to the director, making current law unnecessary.

HB 1523, relative to heavy duty recovery vehicles.
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

> At the request of the Department of Safety, this bill establishes weight limits for heavy duty recovery vehicles, which recover other large vehicles when they go off of the roadway. This bill creates a registration category for these vehicles and allows a permitting process for the weight class.

The question is on the adoption of the Consent Calendar. Adopted.

REGULAR CALENDAR

HEALTH AND HUMAN SERVICES
HB 1785, changing "hearing impaired" to "deaf" or "hard of hearing" in the New Hampshire laws.
Ought to Pass, Vote 4-0. Senator Avard for the committee.

SENATOR AVARD: Thank you, Mister President. I move House Bill 1785 Ought to Pass. This bill changes the phrase "hearing impaired" to "deaf" or "hard of hearing" in the New Hampshire laws. The labeling of hearing impaired is an offensive term to the deaf community, because they do not consider themselves as impaired. Updating the statutes in New Hampshire will continue to support the community and to remove the outdated language. The committee received compelling testimony from the deaf community in support of this legislation and now asks for your support for the motion of Ought to Pass on House Bill 1785. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Soucy, seconded by Senator Birdsell.

The following Senators voted Yes: Woodburn, Giuda, Bradley, 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)

The following Senators were excused: Watters.

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

COMMERCE
HB 1252-FN, relative to certificates of insurance.
Ought to Pass with Amendment, Vote 4-0. Senator Soucy for the committee.

Commerce
March 20, 2018
2018-1150s
01/03

Amendment to HB 1252-FN

Amend RSA 412:6-b, II(f) as inserted by section 1 of the bill by replacing it with the following:

(f) With the permission of the policy holder, an insurance producer may provide any bank or lending institution with a copy of the certificate of insurance, policy of insurance, or insurance binder relating to the subject property. If the insurance producer provides a copy of the insurance, policy of insurance, or insurance binder, an insurance producer may complete supplemental questionnaires for a bank or lending institution, provided that the insurance producer shall not be required to analyze or warrant any provisions of the insurance policy.

SENATOR SOUCY: Thank you, Mister President. I move Ought to Pass with Amendment on House Bill 1252. This bill states that with the permission of a policy holder, an insurance producer may provide certain documentation to a bank or lending institution for financing of that property. The bill almost entirely deals with financing and re-financing of condominium units. Often national lenders for condominiums will require an insurance agent to fill out a comprehensive insurance questionnaire and certify that certain coverages are in place, but they don't always comply with the wording of the policy. This bill allows the agents to be in a better position when they are asked to be more candid and accurately provide information needed. The committee amendment was requested by insurance agents in order to tighten up the language in the statute. Please join the committee in voting House Bill 1252 Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

INTRODUCTION OF GUESTS

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I would like you all to assist me in welcoming the smartest fourth grade that we have seen in here today from Boscawen New Hampshire. Stand up, guys.

HB 1308-FN, relative to non-renewal of lines of business.
Ought to Pass, Vote 3-0. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on House Bill 1308. In this bill when an insurance company provides fire or casualty insurance and decides not to renew their entire line of business in New Hampshire, they will be required to provide its appointed insurance agents with 120 day notice instead of the current 45 day notice. It also requires any non-renewal notices to affected policy holders to be issued with an effective date of at least 120 days' notice after the agent's notice. This bill will allow ample time for customers to find appropriate replacement insurance because some types of policies are harder to replace than others. Please join the committee in voting HB 1308 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1374, relative to financial regulation technicals.
Ought to Pass, Vote 4-0. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. I move Ought to Pass on House Bill 1374. This bill is a request of the Insurance Department and makes a few minor changes to their financial regulation statutes. The first change corrects an error in the Corporate Governance Disclosure Act. The word "financial" was incorrectly used regarding information that should be kept confidential when received by the department. Second, the department's current statute requires examination of every company at least every five years, however the language in both the Delta Dental statute and the HMO statute provide for exams every three years. This bill creates consistency between the Delta Dental and HMO statute with regard to exam laws. The third change inserts two statutory references to the Delta Dental statute but will ensure the confidential treatment of information that the department gains during an exam or investigation. The department has always treated information confidentially but there's nothing in the statute requiring them to do so currently. Please join the committee in voting House Bill 1374 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1378, relative to domestic insurance company investments.
Ought to Pass, Vote 3-0. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on House Bill 1378. This bill clarifies the insurance laws requiring investment diversification. The existing language limits an insurance company's ability to invest in any single person. This bill removes the limitations on how much the assets of property and casualty insurers can invest at once if that investment is being made in obligation or enterprises that are backed by the government. Effectively this bill brings the property and casualty investment insurance into line with life insurance investment law. When you clarify language in one part of the statute and not the other, it creates a negative implication and this bill cleans up that implication. Please join the committee in voting House Bill 1378 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1379, relative to confidentiality of forms and rates.
Ought to Pass, Vote 4-0. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on House Bill 1379. This bill was a request of the Insurance Department and clarifies that forms and rates filed with the department are held confidential until the latter of either the effective date or the approval date, at which time they become public documents and are available for inspection by interested parties. This exact bill was unanimously voted out of the Senate last year, but died in committee of conference because a non-germane amendment was added. Please join the committee in voting House Bill 1379 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1389, relative to commercial lines modernization.
Ought to Pass, Vote 3-0. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President, for the third and final time today. I move Ought to Pass on House Bill 1389. This bill is a request of the Insurance Department and clarifies certain provisions of the law relating to regulation of forms for property and casualty insurance and the filing of aircraft insurance policies. This bill relaxes the regulation of commercial insurance filings by excluding certain types of commercial insurance from the form approval process but allows for sample audits every quarter to monitor compliance. This bill also reduces the aggregate premium amount that qualifies as a large commercial policy holder down to $25,000 from the previous limit of $50,000, to allow more businesses to qualify for this classification. Please join the committee in voting House Bill 1389 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1663, establishing a committee to study reimbursement rates under automobile insurance policies.
Ought to Pass, Vote 4-0. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. I move Ought to Pass on House Bill 1663. The collision repair industry in New Hampshire and nationwide is in constant struggle with the insurance companies involved in the repair process. Shops need to repair vehicles as comprehensively as possible to restore the vehicle to pre-loss condition, while insurance companies involved are also aiming to do accident repairs as inexpensively as possible. This creates a struggle and oftentimes very different opinions as to the cost and what should be repaired. In many cases, auto insurance companies will even pay a dealer as much as double the hourly rate, far more than they are willing to pay to a local body shop for the same work. House Bill 1663 creates a study committee that will review reimbursement rates to collision repairers. If the collision repair market in New Hampshire is broken, this is an opportunity to help fix it. The goal of the study committee is to review the current laws and see where they fall short in providing equity and fairness in reimbursement rates for things such as mechanical repair, body labor, paint and materials. The study committee will offer legislative solutions to benefit the insurers and shops but most importantly the New Hampshire consumer, negatively impacted due to a motor vehicle accident. Please join the committee in voting House Bill 1663 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

EDUCATION
HB 1228, removing the limitation on a chartered public school incurring long term debt.
Ought to Pass, Vote 4-0. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1228 Ought to Pass. This bill deletes the limitation on public charter schools that require them to be in operation for five years before incurring long term debt. In the early years of a charter school's founding when dollars are scarce, this legislation allows them an advantage without providing additional funds. It is clear that facilities are very important to charter schools and this legislation provides one way that they can become more

efficient with the dollars that they already have. Therefore, the majority of the Education Committee asks for your support in the motion of Ought to Pass on House Bill 1228. Thank you, Mister President.

Recess. Out of recess.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in opposition to the bill. I have a school in the 20th Senate District that was built in 1921. Still occupied, 1921. There have been numerous attempts to go to the town to get an appropriation, a bond issue, to embellish that school, either rip it down or redo it. Those bond issues failed consistently on a public vote. This piece of legislation would allow for a group of people who have created an institution to go out and to, by the way accept public money, based on average daily membership, they accept $5,000 for each student they enroll and then if this bill passes after five years of operation, they'll go to the bank and get a conventional mortgage to either buy a facility or to embellish a facility, without any of the public being involved in this at all. But they'll accept public monies and the next thing that they'll be asking for is building aid. That's going to come. There's a path that's now being created. Yet, we say to our public schools, you must go to the public if you're an SB 2 town, you discuss it at town meeting and then they've got to vote on it. If you're a city, like the city of Manchester, it takes a capital appropriation to make a difference in the public schools. We maintain these public schools. Public schools are public schools, anybody can go to these public schools. The locals have been denied the ability to vote on whether a charter school comes in or not, because they get state sanction, the State Board of Education grants a charter. So the public basically has been eliminated.

I have another grammar school in my district that was built in 1951. Hopefully some improvements will be made. The city, obviously because we have a tax cap, significant limitations on appropriations. Building built in 1951. I visit every school in my district every year and see what's available. I think this is not a good piece of legislation. This eliminates the public from the public school concept which the charter schools are called, charter public schools. "Public" is now the key word. As a result of those comments Mister President, I would hope that my colleagues vote down this piece of legislation and we move forward. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise in opposition to HB 1228. I think there has been a lot of discussion about charter schools being public so once again I think there should be local decisions made about public schools. A school board should be deciding, not the state legislature if this were a private school, it would be different, but supposedly they're public so they have to play by public rules. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: I rise in support of the legislation and I'm very curious by the comments that I hear today. Those who don't support charter schools don't want to give them any financing at all. Every single time, every single year, I've been here for eight years, there's been nothing but work against educational choice. Is it about the kids? Isn't it supposed to be about the kids? We know that not every kid fits in every single hole.

But yet some continue to want to make that mandate that no matter who your kid is, no matter where they come from, no matter what their challenges are, that we have a public only solution to that. There are states across this country that have fully embraced the concept that it's supposed to be about the kids. We don't let charter schools go on to the SB 2 towns, and get more taxpayer money to build. We don't give them the same amount of money that we give our public schools. The fact that they're coming in here today and saying look, we understand you don't like us, you don't support us, but we'll go at our own. We'll go at our own. We'll borrow money because we believe in the kids, because we believe in educating those kids that might not find their round hole and their square peg in the public school system. The fact that we're sitting here today debating allowing an educational facility to go to the private market, not the taxpayer dole, but to the private market, to a bank, so they can build or expand or create some sort of an educational system so their kids get a great education, and we're fighting against that? We can do better than that. Look I'm a proud product of public education, my father was a public school teacher, my sister was a public school teacher. In spite of my challenges I think it turned out okay. Some might disagree in this room, I get that. Especially this guy right here. But we have got to make a decision, are we here to make sure every kid gets a great education for that kid, Senator from District 15 might disagree too I notice but that's okay, or not? This is a solution that a budding industry is creating for itself. They want to be there for our children, they want to give them a good education. How can we say no to that? Unless it's the intent to say that every single thing and every single penny's got to go through some taxpayer funded bond or some taxpayer funded raise. I truly hope you reconsider the position you're at and really give thought to allowing parents and children to find the best solution to their educational advancement. No matter what form that takes. Supposed to be about the kids. Thank you, Mister President.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. Could I have all of the Milford Heron Pond students stand and wave and the Senate to welcome the bright students from Milford Heron Pond School?

(The Chair recognized Senator Feltes for a question of Senator Sanborn.)

SENATOR FELTES: Thank you very much, Senator for taking my question and thank you, Mister President for recognizing me. What is the oversight mechanism, if any, with respect to the lending that would be allowed pursuant to this provision?

SENATOR SANBORN: Senator, thank you so much. I provide a rhetorical response, what is the oversight provision for any private entity to borrow money and do you believe that there should be?

SENATOR FELTES: Thank you, Mister President. As a public school, these are public charter schools, what is the public oversight of the lending provided in this provision?

SENATOR SANBORN: Senator, thank you so very much. So as a public charter school that might receive state funded money, are you implying that every single business and every single entity that gets state money, if we think about the BFA, we think about the ARMI deal and all these, do you believe we should have oversight and what type of oversight should we apply to all of them?

SENATOR FELTES: Is there or is there not any public oversight of the lending provided in this provision for public charter schools?

SENATOR SANBORN: Senator, again, thank you so much for the question. So, in full disclosure, after spending about twenty years of my life lending industry money, lending businesses money, lending non-profits money, the same non-profits that we give money to here at the state I can assure you that there'll be sufficient oversight by that lending institution as there is for all types of indebt that they make to anyone who comes in to borrow money.

SENATOR FELTES: Thank you very much, Mister President. What was the purpose of the five year limitation to begin with and why do you still support erasing it?

SENATOR SANBORN: Senator, thanks so much for the question. So for the record, Senator, I don't think there should have been any limit. When we first constituted charter schools, when we first made the decision to focus on the children versus the politics, when we first made that decision that acknowledging not every kid fits in every single hole, there are many people in this room and I'm one of them, that has believed that unfettered access to a private charter school. The fact that we put a limitation in requiring five years would suggest the fact that with a compromise, as there's always been a compromise as we have always shortchanged them, we've never given them as much money as other schools and this legislature has battled as you know since you and I have been here, about what type and how much support we should give them. My question to you is, and I'm not trying to be rhetorical is, why should there be a limit? If a group of people want to come together and buy a facility to start a school, and go borrow money how different is it than they would lease real estate somewhere else? In this case, they would own and have a mortgage on it and in other case there are so many charter schools out there that are just leasing space. There's a lease, is a long term lease of indebtedness any different than a long term mortgage is to them? I don't think that it is. And I don't think that our requirement for oversight on a long term lease should be any different than a long term commercial real estate mortgage.

SENATOR FELTES: Thank you very much, Senator. Thank you, Mister President.

(The Chair recognized Senator Lasky for a question of Senator Sanborn.)

SENATOR LASKY: Would this bill afford a public school the same opportunity to go to a private lender without any oversight etcetera, as you know, if passed we would allow the public charter school to do?

SENATOR SANBORN: Senator, thank you so much for the question. I appreciate it. And I have to answer it again in the reciprocal. The fact that a charter school doesn't have the ability to go to the taxpayer and ask them to float a bond. So if they can't go to a town and float a bond, for a charter school, how do they get money in order to operate? Again this comes back to the same contention we have to remember. Today, there has been no outcry from this legislature, there's been no outcry from the Department of Education, there's been no outcry from the Governor or from the House for a charter school that enters into a long term lease. Now frankly, we know that some long term leases we can actually capitalize what actually is looked at as debt on their balance sheet. So if we as a body are okay saying to a charter school, you can enter into a ten or fifteen year lease, how different is that than the same charter school

saying I want to buy a piece of real estate and just pay the mortgage on it? Every day in this building, we talk about the fact we believe in the concept of home ownership. And we want people not to rent, we want people to buy and be part of that American dream while as a business owner, we think the same way. Why are we saying charter schools only have to lease, acknowledging it's a long term indebted obligation with a contract with penalties if they don't perform, but if they want to borrow money and buy a building, we're against that? I would suggest to you Senator, that I think we're arguing about something we should all be agreeing on.

SENATOR LASKY: With all due respect, too, you're looking out for the students as you say, what about those students in the public school, who have been waiting years for improvements to be made and have to go through some sort of oversight, whether it's a bond, whatever it might be, to have those improvements or just basic maintenance done to their schools. Are they not at a disadvantage?

SENATOR SANBORN: Senator, thank you so much for the question. I actually don't believe they are at a disadvantage. So when we go back and look and the Senator from District number 20 remembers the eight or ten years that the town of Bedford, New Hampshire was paying a lease payment essentially to the city of Manchester to send their kids over to West, and Bedford made that decision and said we want to build our own school. And they brought it in front of the voters, Lord knows how many times to try and float that bond so they could build their own school and ultimately the town of Bedford made that decision, they got the votes and they raised the money, they floated a bond and they built what I would consider to be a beautiful school. So in this case, taxpayer dollars go into a public school system and the taxpayers themselves made the ultimate decision to build the school and the kids are at the school and I'm proud to say it's one of the best high schools in the state, year after year after year. In this case, you've got a charter school that people are paying a tuition to, so it's generating its own revenue, that's not taxpayer funded even though there is state dollars coming in, there is supplemental money and I agree with that, but that's how this state has constructed it. And their ability to break out of a lease and borrow money to do the same thing they're doing today, I think is a reasonable request.

SENATOR LASKY: Thank you for your indulgence. What about the transportation that the respective cities pay in the public, the taxpayer pays for, you know, children to go to a public chartered school? Is that any different than, you know, taking he money for that, is that in the oversight that that may entail, is that any different than asking for a building loan?

SENATOR SANBORN: Again, Senator, thank you so much for your question. And I'd agree with you, the fact that we use taxpayer money to transfer kids from one school to another school, but if I take a step back and think of it, all over our state we spend money to transfer kids from one public school to another school. In fact, some communities today are even trying to redraw their lines of where kids will go. That's the issue of transportation that yes, we bring them but again, I come back to the premise Senator, that if a public charter school is operating and we have them operating all over our state today, we all agree with that. And they're all leasing premises today, they're paying someone for leases, it's not free. But we haven't required any sort of oversight of making sure that the state pre-approves the lease, so I don't know why we're trying

to make the state give this oversight, that pre-approval agree with the mortgage, it's just not balanced there to me, Senator, and that's what I'm concerned about.

SENATOR LASKY: The question, and we can go back and forth forever and I just want to reiterate what the Senator from District 15 said was, oversight may not have to be the state. So–

SENATOR SANBORN: Thank you for your point. I appreciate that.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I am a member of the Education Committee. When this came before us I voted in favor of it. I just want to reassure my colleagues on the Education Committee, I continue to support the bill. And I'll also answer my colleague from District 9, I think you've got an excellent public school education and your oral interpretation instructor just must have loved you in his class. So I'm entering into this debate without the history of this body and just the statute in front of me. And I have to say that there are, as our colleague has said from District 9, there are a lot of permissions for charter schools to make, enter into contracts, make final decisions, there's no oversight. And the only thing that this is changing is saying that chartered public schools, and I understand the word "public" is in the charter schools, have been in operation for five or more years before they incur the long term debt. But what we had in the committee was a report from their association detailing all of the schools in the state and most likely they are in former public school buildings that fit the description our colleague from District 12 has said and from District 20, or 13. That we do have public schools that need attention, that are aged. But these chartered schools are in buildings that have been abandoned by the public schools and as they take them over, they need work. If there's somebody who's willing to lend money on a balance sheet that is just starting up, well, obviously there's some other signatures on there guaranteeing their mortgage. And the mortgage lender is really taking the risk and that's the private sector. I understand, rules are different. It may not be fair but it's the rules we've constructed. So my opinion on the bill has not changed and I still think that this is a reasonable action. Thank you, Mister President.

(The Chair recognized Senator Feltes for a question of Senator Kahn.)

SENATOR FELTES: Thank you for taking my question, Senator. In response to one of your questions, in the committee hearing, the representative from the New Hampshire Charter School Association said, charter schools, this is the hearing report, charter schools did not really have credit when they were first set up. So the question is who then is the mortgagor if the charter schools don't have credit?

SENATOR KAHN: That's a good question and I don't know. Could these be private lenders and not a commercial bank? I suspect that's a possibility.

SENATOR FELTES: Thank you, Mister President. Not the mortgagee but the mortgagor, who would be the mortgagor? Would it be if not the charter school, who is the person on the hook, who's signing the documents and owes the debt?

SENATOR KAHN: I really can't answer that question. I'm not familiar with their debt instruments, the lender, seems wide open and I always assume that there would be co-signatures in these first five years. That's all I can say.

SENATOR FELTES: Thank you, Mister President. Thank you for taking my questions. I asked this of the Senator from Bedford, it was probably an unfair question, he was not on the committee, but was there any discussion of the purpose of the five year limitation to begin with, in committee?

SENATOR KAHN: If you're looking at the committee report, I don't believe that there was and all I can imagine is that if one was putting together a pro forma statement, you would have three years of financial history to provide to the lender.

SENATOR FELTES: Thank you very much. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Kahn.)

SENATOR FULLER CLARK: I just wanted to ask you if this legislation goes forward and public charter schools are allowed to incur debt on a building before the five years, and they don't succeed, is there any liability that the state carries at that point for the debt that is still pending out there as a result of the charter school, public charter school failure?

SENATOR KAHN: I don't believe so, there may be others in this body that have better knowledge than I.

Senator Soucy moved to Lay on the Table HB 1228.

A roll call was requested by Senator Sanborn, seconded by Senator Bradley.

The following Senators voted Yes: Woodburn, Hennessey, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Carson, Reagan, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators were excused: Watters.

Roll Call, Yeas: 7 - Nays: 16. Failed.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I will never read another blurb about this bill. This is serious stuff. This legislature and this state has decided that it's in the best interest of public education to establish charter schools. The specious argument that we are afraid of financial oversight has nothing to do in my opinion with financial oversight, it has everything to do with obstructing something that is fundamentally in opposition to the position taken by people who support public school education. This is public school education and what I hear an argument being made for is, well if we can't get it from the taxpayers in the traditional public schools, we're going to foreclose on the ability of another institution established by this state to provide a better opportunity for people to get an education because we don't like the fact that we can't sell to the public the ability to fund their schools so we're going to deny the charter school ability to raise funds in the private sector. That is hypocritical. We're here to support the kids, we're here to support charter schools, not to try to kill them. That's already established law and I would ask you to support the committee report. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition and I just want to remind our Dean here that, you know, this is a bad idea for his relatively new young school in Manchester, the 20th

century one, it's bad for all of our schools, including the Blue School, the only remaining one room school in the state of New Hampshire, built in 1858. It's a bad idea no matter what the school situation is because here you go again, destroying our public school education and creating another one that's going to rob money, rob students and hurt our kids. And I say this as a teacher, and I say this as a Senator from the North Country, where we, this spring are closing down two schools, the school in Jefferson and the Colebrook Academy, obviously in Colebrook. This trend, which is very disturbing and blurring the lines between public and private, where the governing and the support is unknown, not figured out, but we do know the intent. The intent is to break the back of public schools, not support them, not give them the resources that they need. The great enabler, when you look up at those Supreme Court Justice scales, how are we taking care of those who are struggling in our community, those that need a public education to lift them up and provide them opportunity. We need schools that work for everybody, not just those who either have wealth, have parents that are pushing them forward but those who are struggling, kids that I taught every day, the school in Whitefield, the White Mountain Regional High School as well and, you know, when I was a teacher, you look across the classroom and the good kids, the kids that get good grades, they're smart, they're ambitious, they've got good homes, you know, they're going to be successful no matter what I do. But it's those kids in the middle and those kids that are struggling, those kids where I can hear their stomachs growling, those kids who I know what's going on in their home because it's just a little small town. Those are the people being hurt by this. We need to turn this trend around, we need to support public schools. I have in my district, Berlin has the highest tax rate in the state of New Hampshire, and Groveton's the second highest tax rate because of the education funding and we continue to rob from them and hurt them so we need to change our policies and we need to create an education system where everybody can succeed. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. I'm having trouble understanding what we're arguing about today. This is making no sense to me. We stand here and talk about opportunity for children and at the same time we talk about robbery. The only robbery that I see taking place, is opportunity for children, because we want to squelch opportunity for children by constricting the finances of charter schools and that's what the game is here. Douglas Pilardi, some of you have met him. Twenty-eight years ago lived in a trailer in Vermont. Neither of his parents ever made more than $20,000 a year. His guidance counselor called him in and said Mister Pilardi, you need to go to another school. You are too creative to be here. You're not going to maximize your potential as a human being if you stay in this public school. I encourage you to find an alternative. He did. He went to work, he got scholarships, he begged for money and he put himself through a boarding school, Putney. He is one of the most creative people I've ever met. He has created three beautiful properties in the seacoast. I don't know how he does it. And he does it because he had a choice, he had an alternative. It would have been great if there was a charter school that could have nurtured that in him, but at that time there wasn't. So he struggled and struggled and struggled. It made him who he is today, but let's not kill charter schools. It's not a zero-sum game. Education is about the kids. I'm not hearing about kids. I'm hearing about oversight, I'm hearing about how loans

are structured. Who cares? Let's help the kids. Let these folks get long term debt. Concord Trailways and C&J get indirect state support. They also have long term debt. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: I'm just fascinated by the debate being supposedly about caring about our kids. I mean I have submitted and been on the side of many bills that I thought were caring about our kids, but it only matters when we're caring about giving them, our own kids a certain boost up. And that means we're deciding who gets the boost up. And that to me is not okay. Every kid is entitled to the same thing. I wish all our kids could go to Putney, wouldn't that be great? Unfortunately, Putney actually is a private school, not a public charter school by any means. To say that we are not caring for our square pegs is a direct insult, while I'm trying not to take it personally. I spent my career working in public schools in Massachusetts where there are many charter schools. And I was specifically taking care of the square pegs, many of whom could not afford, nor did their parents have the means even to figure out how to send them to a charter school. Why don't the charter public schools have to follow the same rules? That's all we're asking. Let them follow the same rules. Let's not give them an edge that public schools don't have and watch our public schools and the students who can't access charter schools flounder. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I too have schools in the North Country, not as far north but certainly as rural, okay? And I would submit that if public schools were failing because they can't raise the funds from the tax base they have, they consider a charter school as an alternative with lower costs and at equal or better product. I would invite you to investigate that. There are charter schools up in the North Country that are succeeding and doing exceedingly well. That's an alternative for financial reasons as well as for the square peg in the round hole.

With respect to blurring lines, there's no blurring of the lines whatsoever. Public schools are publicly funded, bond issues or whatever means you choose as a school board, charter schools have boards as well, they proceed and they have fiduciary responsibilities established in statute. They have bond counsel if they need it, attorneys if they need it, there is no mystery here. They are not going to do based on their fiduciary obligations anything foolish that's going to endanger the school they've committed to support. They're subject to the very same laws and the lenders are subject to the very same strictures, both in statute and with respect to common sense lending, but they're not going to let an institution do something stupid, because the bank will be at risk. This is a specious argument to try to stop the movement of education towards where it needs to go in our state, to allow our kids and their parents to choose the institution they want for their child to gain an education. If a public school is that institution, we support those public schools. If it is not, we have an obligation to support the parents who decide that it is not. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I'll rise and attempt to offer some answers to some of the questions that some of my colleagues have brought up, but haven't been answered. If we take the paragraph

that we are reviewing and changing, the last sentence of that paragraph answers the Senator's question is that the state shall have no liability for any debt or other financial obligation incurred under this paragraph. And it gets back to if you want to say, let's have some skin in the game. If you're making this charter school responsible for all of these then why would the public need a say? Who is responsible for the debt? Certainly in this paragraph it is not the state. And if we look back into the next section of the law, 94-b:6 the charter school liability, no host sending receiving district shall be held liable for damages in an action to recover for a bodily injury, personal liability, property damages defined by this RSA 507-b and then the, or failure to educate the pupil and it goes on. But again, that's to emphasize that when the legislation for charter schools was set up, they limited the liability because they weren't responsible. So if you're not responsible why should you get to tell me what bonds I can ask for, what funding I can go for? So are we being fair? I think that the legislature passed the original legislation for charter schools didn't have an easy job. Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. When the founding fathers of this country looked at what civic responsibility was, what did they say? We should have public schools. In the constitution of the state of New Hampshire, every child is entitled to a free and appropriate education. Our Supreme Court made a decision with regard to that. So public schools, in Manchester we have schools where forty-nine different languages are spoken. Now I don't know about the charter schools, the charter "public" schools, but we take care of every student because it's our civic responsibility. Justice David Souter, retired Supreme Court Justice, said the one thing that endangers New Hampshire and the rest of the world is not war, it's not international trade, it's the lack of knowledge by the individual about their civic responsibility. Read his comments or look at his comments on YouTube. Civic responsibility, public education. We have the oldest public school in New Hampshire in Manchester. Our students still go to that same building. It is 150 years old. Manchester High School Central. Forty-nine different languages spoken in that school. But we teach those students. We teach them because it's a public obligation, it's a civic responsibility that we have accepted.

Charter schools, I served on our school board for ten years, I chaired the curriculum and instruction committee. My goal was to make our public school better. There was an attempt to get charter schools in Manchester, they were defeated. What happened? Those who sponsored charter schools went above the locals. And we always talk about home rule, home rule. What did they do? They went to the state and we granted charters for charter schools through the state Department of Education, without any local appreciation, without any local vote. Charter schools. We pay the tuition for charter schools, we pay it at a higher adequacy rate than we do for our public school students. And yet, the responsibility for those students still remains in the public sector.

And think of the accomplishments that public schools have made. When you think of the great people in this country, those that have risen to the heights. You take a little Greek immigrant, by the name of Rassias. Anybody know him? He produced a methodology for inclusion and immersion in the teaching of languages. The Rassias method, went from Manchester High School Central to Dartmouth. Was a big, big deal on *60 Minutes*, the Rassias Method. There's a public high school student

from Manchester, New Hampshire. Didn't speak a word of English at the beginning. Becomes one of the great foreign language instructors in the world. His methodology is accepted in the world. Let's go to the other side. Adam Sandler; fairly successful guy. Where did he graduate from? Manchester High School Central. Gave a million dollars to the Boys and Girls Club of Manchester, Mister President, for the enhancement of their building. Civic responsibility. Well educated in Manchester, becomes an enormous success. So we're not arguing about the kids. We have a responsibility to take care of those kids.

All of my children wen to public school. Parker-Varney, Parkside, Manchester High School West, UNH, Plymouth State. Followed the example of President Morse, sent my son to Plymouth State. Big success, I hope anyway, because the bills will come my way if they don't. But we're arguing about something that really there's no argument. There's no argument. If you want an alternative to the public education, you have an opportunity to do that, every parent has that opportunity. In the old days you actually paid for it, if you sent your kid to an alternate school, you pay for it because you made that sacrifice because you realized how important education is. So what's wrong with that today? We have the charter schools now, they take whoever they want to take, educate them, okay, that's fine. We pay, we give them more money than we give for an adequate education for the public schools.

I think this is another step in undermining public education, and I think that's the tragedy because who suffers? It's the student, it's the kid, it's the kid who suffers. We feed our kids in school, we actually clothe them, we give them the basic necessities. I'd like us all to visit some of the schools where they have the clothing box when you walk in, because the kids don't have the proper clothing to go to school with. So, this is not about the students, this is about a program that in essence undermines the public education mission. And by constitution, we have that mission, we've accepted that mission and we will continue to do it. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Sanborn, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Carson, Feltes, Reagan, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Hennessey, Lasky, Cavanaugh, Soucy, D'Allesandro.

The following Senators were excused: Watters.

Roll Call, Yeas: 17 - Nays: 6. Adopted, bill ordered to Third Reading.

HB 1258, relative to the advanced manufacturing education advisory council.
Ought to Pass, Vote 4-0. Senator Kahn for the committee.

SENATOR KAHN: Thank you, Mister President. I move House Bill 1258 Ought to Pass. This bill permits the Advance Manufacturing Education Advisory Council to accept and coordinate funds from public and private sources to support certain manufacturing workforce development training efforts. The funds will be used to provide grants for training outside of the public education system for areas such as apprenticeships, work readiness and employee training based on funds available which all serve as important preparations for many students. Further, this

legislation does not require any state funding. Funds deposited into the advance manufacturing education fund shall be continually appropriated to the Commissioner of The Department of Education to provide grants as determined by the Advance Manufacturing Education Advisory Council. Therefore, the majority of the Education Committee asks for your support in the motion of Ought to Pass on House Bill 1258. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES

HB 1202-L, relative to town revolving funds for group net metering.
Ought to Pass, Vote 4-0. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. I move House Bill 1202 Ought to Pass. This bill permits a town to establish a revolving fund for the purpose of facilitating transactions relative to municipal group net metering. This bill gives municipalities a way to be administratively efficient and transparent in the way they manage the income and expenses from group host net metering projects. House Bill 1202 allows municipalities to establish revolving funds to receive revenue from group net energy metering projects in the form of renewable energy credits and bill credits from distribution utilities. That revenue would then be used to pay town energy expenses and the bonds used to create a towns net metering energy projects. This bill gives municipalities a greater opportunity to invest in clean distributive energy generation, reduced their overall energy costs and increase transparency. The Senate Energy and Natural Resources Committee asks for your support for a motion of Ought to Pass on House Bill 1202. Thank you.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1280-FN, relative to bow and arrow hunting licenses for permanently disabled military veterans.
Ought to Pass, Vote 2-0. Senator Feltes for the committee.

SENATOR FELTES: Thank you, Mister President. I move House Bill 1280-FN Ought to Pass. This bill provides for the issuance of a lifetime bow and arrow license to a totally and permanently disabled military veteran. House Bill 1280-FN will amend current statute to allow a resident of the state that has been permanently and totally disabled in military service to receive a bow and arrow license. A permanently disabled veteran has made sacrifices in service to our country. These veterans have absolutely received the right to receive a lifetime bow and arrow license upon application. House Bill 1280-FN would be a small way New Hampshire can thank them for their service. The Senate Energy and Natural Resources Committee asks for your support with the motion of Ought to Pass on House Bill 1280-FN. Thank you.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1349, relative to biological products and diagnostic reagents for animal use.
Ought to Pass, Vote 2-0. Senator Avard for the committee.

SENATOR AVARD: Thank you, Mister President. I move House Bill 1349 Ought to Pass. This bill comes at the request of the New Hampshire Department of Agriculture, Markets and Food. The bill requires a letter

from the United States Department of Agriculture to accompany certain biologic and diagnostic reagents. The Department of Agriculture has received a request to approve beneficial products such as cancer vaccines or blood tests for pregnancy diagnosis, which do not carry a licensure required with the USDA. Under current statute, the Department of Agriculture cannot approve them. House Bill 1349 will allow the Department of Agriculture to approve the use of these certain biologic or diagnostic reagents that do not fall under the USDA licensure process, provided that the request for the use of these products are accompanied by a letter from the USDA stating their exemption in lieu of their licensure. This bill is narrowly focused to only those products exempt from the USDA licensing and would not create a means for companies to avoid the USDA process. The Senate Energy and Natural Resource Committee asks for your support for the motion of Ought to Pass on House Bill 1349. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1352-FN, eliminating the nonresident freshwater bait dealers license. Ought to Pass with Amendment, Vote 4-0. Senator Avard for the committee.

Energy and Natural Resources
March 27, 2018
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Amendment to HB 1352-FN

Amend the title of the bill by replacing it with the following:

AN ACT eliminating the nonresident freshwater bait dealers license and relative to hunting adventure permits.

Amend the bill by replacing all after section 1 with the following:

2 Hunting Adventure Permits. Amend RSA 208:1-aa to read as follows:

208:1-aa Hunting Adventure Permits. Notwithstanding the application, licensure, and permit requirements of Title 18, the executive director of fish and game may annually issue, at no cost, up to 2 licenses or permits to [~~Hunt Of A Lifetime, Inc.,~~] ***the New Hampshire Wildlife Federation*** to provide hunting adventures to New Hampshire residents 21 years of age or under with life-threatening, critical, or terminal illnesses. These licenses or permits shall be in addition to any limited hunting permit opportunities issued under Title 18, shall be at no cost to the organization, shall be valid anywhere in the state open to the taking of the species selected, and shall be valid to take game as specified in RSA 207:1, IX of either sex during the established hunting season for that species, with the exception of moose permits which shall be valid from October 1st through the end of the regular moose season. If the person using the permit is not properly licensed, he or she shall be exempt from licensing requirements under RSA 214:1 and hunter education requirements under RSA 214:23-a. The hunter shall be accompanied by a properly licensed person who is 21 years of age or older. The provisions of Title 18 and rules adopted thereunder which relate to method and manner of taking and reporting shall apply to hunting adventure permits.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2019.

II. The remainder of this act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill eliminates the distinction between resident and nonresident licenses for freshwater bait dealers. The bill also provides that hunting adventure permits may be granted to the New Hampshire Wildlife Federation.

SENATOR AVARD: Thank you, Mister President. I move House Bill 1352-FN Ought to Pass with Amendment. This bill at the request of the New Hampshire Fish and Game Department is at their request. This bill eliminates the distinctions between resident and non-resident license for freshwater bait dealers. The New Hampshire Fish and Game Department currently has four licenses types for freshwater bait dealers based on residency. There are a very small number of non-residents applying for the freshwater bait dealing licenses, so the administrative costs do not justify having a separate license in the fees for residents and non-residents. This bill would restructure those license types into two, a retail dealer or a wholesale dealer. The amendment alters the group that receives up to two licenses to provide hunting adventures to New Hampshire residents twenty-one years of age or under with a life-threatening and critical and terminal illness. This program is in need of the proper people and resources to make it a success. Altering the groups responsible for this program will offer New Hampshire's terminally ill youth the chance to hunt and experience what New Hampshire's outdoors has to offer. Senate Energy and Natural Resources Committee asks for your support of the motion of Ought to Pass with Amendment on House Bill 1352. 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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1421-FN, relative to the regulation of event tents.
Ought to Pass, Vote 4-0. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. I move House Bill 1421 Ought to Pass. There are a variety of local regulations regarding erecting a tent on private property and this bill would streamline the regulations for companies across the state. In addition, the legislation exempts a tent used as an accessory for a single or two family household from requiring a building permit or assembly permit. This would allow impromptu tents to be erected in the case of an outdoor activity that must be completed due to weather considerations. The ED&A Committee voted Ought to Pass and asks for your support in their recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

HB 1676-FN, repealing the licensing requirement for open-air shows and repealing the laws related to the keeping of billiard tables.
Inexpedient to Legislate, Vote 4-0. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1676 Inexpedient to Legislate. This legislation would have repealed the requirements for open air shows and collecting taxes on billiard tables. After consideration, the ED&A Committee found this bill would strip towns of local control as well as make it impossible for towns to control open air shows in the future. The ED&A Committee voted Inexpedient to Legislate and asks for your support in their recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 1685-FN, establishing a statutory commission for oversight over occupational regulation.
Inexpedient to Legislate, Vote 4-0. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1685 Inexpedient to Legislate. The ED&A Committee found this legislation to impose too great a burden on the regulatory boards. Under this legislation, the regulatory boards would be subjected to additional rounds of oversight, many of which already exist within their own boards. Both the House and Senate ED&A Committees have a process in place that allows for oversight of regulatory boards. And by creating an additional commission to study how efficiently those boards work, would be a duplication of what presently occurs. This legislation would also require the commission to review all regulations of all boards and produce recommendations for future legislation. Given how rapidly professions can change, the committee found that a five year review was too long a period of time for the issuance of legislative recommendations. Given the process that presently exists, and the fact that boards are doing a good job with overseeing the regulations, at this time there is no need for this commission's oversight. The ED&A Committee voted Inexpedient to Legislate and asks for your support in their recommendation. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and ask the body to vote against the Inexpedient to Legislate so a different motion could be brought in. For the record Mister President, based upon our current ethics laws, I'm in a license industry therefore I may or may not have a conflict but I'm still participating. But the fact is Mister President, nearly every business in our state today is in the license industry. We have become one of the most highly licensed and regulated states in America. Yay. Right? Should I be chanting that? Should we go without fresh leave out today and say hey let's keep all the regulations in place, let's keep all the licensing in place, let's make sure we have slammed the door shut because we don't want anyone else to come in now that we've got a license. Lord forbid. Who cares about the free market, who cares about the fact that every single business owner I talk to says they can't find any employees. They can't even find employees. Some of you might remember we fought not too long ago about even saying if you come to our state, and apply for a license, we'll let you operate under the current one you have for 120 days because we know that our licensing boards are behind and taking months to give people a license. Half the pile of people in this room said can't even do that. Can't even do that. Employees. Who needs employees? What good are they? It's about our economy. It's about for years we have talked about that New Hampshire used to be the best place in America to live, work, have a job.

Mister President, I remember the 80s. And no, it wasn't about big hair and shoulder pads, well it was for Senator Innis, maybe. But it was a time in our lives in this state where we actually had more jobs than people, like we do today. Where people are being offered literally 100 percent pay bonuses to walk across the street to do the same job they're doing today. Today, we can't get people to come here because most people can't afford to wait three or four months in order to get a paycheck. Don't care much about that. We tell people it takes 2,000 hours to get some licenses like cutting your hair, while other states don't require that. Our licensing is out of touch. Our regulations are too steep. Regulatory boards today which are sat on by the same people who have the license, have become exclusionary. Doesn't anyone think we should look at it? Doesn't anyone think we should take a deep breath, take a step back and say maybe the amount of licensing, the amount of requirements, the amount of challenges our state are having today we should look at it? Or maybe we should just let pay go as pay go. Just let it sit and happen.

Last time I checked Mister President, people are overdosing in this state. More today than when we started this fight six years ago. People are dying in this state today. We talk every day about whether or not we're putting enough money to treatment. We talk about whether or not we're there for the people of this state to help in their time of need. What have we done about licensing for LADCs and other people? Clearly not enough. So should we look at it?

We say in this state today that we don't have enough plumbers or electricians, the average age of a plumber in this state, last time I checked when I had a conversation, is like sixty-six years old. How's your toilet going to look in another ten years, Mister President? When you can't find anyone to even show up. Now of course, we have the restriction that if you're a licensed plumber and you're training someone to be a new plumber, we only to let you go one at a time. Can't get two guys on the payroll to make sure we beef up what's coming out. It is restriction after restriction after restriction and I would point out to this body, some of you might remember the WMUR-TV article about a year ago, where two ladies trying to start a business cutting hair in I think Swanzey or Winchester, Senator? Got their license pulled because they had painted red and white stripes on the side of the building and they were found to be in violation. Is that the reputation we want in our state today? Because it is the reputation we have in our state today.

You know we talk all the time and I've heard for eight straight years, our licensing is becoming too egregious. It's becoming too difficult, it's taking too long to get. And as a body we look at one license or two licenses and try and make a little change. And people jump up and down and say oh we're picking on that industry. And you put a bill in to say let's look at all of them and then it's oh, it's too big, it's too hard, it's too bold, too brash. The governing bodies can't do it. It's been like a ping pong ball in this room, like so many issues we talk about, we never want to pass them, we just want to debate them, back and forth and back and forth and back and forth, but let's not ever do anything. We're fighting about a commission to look to see what we can do to make it easier for people to get licenses. Something the Governor's been very clear that he supports, something the business community supports, except some license industries and they want to keep their gates shut right? Don't want any more competition. But how do we make competition if we're using the power of government to limit it? How do we allow the free market to

run when we're using the power of government to restrict, to license, to withhold, to penalize? Live free or die. Maybe someday we should bring some of it back. Thank you, Mister President.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. To give some context to this, this is a bill whose title exceeds the wisdom of the bill. So there's a problem in Washington, D.C. where Congress cedes their authority to create rules to the agencies, to the departments. They give them the authority to create the rules. They have a convoluted process when somebody doesn't like the rules, to change them, to rein them back in. The General Court in its wisdom decades ago, had this system that said we're going to establish the Joint Legislative Committee on Administrative Rules, the dreaded JLCAR Committee. And that's going to be where the buck stops.

So when any of you presents a bill to the legislature and there needs to be some way to effectuate that operation, you in the bill state that somebody, usually the commissioner of whatever the particular department is, has the authority to make the rules, which is fine. And the commissioner has, in most departments they have a rule writer, and some departments don't and they have a horrible time developing rules. But part of the rules process is requires a public hearing. There must be a public hearing and at the public hearing and this is a question, on JLCAR we ask, we ask what happened at the public hearing? And they have to tell us, and they darn sure better tell us the truth. Things didn't go well, things did go well. Usually what happens at the public hearing, when there's objections to rules or portions of rules, the department goes back and changes the rules, to fend off or comply with either good ideas or take out bad ideas. And then people get to weigh in and I could show you the email list of the emails I get when people don't like something, they don't have to hesitate to let us know, and they hit the staff members with emails and they hit the committee members and they say okay, we missed the public hearing but here's what we don't like. And all that goes into the mix. And finally it comes down to one or two Fridays a month the JLCAR Committee meets and we listen to the staff presentation about the rules and the staff's job is to make sure that the rule does not exceed the authority of the statute. And every once in a while, we find that an ambitious rule writer has exceeded the authority and sometimes that's not quite that definite an illustration and so this is what the committee exists for. The committee is then there to arbitrate what the intent of the legislature was. So if there's a rule or regulation that somebody doesn't like, the solution is go to one of the 424 legislators, put in a bill and that will change it. There already exists a process to change the things that slip by the JLCAR Committee. The very thought that now we need to find another group to go through and try to understand what happened and this is an exhausting process for the five staff people of JLCAR to read through these originally, I can't even imagine them trying to do it after the fact but we already have, we have a process that protects over-regulation and over zealousness, it calls for public input and we have the stop gap of the committee that was created to prevent what the complaints are. It already exists, we already have this and we don't need another commission who will not even be able to do this in the first place. So I ask you to support the committee's motion of Inexpedient to Legislate, and this is just, let this bad idea go away.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I'm going to try to very hard not to repeat what my colleague from Senate District

17 just said, but there are many structural flaws within this bill and the first one deals with a five year commission. Now all of us know, we're only here for two years, so you're going to get a revolving door of members on this commission, most of whom are made up of legislators. Legislators that are already doing this work either in the Senate ED&A Committee or in the House ED&A Committee.

There's been a couple of statements that have been said here and I feel that they need to be corrected. There are only twenty state in the United States with California leading the pack that have more licensure than we do. There are six states that have fewer licensure requirements than we do. So I think we're in a pretty darn good place when it comes to licensure, because we are very careful about what we do. And Mister President, it doesn't take 2,000 hours to be a cosmetologist. It's 1,500 hours and by the way contrary to popular belief, we do not have a license for a shampoo person. We already have these procedures in place, we have the Senate ED&A Committee, the House ED&A Committee and JLCAR and again, my colleague from Senate District 17 spoke quite eloquently about them.

But I'd also like to speak to another part of the bill which I find personally just really kind of unbelievable. But it says that the commission's analysis shall employ a rebuttable presumption that market competition and private remedies are sufficient to protect consumers. Now think about that for a minute. One thing we'll do, first thing that should happen is we need to get rid of the Division of Consumer Affairs over at the AG's office. Because the state will have no role in any kind of consumer complaint that gets made. And by the way, private remedies; what does that mean? That means if you've been harmed by somebody, go get a lawyer and sue them. Think about that. What about people in this state who can't afford attorneys who've been harmed? How are they going to get their justice? Because the state has washed its hands of this whole process. And now, it goes on to say the presumption in paragraph (d), may be rebutted if the commission finds credible empirical evidence of a systematic problem that warrants enactment of government regulation to protect consumers and then it goes down a list.

To protect consumers against fraud, the commission's presented recommendation shall be the strength and powers under the state's deceptive trade practices. Well, we've already gotten rid of the Division of Consumer Affairs, so does that mean we now bring it back.

Okay, next one, if someone fails to complete a contract fully, the commission's presumptive recommendation shall be to require that the provider be bonded. Well guess what; we do that now anyway. Same thing with insurance, that you're going to have to require if someone is a transient or fly by night person, just coming in here to do something, you're going to have to register your business with the secretary of state. Again, we do that now anyway. And it goes on and on and on and on about how the government is going to be doing these things and again, we already do these things. So what is the purpose of this commission? It makes no sense Mister President, it's going to take a lot of time, there's a five year timeline here. I would put to you Mister President, there's a better way to do this, and I think that it's something that we can do, but we just need to get the individuals that are involved in this process together. That includes the Executive Branch as well as the Legislative Branch, to figure out how to do this. Mister President, I think at this point I'm going to stop and I'm going to ask the body to uphold the ED&A Committee's recommendation of Inexpedient to Legislate. Thank you very much, Mister President.

(The Chair recognized Senator Soucy for a question of Senator Reagan.)

SENATOR SOUCY: Senator, could you tell me if over the last three sessions as a member of both the House and the Senate, you have participated in efforts through ED&A and through Finance to consolidate boards, to make the process more efficient, to update rulemaking so that it's more consistent across the board for all of our licenses? Could you tell me if you've participated in any of that and what decisions have been made?

SENATOR REAGAN: Well, Senator, thank you for that question. I myself this session have put in five pieces of legislation to expedite the process of the Office of Professional Licensure. So, the effort is being made, especially through the ED&A Committees, to expedite things OPLC. OPLC was created all of a sudden by the legislature when we decided we were going to be more efficient and we brought all these people together in the same basket and said, now you're more efficient. And it didn't quite work out that way, so we said okay, in that case, now we'll take all the professional boards and we'll throw them in the basket. The more the merrier and it made it worse. But there's this ongoing effort that will not be resolved by this commission to improve situation OPLC and the legislature has already supported or ask for a higher grade licensing clerks at OPLC and that's had an effect already. Hopefully you've all had fewer complaints by email and phone call about "I can't get a license". So we'll continue that effort. This will not expedite that process. Thank you.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I would invite you and the body to join me in welcoming students from the fourth-grade class of Milford Elementary School at Heron Pond.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President for allowing me to speak a second time. I neglected to speak about one issue that we have had in front of this body and it came out during the public hearing again. And it deals with individuals that find themselves guests of our current criminal justice system. And that it's difficult for them to get a job when they get out of jail. And we found out that our boards already have procedures in place to help these folks get a new start on life. And Mister President, I would be remiss if I did not talk about a young lady whose name is Lindsey Tadlock, who is in cosmetology school. She found herself in a bad place and found herself a guest of the state. And she has made a concerted effort to turn her life around and the cosmetology board, Mister President, has worked with this young lady to get her on the path, the straight and narrow path, to turn her life around and it took an incredible amount of courage Mister President, for this young lady to come to a public hearing and talk about her problems and how this board has been supportive of her and they're helping her get to a new place and she's turned her life around. So again, Mister President, I would like to publicly thank the cosmetology board for their work, and I would also like to offer my support and my thanks to Lindsey in her efforts to build a new life for herself. Thank you very much, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Hennessey, Gray, Kahn, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators voted No: Giuda, Bradley, French, Ward, Sanborn, Daniels, Avard, Morse.

The following Senators were excused: Watters.

Roll Call, Yeas: 15 - Nays: 8. Adopted.

Senator Bradley moved to Lay on the Table HB 1685-FN. Adopted.

HEALTH AND HUMAN SERVICES
HB 1273, suspending state licensure laws for physicians and physician assistants employed by the United States Department of Veterans Affairs. Ought to Pass, Vote 4-0. Senator Gray for the committee.

SENATOR GRAY: Thank you, Mister President. I move House Bill 1273 Ought to Pass. This bill suspends New Hampshire state licensure laws, rules and regulations for certain physicians and physician assistants employed by the United States Department of Veterans Affairs. This bill also changes the reporting requirements for the state Veterans Advisory Council. Governor signed an Executive Order suspending the licensure requirements after a flood forced the Manchester VA Hospital to close for repairs. His order has allowed the veterans to continue receiving high quality health care close to home in our local hospitals. This program has been a great success for the veterans and our state, and this bill would seek to make this program permanent. Second part of the bill would change the reporting requirements for the state Veteran's Advisory Council from biannual to annual reports. This will allow the council to more efficiently report to the legislature on any recommendation for future legislation. The Health and Human Services Committee asks for your support in the motion Ought to Pass on House Bill 1273. Thank you, Mister President.

Senator Fuller Clark offered a Floor Amendment.

Sen. Fuller Clark, Dist 21

April 5, 2018
2018-1369s
01/04

Floor Amendment to HB 1273

Amend the title of the bill by replacing it with the following:

AN ACT relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center.

Amend the bill by replacing all after the enacting clause with the following:

1 Licensure of Physicians; Manchester Veterans Affairs Medical Center; Suspension During Biennium. Notwithstanding the provisions of RSA 329, the requirements for licensure of certain physicians in New Hampshire employed by the United States Department of Veterans Affairs at the Manchester Veterans Affairs Medical Center shall be suspended beginning on the effective date of this act and through the biennium ending June 30, 2019.

2 Licensure of Nurses; Manchester Veterans Affairs Medical Center; Suspension During Biennium. Notwithstanding the provisions of RSA 326-B, the requirements for licensure of certain nurses in New Hamp-

shire employed by the United States Department of Veterans Affairs at the Manchester Veterans Affairs Medical Center shall be suspended beginning on the effective date of this act and through the biennium ending June 30, 2019.

3 Licensure of Physicians Assistants; Manchester Veterans Affairs Medical Center; Suspension During Biennium. Notwithstanding the provisions of RSA 328-D, the requirements for licensure of certain physicians assistants in New Hampshire employed by the United States Department of Veterans Affairs at the Manchester Veterans Affairs Medical Center shall be suspended beginning on the effective date of this act and through the biennium ending June 30, 2019.

4 Applicability. The suspensions provided for in sections 1, 2, and 3 of this act shall only apply to those medical professionals employed by the United States Department of Veterans Affairs at the Manchester Veterans Affairs Medical Center (VAMC), located at 718 Smyth Road in Manchester, provided that the medical professional:

I. Is acting within the scope of his or her employment at the Manchester VAMC; and

II. Possesses a current license in good standing in his or her respective state or country of licensure; and

III. Is certified by the United States Department of Veterans Affairs and maintains that certification; and

IV. Is credentialed by any medical facility licensed in New Hampshire.

5 State Veterans' Advisory Committee; Report. Amend RSA 115-A:8, III to read as follows:

III. The committee shall issue [~~biannual~~] ***annual*** reports of its actions, findings, and recommendations on [~~May~~] ***October*** 1 [~~and November 1~~] of each year to the speaker of the house, the president of the senate, the governor and council, and all veterans' organizations in the state.

6 Effective Date. This act shall take effect upon its passage.

2018-1369s

AMENDED ANALYSIS

This bill suspends for the biennium ending June 30, 2019 licensure requirements for certain physicians, nurses, and physician assistants employed by the United States Department of Veterans Affairs at the Manchester Veterans Affairs Medical Center.

This bill also changes the reporting date of the state veteran's advisory committee.

SENATOR FULLER CLARK: Thank you very much. This amendment simply substitutes Senate Bill 488, which we already passed and was introduced and sponsored by Senator Bradley. What this bill does is, creates a better piece of legislation than what has been sent over to us from the House. It does not make the ability for physicians and nurses, physician's assistants who are working for the Veterans Affairs Medical Center to permanently not have to get a New Hampshire medical license and meet our standards. It simply provides for this waiver or suspension to begin once this bill is passed, which we already passed once in the Senate, and would continue through the biennium of June 30th, 2019. It is more comprehensive in what it requires in terms of the qualifications that these individuals must possess. It also includes in addition to physicians and physicians' assistants; nurses and I've added to Senate Bill 488 the language that would change the reporting deadlines for the Veterans Advisory Council. I'm concerned with the open endedness of the bill that is coming before us from the House and also that it doesn't

put in the same level of standards or requirements that have to be met by those individuals. For instance, what is missing from the House legislation is that the individuals have to be certified by the United States Department of Veterans Affairs and maintain that certification. And certainly if we were going to allow this to become permanent law, we would want that requirement as well. But I think we should look at how well this serves us during a time of crisis when we know that we need to suspend this licensure, but that I think it's putting our medical consumers at great risk over a longer period of time if we are to suspend that licensure requirement in New Hampshire permanently. And I hope that you would vote for this amendment. Thank you.

Recess. Out of recess.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I appreciate the spirit in which our friend from Portsmouth offers this amendment. Especially since it was my bill. However, I'm going to rise and support the committee position on the underlying bill for a couple of reasons. The big difference in the two bills is that the underlying Bill 1273, makes this change permanent and given the fact that the Manchester VA is not a full service hospital and the likelihood of ever getting a full service hospital in New Hampshire is very limited, having advocated for a full service hospital when I was in Washington, I know how difficult it's going to be and knowing that the VA is dispersing more services I actually think that this change to make the license that they're federally licensed, to be able to treat veterans in other hospitals is appropriate on a permanent basis. But one other difference is that in the Floor Amendment nurses are not taken into account. I will ask the House reconsider the Committee Amendment, I'm sorry I'm backwards. The Floor Amendment considers nurses, my bill considers nurses, the underlying bill does not. I will ask that they use my bill to make sure that they fix this for nurses. So thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Bradley.)

SENATOR FULLER CLARK: I'm wondering if you could tell me what is the difference between the regulations for federal licensure under the VA and our requirements for licensure in New Hampshire, and why would we be substituting on a permanent basis federal licensure over state licensure?

SENATOR BRADLEY: Well I would answer that this way; I can't tell you exactly what the differences may or may not be, so I don't know, but there's actually no opposition as you know to either bill. The Hospital Association was there for both bills. I specifically asked on House Bill 1273 because it was permanent if the Hospital Association had any problem whatsoever because remember, those VA personnel are working in other hospitals under their federal license. They had no problem whatsoever, so I don't see that as being a problem.

SENATOR FULLER CLARK: Thank you.

(The Chair recognized Senator Gannon for a question of Senator Fuller Clark.)

SENATOR GANNON: Thank you for taking my question, twenty-one. I had problems with this yesterday, and I tend to lean towards your side. Would you feel comfortable taking one of these federally licensed doctors or would you feel more comfortable with a state licensed doctor yourself?

SENATOR FULLER CLARK: Clearly, I'm bringing forward this amendment because I feel in the long run that I would like to see all physicians practicing in New Hampshire be required to meet the state standards.

SENATOR GANNON: Do you feel less comfortable from someone say who got their license in Mississippi, Arkansas, some of these other states?

SENATOR FULLER CLARK: I do.

SENATOR GANNON: Thank you.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Fuller Clark, seconded by Senator Gannon.

The following Senators voted Yes: Woodburn, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Gannon.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Daniels, Avard, Carson, Birdsell, Innis, Morse.

The following Senators were excused: Watters.

Roll Call, Yeas: 12 - Nays: 11. 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 Bradley moved to remove HB 1685-FN from the Table. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1685-FN, establishing a statutory commission for oversight over occupational regulation.

HB 1685-FN is Inexpedient to Legislate.

PRESIDENT MORSE: What you've done parliamentary wise is the motion was Inexpedient, the bill was Inexpedient, it will leave the Senate and go to the Secretary of State and die a slow death.

HEALTH AND HUMAN SERVICES
HB 1606, relative to naturopathic health care practice.
Ought to Pass, Vote 3-0. Senator Hennessey for the committee.

SENATOR HENNESSEY: Thank you, Mister President. I move House Bill 1606 as Ought to Pass. This bill makes various changes to the regulation of Doctor of Naturopathic Medicine, including the procedures of the Naturopathic Board of Examiners. The bill also adds a member of the Naturopathic Board of Examiners to the Controlled Drug Prescription Health and Safety Program Advisory Council. An audit of the Naturopathic Board of Examiners was conducted and raised some concerns. This legislation seeks to correct some of the concerns and lays the groundwork for proper oversight and increase efficiency for the board. The Health and Human Services Committee asks for your support for the motion of Ought to Pass on House Bill 1606. Thank you.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1741, relative to a definition of "contracted copayment" for purposes of the managed care law.
Ought to Pass, Vote 3-0. Senator Hennessey for the committee.

SENATOR HENNESSEY: Thank you, Mister President. I move House Bill 1741 as Ought to Pass. This bill establishes a definition of "contracted co-payment," for the purposes of the managed care law. Current New Hampshire insurance rule dictates that a consumer must be given the lowest possible price for a prescription. This bill seeks to move the bill into the state statutes to ensure that consumers are always paying the lowest price for their medication. Drug prices continue to rise exponentially, and consumers are forced to, sometimes forced to ration medication or choose between filling their prescription and buying groceries. This legislation seeks to ensure that if there is a lower cost payment option, the consumer will be able to pay it. The majority of the Health and Human Services Committee asks for your support for the motion of Ought to Pass on House Bill 1741. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I rise and respectfully in opposition to the pending motion of Ought to Pass. Appreciate the work of the committee, however, there's already rules on this and by doing this statutory definition, you're going to set in motion another rulemaking process and I can tell you along with my friend from District 17 on JLCAR, this was probably one of the more contentious, long lasting, debated issues that came before JLCAR probably in the last three or four years. So, do we want to set in motion by changing the statute another contentious long-lasting debate amongst all of the stakeholders in Rules? I don't. In part because I serve on the committee, but we worked really hard Mister President, to bring people together and work together. We have the rules in place, I think they're doing just fine, so I respectfully encourage that we vote down the Ought to Pass motion and do a substitute motion of Interim Study or ITL. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Bradley.)

SENATOR GIUDA: Thank you, Mister President. I would have a question of either the Chairman of the committee or a member who could speak to what this changes and why it does that?

SENATOR BRADLEY: Thank you very much. The Insurance Department testified in support of the bill. What they testified to was, the change in the legislation clarifies the rule as well as places it in statute. They said that the area's a little gray. This is a technical change to clarify, and the point is to make sure that the patient him or herself always pays the lowest amount as opposed to having an overage charge on the prescription. And so that's why the Insurance Department and the majority of the committee supported the bill as introduced.

SENATOR GIUDA: And there is, I think statutory or rule assurance that by going to the least expensive, the doctor has to know it's not going to cause harm to the patient?

SENATOR BRADLEY: Well, that is a question about whether it's a generic or non-generic. That's a different situation than buying as I understand it at least, a specific drug that has, whether it's a co-pay or not, the issue is about the specific drug, not the difference between a generic and a non-generic are the same drug. And by placing this in statute, according to the testimony of the Insurance Department, it buttresses the current practice already at the Insurance Department and ensures that the patient pays the lowest price.

SENATOR GIUDA: For that specific prescription?

SENATOR BRADLEY: For that specific drug. It doesn't get into generic versus non-generic.

SENATOR GIUDA: Thank you.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I too rise in opposition to the pending motion and ask my colleagues to vote it down so that I could offer an Interim Study motion. This is an issue that we've been debating before this body and the one on the other side of the wall for many, many years now. And in fact House Bill 1208 which passed in 2008 into law, provides that a pharmacy has to charge the lower of the usual and customary charge which is cash price or the patient's co-pay. Now there are some things complicating that and I have another piece of legislation to deal with that, to deal with gag clauses and also to deal with clawbacks where that doesn't happen, but the issue here is not the definitions of the statute and frankly, I find this legislation to be the department attempting to do an end run around the legislature. This legislature is clear. Every one of us has at some point, and the folks on the other side said, we want to ensure that a customer purchasing drugs pays the lowest price, whether it's the price on the card or whether it's the price that it actually costs if they pay cash. We want people to be informed of those choices, so that they get access to their drugs at the lowest cost possible. What has happened though is because the Insurance Department doesn't have direct regulatory authority over pharmacy benefit managers, they keep saying that there's a problem with the statute that they're unable to enforce this law. Well, the problem is not creating new definitions, the problem is getting some enforcement so that the costs are communicated to the consumer and the consumer can make the best decision possible for them. As I said, there is no enforcement mechanism because PBMs are not regulated. Here's our problem, right? We have the pharmacy statutes, we have the insurance statutes and somewhere in between we have the pharmacy benefit manager. So if they're acting as a mail order pharmacy, yep, they're regulated by pharmacy. If they're acting in their PBM capacity, there technically is a reach through, through the insurer that they're working for. But the ability for the department to reach through to enforce complaints which the department has received and done nothing with, is what the problem is. This isn't going to change that. So if what we want to do is make sure that consumers are helped, doing this end run around what this body has said and what that body has said multiple times which is that we want people to pay the lowest price, isn't going to help them. What this is going to do is exactly what my colleague in District 15 did and what my poor colleague from District 17 had to suffer through, was this rulemaking process. This is just going to create a whole new one. This isn't solving the problem. So I ask all of you please, we all, this is not a partisan issue, this is an issue where we all in unison agree. People should pay the lowest price for their drugs possible. It is a national issue, it's a federal issue and isn't a lot we can do to regulate. But we can't let this go through the way it is. I would encourage you to vote this down so we could vote interim study and continue to look at this in a more thoughtful way. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise to second my friend from District number 18. This is not a partisan

issue because I'm with her on this and I will tell the body that when I was chair of Health and Human Services, we voted on this same issue against the policy that you're in front of today. When I was chair of the Commerce Committee, again we voted on this issue again, against the policy of today. Please don't get me wrong, I'm not trying to be disrespectful, disparaging on the HHS Committee, but this issue continues to highlight the fact as the Senator from District 18 said, we have an industry, the PBMs, and there's constantly this battle about whether or not they are regulated by the Department of Insurance or the Pharmacy Board. It would be much better for us to go back, and we have had these conversations as well, about making the decision that we're going to bake all regulation into the Pharmacy Board or are we going to bake all regulations into the Department of Insurance Board. But this jumping back and forth from time to time does continue to make a significant amount of confusion and might not be getting to the true root of the problem, and I think we all agree the problem continues to be wanting the end consumer to have the best price. So I would either suggest the body would vote against passage, for an interim study or to table it and for those of you who are here next year, eight years now that Senator Soucy and I have been dealing with this. It's time for us to have this discussion holistically, and not piecemeal it like we've continue to see. But let's go back and have that discussion of are PBMs pharmacists under the Pharmacy Board or do they need to be regulated under the Department of Insurance Board or heck, should we just eliminate them in their entirety? Because remember many PBMs also operate as pharmacists. So I do know that the Independent Pharmacy Association, Independent Pharmacists are against this and if anyone has ever fought to try to make sure people have the lowest price possible and to help their customers, it has been the Independent Pharmacists. So I would ask that the body overturn the Ought to Pass, where I'd jump back up and make tabling motion if the body would like.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. If you're paying attention to this and don't quite understand it, your question is how did this happen and where did this come from? So the issue came up in Rules, that the members, the rule writers from the Insurance Department would say if only the law said this, then there's a rule that we would like to have which we believe sincerely is good for the patient, then we would have the authority to write the rule. But what they forgot was that they had to have the law changed first. And they've assumed that we would like their idea for a law and then allow them to create a rule with the authority being their imagination. So this is offensive to people in this rules process to come up and say this is a great idea, you should allow this rule. And we don't and I personally spoke to the Commissioner and asked them to please stop doing this and he told me he would and before he's out the door in his retirement, his staff is back doing the same thing again. So for that reason, you should overturn this Ought to Pass and kill this.

Senator Sanborn moved to Lay on the Table HB 1741. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS
HB 1303, relative to the purposes of revolving funds in towns.
Ought to Pass, Vote 4-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1303 Ought to Pass. This bill is enabling legislation that adds fire services to

the purposes for which a town may establish a revolving fund. It brought us a definition and adds more latitude to municipalities as some towns operate an ambulance service within the fire department. I ask that you please support the committee's recommendation of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

RULES AND ENROLLED BILLS
HB 1281, establishing an executive order registry.
Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Thank you very much, Mister President. I move Ought to Pass on House Bill 1281. This bill establishes an executive order registry to ensure that within seventy-two hours of signing all of the Governor's executive orders are posted on the Governor's website. Governors use executive orders for a variety of purposes, among them to 1) trigger emergency powers during natural disasters, energy crises and other situations requiring immediate attention; 2) Create advisory coordinating study or investigative committees or commissions; 3) Address management and administrative issues such as regulatory reform, environmental impact, hiring freezes, discrimination and intergovernmental coordination. Executive orders contain important information for the general public to know and to be able to find quickly. Please join the committee in voting House Bill 1281 Ought to Pass and thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1675, relative to state house Internet service and relative to calendars and journals of the house and senate.
Interim Study, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move to Refer to Interim Study on House Bill 1675. This is a bill which requires members of the legislature to be provided with access to secure wireless internet. It also requires the House and Senate Calendars and Journals be made available to the public through an email subscription service. The Rules Committee heard testimony at the hearing from both the House and Senate Chiefs of Staff that the legislatures already provided with secure wireless internet access. The email subscription services also being worked on by our IT Director as well as all calendars and journals are posted on the General Court website as soon as they are available. It is important that these issues are dealt with internally and not in statute, which is why the Rules and Enrolled Bill Committee voted House Bill 1675 for Interim Study. Thank you.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I'd just like to speak to the legislation is that allowed or permissible at this time? I am in favor of it. But what I would like to do is to draw the Senators' attention to the hearing report and to point out some critical information that would be helpful to you in terms of dealing with your constituents. House and Senate Calendars are immediately available as soon as they are produced, and in many instances, the Clerk's Office is required to stay until the calendar is available online, both in the House and the Senate. They comply with the right-to-know law which is

a minimum requirement of five days and then if anyone wishes to get a paper calendar, they may subscribe. One of the questions that we asked was, is the general public aware that they can do that and how much would it cost? They're going to look into how much it would cost, but they agreed that they would make available information on the website for anyone who wanted to have a subscription for the printed calendar. We also heard as the Senator from District 3 commented, that there is underway now work to improve our website and they will make sure that the placement of the calendar and the journals is high up in sort of the layers as you go through the website for the House and the Senate so it'll be easier for ordinary citizens to find.

There was also discussion about the fact of, with regard to security and they let us know that they have recently upgraded and added an additional level of security. When we go on the website here as a legislator or as a staff person, and that if we wish to have, there is encryption and we know about that encryption because we use it every time we come to the floor of the Senate. If you wish to have even more robust security, you would need to have your own subscriber. But just so that you understand that that also has been upgraded. The Wi-Fi has been strengthened and so a lot of the pieces that were in this legislation are being taken care of. But I think the most important thing is to be able to let your constituents know about how they can access the calendars and the journals so that they have the ability to track more successfully what's going on here in Concord.

The other request that we heard was related to audio and visual and many of you know that we have hearing reports that we can use when we go to the House or if we want to refresh our memory in talking to a constituent or weren't able to go to that particular hearing. There are no such hearing reports the same level of information that are currently being produced in the House, and so one of the issues going forward is what is the best way to be able to provide a more transparent and full record of House hearings, and that is going to continue to be explored so thank you very much for giving me this opportunity to share with you the technicalities of what's going on, to continue to improve our internet services and I know that they will continue to look at what else can be added going forward. Thank you.

The question is on the adoption of the motion of Interim Study. Adopted.

TRANSPORTATION
HB 193, relative to traffic control measures.
Interim Study, Vote 5-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move that House Bill 193 be Referred to Interim Study. This bill would permit cities to adopt bylaws and ordinances relative to temporary traffic and control measures. Included in these bylaws and ordinances would be the ability for cities to decide whether or not to require police details or flaggers during certain traffic or safety projects. The committee heard ample testimony during the public hearing both in favor and in opposition to the legislation. It became clear that this bill was an attempt to bring a one size fits all measure to an issue that cannot be made to fit this mold. When members of law enforcement are present during a traffic detail, they bring thousands of hours of training with them. This allows drivers, workers and other members of the public to feel safer should an emergency arise such as an accident on the worksite or even an emergency nearby. Flaggers often do not have much training before they begin

working on a traffic or safety project and therefore do not bring the same level of expertise to the scene. However, the committee also heard ample testimony for various utilities who must pay higher cost due to their requirement of having police details during their line of work, while others are only required to have flaggers. This can be an additional and burdensome expense. Because of the extremely important nature of the safety issues at stake, the committee believes that this bill is best sent to Interim Study. All stakeholders must come together to work towards the goal of providing the highest level of concerns for drivers, members of the public and those who may be working on the scene. Stakeholders have given me their word that they will work diligently on this legislation and I have every intentions of making them live up to their word. Therefore, all members of the Transportation Committee ask for your support in the motion Refer to Interim Study on House Bill 193. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. As a co-sponsor of this bill and having been a prime sponsor of this bill in the past, I do appreciate the fact that some of the interests that are opposed to this bill have committed to our friend from District 19 that they're willing to work with her on future legislation. It's getting kind of ridiculous that we haven't been able to get this bill passed because of entrenched opposition and quite frankly, not enough advocacy by our friends on the utility side of this bill. There was a recent *Union Leader* story that kind of outlined what happens when you have the option of using flagging details as opposed to special police details. In Nashua, the cost of the projects were about $40,000, in Manchester about $400,000. So, I know that, you know I stood right here and defended, you know, the 900 jobs in the North Country and that has led to increased electric rates. But this seems easy. Because what it says, what the bills have said, this bill and in the past is the same standards that the state uses whether to use flaggers or police details on state highways which are bigger, more traffic, more safety issues that you'd use on town roads. That's it. Simple. Follow the state policy that's never been a problem and when you have a 10-1 differential, good luck to my friend from District 19 trying to negotiate that with the entrenched interests that are opposed to this bill. I'll be watching carefully. But I urge the body actually to vote against the Interim Study motion so I can introduce another motion. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in opposition to Interim Study. Financially, those most strongly opposed to this bill have a vested financial interest in seeing it go away. And I can't tell you and I imagine you'd be in the same boat, how many times you're driving down a highway or a street in your town and there's a policeman there and he's getting paid, and he's sitting in his car. And you're no safer with him there than you are with a flagger. It's just that simple. Statistics prove this, okay? So the point here is we enable our communities to save money, we enable our utility bills to be lower, we don't reduce the thousands of hours of training in traffic control, really? That's to me a little bit inane. A flagger gets training as well, okay? Not as much, but certainly we don't need an armed police officer, sitting in a cruiser charging $70 or $80 or $60 an hour for a job that can be done by someone for 20 or 25. It's just that simple. So I ask you to overturn Interim Study. Thank you very much, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. While I, I don't agree with you, but I value what you say, but I will remind everyone that in my town of Derry, it's not a choice. It's already baked into the police officers' contracts. So until we start looking at some of those issues, nothing's going to change, and if they're baked into the contracts, how is this piece of legislation going to impact them? And my town is not the only one, there are other towns that have it baked into their contracts. So until we get some solutions with that, please support the committee's Interim Study.

(The Chair recognized Senator Giuda for a question of Senator Birdsell.)

SENATOR GIUDA: Thank you for taking my question. Does this bill not allow the municipality the option, it doesn't mandate, it allows the option to use state criteria for flaggers, and in that sense would it not then not in any way violate a contract, you still have the ability locally to negotiate that, but it just gives the community an option, it doesn't mandate it. Is that true?

SENATOR BIRDSELL: It is true, however, okay…

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. I rise in support of the committee's recommendation of Interim Study. A lot of this has been wrapped up in the argument about rates. There is no requirement of rate reconciliation, at all. So this is a complicated topic and it's been through a number of different committees on this, but unless and until it's studied and made to appoint where some of the major arguments for the bill are actually incorporated in the legislation, I think Interim Study makes good sense. Thank you, Mister President.

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: Woodburn, Hennessey, Ward, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon.

The following Senators voted No: Giuda, Bradley, Gray, French, Sanborn, Reagan, Innis, Morse.

The following Senators were excused: Watters.

Roll Call, Yeas: 15 - Nays: 8. Adopted.

HB 492, relative to electric personal assistive mobility devices.
Ought to Pass, Vote 4-0. Senator Gannon for the committee.

SENATOR GANNON: Mister President, I fixed your sign. I'm sorry about that. I move House Bill 492 Ought to Pass. This legislation redefines electronic personal assisted mobility devices or EPAMDs. It repeals provisions regarding speed and local regulation, and it establishes progressive fines. The House Transportation Committee discovered an opportunity to move these devices for those who are impaired to this section of law. Section 2 of the legislation defines the behavior that these devices need to be adhering to in order to be operated safely. This legislation also helps to reduce financial hardship on those who are using EPAMDs. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 492. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1227, relative to an unattended idling vehicle on private property. Ought to Pass, Vote 4-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1227 Ought to Pass. This legislation provides that a person may idle a vehicle unattended on his or her own property. The committee believes that individuals should have the right to idle their own vehicle on their own property. At the public hearing members of the House explained that not one citation had been issued for violating this law. For example, if one has a remote starter, one may idle their vehicle. If one does not have a remote starter, he or she may not idle their private vehicle to warm it up or to cool it down. This legislation would fix that. For these reasons, the Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1227. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1364, relative to use of amber lights on vehicles.
Ought to Pass, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move House Bill 1364 Ought to Pass. This legislation eliminates the authorization to use amber emergency lights while towing or transporting a vehicle. Tow truck drivers would not be required to use their amber lights unless they were actively engaged in activity that would influence safety. This legislation will strengthen the move over law. Emergency lights can be overused and the less they are used outside of true emergencies, the better. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1364. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1455, relative to vehicle operation at uncontrolled intersections.
Ought to Pass, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move House Bill 1455 Ought to Pass. This legislation clarifies rules of the road at intersections where traffic control device is not operational by correcting an omission in the law. According to this legislation, the driver shall obey the rules of the road applicable to intersections without a traffic control device. Therefore, this legislation codifies common practice by common sense drivers. This is current practice that is also taught in Drivers Education. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1455. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1581, relative to commencement of an administrative license suspension.
Inexpedient to Legislate, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I'm done soon. I move House Bill 1581 Inexpedient to Legislate. This legislation requires that a driver's license revocation or suspension resulting from a hearing commence no sooner than the day of the hearing at 11:59 PM. According to testimony during the public hearing, these issues simply do not

take place. One example the committee heard in testimony was that conflicts with our habitual offender law would have placed the suspension the day after, therefore giving the person the ability to drive home that day. In summary, this legislation is unnecessary as these instances do not occur. The Transportation Committee asks for your support in the motion of Inexpedient to Legislate on House Bill 1581. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 1651, establishing a committee to study the use of liquid de-icers on roads.
Ought to Pass with Amendment, Vote 4-0. Senator Birdsell for the committee.

Senate Transportation
March 20, 2018
2018-1163s
06/10

Amendment to HB 1651

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the use of liquid de-icers and solid salt on roads.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the use of liquid de-icers and solid salt on roads.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the use of brine, liquid calcium chloride, other liquid de-icers, and solid salt to remove ice from highways and roads, including the effect of such de-icers on vehicles and the environment.

2018-1163s

AMENDED ANALYSIS

This bill establishes a committee to study the effects of using liquid de-icers and solid salt on roads.

SENATOR BIRDSELL: Last one. Thank you, Mister President. Well, hopefully last one. Thank you, Mister President. I move House Bill 1651 Ought to Pass with Amendment. This legislation establishes a committee to study the effect of liquid de-icers on roads and vehicles. The amendment changes the language to represent both liquid de-icers as well as solid salt and also studies the effects that de-icers have on our environment. This is a large issue within the commercial vehicle industry since brine and salt can damage their vehicles. This legislation is important in order for stakeholders to further examine this important issue. The Transportation Committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 1651. 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 1731-FN, relative to regulating bicycles.
Ought to Pass, Vote 4-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1731 Ought to Pass. This legislation allows crossing an unbroken traffic line to pass a pedestrian or device moved by human power, modifies hand signal requirements for bicyclists and allows flashing headlamps on bicycles. This will clean up the current laws in place. The first part of the bill would make it so that vehicles have the ability to pass when safe to do so. The second portion allows a change in hand signals where cyclists can use both hands to signal. It is much safer for cyclists to be able to use whichever hand is more convenient. The final section of the bill deals with individuals who have been cautioned or ticketed about using flashing lights on bicycles. It is essential that defensive lighting be allowed for bicyclists so that others can see them traveling. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1731. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1795, eliminating the oversight commission on motor vehicle fines. Ought to Pass, Vote 4-0. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. Let's wrap up Transportation. I move House Bill 1795 Ought to Pass. This legislation eliminates the oversight commission on motor vehicle fines and was requested by the oversight commission on motor vehicle fines established in RSA 262:45. This commission was established to address a certain issue. With the issue having been resolved, the commission has not done much since, not at all. Their productivity's gone, it's time for them to go and representatives believe that this commission should be eliminated. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1795. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question.)

SENATOR GIUDA: Thank you, Mister President. To the committee; is there someone that oversees motor vehicle fines, other than this commission and what they're set at and so forth?

SENATOR BIRDSELL: I'm not sure, I'll have to look into that for you. But I would presume the Department of Safety since they have requested this, they're probably the ones that are overseeing them.

SENATOR GIUDA: Is not the Department of Safety the one that was the problem for which this commission was assembled, that the fines were getting outrageously high?

SENATOR BIRDSELL: Honestly, I don't know.

Senator Giuda moved to Lay on the Table HB 1795.

A division vote was requested.

Yeas: 7 - Nays: 8. Failed.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

CONSENT CALENDAR REPORTS REMOVED

PRESIDENT MORSE: We are at the conclusion of the regular calendar and will take up the bill that was removed from the consent calendar.

ENERGY AND NATURAL RESOURCES

HB 1286, relative to fishing and hunting licenses for permanently disabled veterans.

Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Thank you, Mister President. This bill will insert a provision in statute allowing New Hampshire veterans who are 80 percent to 99 percent disabled to purchase a lifetime hunting and fishing license at a 50 percent discount. Such veterans must have received a discharge other than dishonorable from service in any war or police action in which the United States has been engaged. This bill will have a minimal fiscal impact on the New Hampshire Fish and Game Department and offers more opportunities to New Hampshire veterans. Thank you, Mister President.

Senator D'Allesandro offered a Floor Amendment.

Sen. D'Allesandro, Dist 20
April 5, 2018
2018-1367s
04/10

Floor Amendment to HB 1286

Amend the bill by replacing all after the enacting clause with the following:

1 Hunting, Fishing, and Trapping; Permanently Disabled Veterans. Amend RSA 214:13 to read as follows:

214:13 [~~Veterans, Totally and Permanently Disabled~~] ***Permanently Disabled Veterans***. If the applicant for a fishing and hunting license is a resident of the state, has received a discharge other than dishonorable from service in [~~any war or police action in which the United States has been engaged~~] ***the armed forces of the United States as defined in RSA 21:50, II*** and is [~~totally and~~] ***at least 80 percent*** permanently disabled from such service-connected disability, the executive director shall issue a special veteran's license to said applicant. Said license shall be perpetual. The executive director shall retain the records for such licenses for a period not less than 7 years. Loss or destruction of the license after 7 years shall obligate the licensee to re-establish eligibility. A $10 administrative fee shall be charged once, upon application to the executive director for such license.

2 Effective Date. This act shall take effect January 1, 2019.

2018-1367s

AMENDED ANALYSIS

This bill authorizes the executive director of fish and game to issue a lifetime license to a veteran who is at least 80 percent permanently disabled.

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, less than 1 percent of the population of the United States of America serves in the military. Less than 1 percent. It would seem to me that if we were doing our civic duty and our civic responsibility, we would say a disabled, a permanently disabled veteran, with his disability between 50 and 99 percent, should be granted a free hunting and fishing license. There are a lot of things we do for veterans but there are a lot of things we don't do for veterans. But it seems to me if a disabled veteran wants to hunt and fish in New Hampshire, and has to under the statute pay, to me that's a terrible disservice on our part. I've worked for years to try to get more money for Fish and Game, and I understand that they're a self-funded entity and so forth and so on. But indeed, if we can't offer a disabled veteran a free hunting and fishing license, then I think we're in trouble. We're in trouble as a society. And we just heard what today,

that we're now going to take our National Guard and we're going to insert them on the border in Mexico, another responsibility. And in today's world, about half of the action taken by our military is now taken by reserves or National Guard people, because we can't fully fill all of the requirements for the military. If I had my way I'd bring back the draft, if I had my way. Everybody should serve. That's in my opinion, but indeed if we can't take care of disabled people by giving them a free hunting and fishing license, then we're in trouble as a society. Thank you, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator D'Allesandro.)

SENATOR SANBORN: Senator, thank you so much for taking my question and I have a couple of the President will allow, just trying to understand the width and breadth of your policy consideration. My understanding is about 10 percent of the residents of New Hampshire are veterans, which we're very thankful for. How many are disabled, and I guess I might want to say, how big is this consideration we're looking at, what kind of money is it for a license, how much is it a year, acknowledging we know that the Fish and Game, generally accounts always seems to be a little shy?

SENATOR D'ALLESANDRO: First of all thank you for the question. I think we do have a large number of veterans in the state of New Hampshire, retired but I'm not sure about the disability component as to the percentage it is. But if you, and I haven't got the numbers for the Fish and Game licenses. I could get those for you, but I believe it would be de minimis in terms of its impact on Fish and Game.

SENATOR SANBORN: And I guess my question, it might be too late in the second to ask the question, although I'd be supportive of it, why give them the annual license, if we are just going to give them the license, make it a lifetime license?

SENATOR D'ALLESANDRO: Great, thank you, great question. I'd be more than happy to do that. I think that's what we're trying to do. I thought that's what this amendment did. So correct me if I'm wrong, but I thought that's what–

SENATOR SANBORN: It is. My apologies, I misspoke– Thank you, Sir. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I rise in support of Floor Amendment 1367s. What this Floor Amendment does, as the Dean had noted, it makes the hunting license and fishing licenses free for those at least 80 percent, at least 80 percent permanently disabled with service-connected disability. Disability has to be related to your service. It gets rid of the requirement that you serve in a combat zone because a lot of veterans get disabled other ways. So, this still maintains the requirement of service-connected disability and I think it would, in my view, based on the record of the hearing and based on the discussion it would expand, certainly the free licenses. However, I think it's a reasonable expansion with likely de minimis impact. 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 French.

The following Senators voted Yes: Woodburn, Giuda, Bradley, 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)

The following Senators were excused: Watters.

Roll Call, Yeas: 23 - Nays: 0. Adopted.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I will support this motion as amended. I'd like to rise for the record though and inform the body that there are numbers of discharges that are not honorable discharges that are not dishonorable. There's general discharge, bad conduct discharges, these are veterans whose service has not risen to the par of acceptable to the military. So I will vote for this, but in the future if I'm back here I'm going to move to respect the honorable discharges of the millions or thousands in our state that have served honorably without besmirching the honor of the service. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

MOTION TO REMOVE FROM THE TABLE

Senator Avard moved to remove SB 586-FN-A-L from the Table. Adopted.

WAYS AND MEANS
SB 586-FN-A-LOCAL, relative to casino gambling.

The pending motion is Refer to Interim Study.

SUSPENSION OF THE RULES

Senator Bradley moved that the Senate suspend all rules necessary to permit consideration at the present time of SB 586-FN-A-L. Adopted by the necessary 2/3 vote.

PRESIDENT MORSE: The current motion is Refer to Interim Study. Here's the deal. The current motion is Refer to Interim Study. That was made by Senator Daniels. He can withdraw it, or we can have a vote on Refer to Interim Study because my understanding is Senator Avard wants to get to Ought to Pass and offer an amendment.

SENATOR DANIELS: I will maintain the Interim Study motion.

SENATOR BRADLEY: I ask for a roll call.

PRESIDENT MORSE: So the roll call is on the Refer to Interim Study motion.

The question is on the adoption of the motion of Interim Study.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. If I wish to move this legislation forward would I then vote down the motion of Interim Study?

PRESIDENT MORSE: If you're in favor of Interim Study, you're going to say aye, if you're opposed, you're going to say nay.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Mister President, whether I'm for or against the passage of this bill, would I vote down Interim Study to at least entertain the Floor Amendment so that we can have discussion about what's being offered by Senator Avard?

PRESIDENT MORSE: If you're in favor of Interim Study, you're going to say aye, if you're opposed, you're going to say nay.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Mister President, if I believe that there could potentially be an amendment with very significant changes to public policy that have not been publicly discussed or debated at a hearing, would I vote in favor of the Interim Study?

PRESIDENT MORSE: If you're in favor of Interim Study, you're going to say aye, if you're opposed, you're going to say nay.

A roll call was requested by Senator Bradley, seconded by Senator Sanborn.

The following Senators voted Yes: Bradley, Hennessey, Ward, Sanborn, Kahn, Daniels, Reagan, Fuller Clark.

The following Senators voted No: Woodburn, Giuda, Gray, French, Avard, Lasky, Carson, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators were excused: Watters.

Roll Call, Yeas: 8 - Nays: 15. Failed.

Senator Avard moved Ought to Pass.

Senator Avard offered a Floor Amendment.

Sen. Avard, Dist 12
Sen. French, Dist 7
April 4, 2018
2018-1358s
08/04

Floor Amendment to SB 586-FN-A-LOCAL

Amend RSA 284-B:2 as inserted by section 1 of the bill by replacing it with the following:

284-B:2 Gaming Regulatory Oversight Authority. The gaming regulatory oversight authority, through delegation to the division of gaming enforcement, shall establish, staff, manage, and operate video lottery and table games at video lottery locations licensed under the provisions of this chapter. Facilities provided by the facility licensee shall contain non-gaming resources such as, dining, liquor, hotel, and any other support resource approved by the gaming regulatory oversight authority. The facility licensee shall, at a minimum, provide and pay for heat, electricity, water, sewer, maintenance, and security surveillance infrastructure for the video lottery location for which the facility licensee shall receive remuneration pursuant to RSA 284-B:15.

Amend RSA 284-B:3 as inserted by section 1 of the bill by replacing it with the following:

284-B:3 Duties of the Gaming Regulatory Oversight Authority. The authority shall:

I. Issue licenses after completion of the investigations set forth in this chapter. All license applications shall be approved or denied no later than 150 days from the date of application. No license issued under the provisions of this chapter shall be assigned, transferred, or sold, without a complete application and the approval of the authority and payment of a $150,000 application fee. No person or entity may own or have an interest in more than one facility license.

II. Collect all license fees imposed upon any applicant and all fees imposed by this chapter.

III. Certify net machine income by inspecting records, conducting audits, having its agents on site, or by other reasonable means.

IV. Establish a central computer system at a location of its choosing linking all video lottery machines to a central computer to ensure control over the video lottery machines.

V. Enter into lease agreements with up to 3 technology providers to provide video lottery machines to the state. Lease agreements shall provide that the technology provider supply the quantity and quality of video lottery machines determined by the authority in a timely and efficient manner, and shall be paid with a percentage of the net machine income, as provided in RSA 284-B:15. The technology provider shall provide all maintenance and service of its video lottery machines at no additional charge or fee to the state. Each agreement shall also provide that the technology provider shall be required to replace 30 percent of its video lottery machines annually.

VI. Establish technical standards for approval of video lottery machines, including mechanical and electrical reliability and security against tampering, as it may deem necessary to protect the public from fraud or deception and to ensure the integrity of the operation.

VII. Not later than November 1 in each calendar year of this program, provide a report to the legislative fiscal committee regarding the generation of revenue of video lottery machines. Such report shall include any recommendations for legislation and any public concerns.

VIII. Establish a list of approved table games and establish standards and testing processes for electronic table games.

IX. Have the authority to issue subpoenas and compel the attendance of witnesses, to administer oaths, and require testimony of witnesses under oath.

X. Make and keep records of all proceedings of its public meetings. A copy of the transcript shall be made available to any person upon request and payment of the costs of preparing a copy.

XI. Keep and maintain a list of all license applicants and a record of all actions taken with respect to each applicant. A file and record of the actions by the gaming oversight authority shall be open to public.

XII. Maintain such other files and records as it deems necessary. All records maintained by the gaming oversight authority may be maintained in digital format or other technology, provided that such information is capable of being produced in written form.

XIII. Maintain the confidentiality of all information and data obtained by the authority. Such information shall not be revealed in whole or in part except as otherwise provided by law, upon the lawful order of a court of competent jurisdiction, lawfully executed and served grand jury subpoenas, or with the approval of the attorney general, to a duly authorized law enforcement agency.

XIV. Provide notice of the contents of any information or data released, except to a duly authorized law enforcement agency or grand jury

subpoena pursuant to paragraph XIII, shall be given to any applicant, registrant, or licensee in a manner prescribed by the rules adopted by the authority.

XV. If necessary, contract for and procure financial, economic, or security consultants and any other technical and professional services as the authority deem necessary.

XVI. Develop and provide an employee training program which shall include, but not be limited to, information on state law, criminal and civil liability, and management practices.

Amend RSA 284-B as inserted by section 1 of the bill by deleting RSA 284-B:12 and renumbering the original RSA 284-B:13-29 to read as RSA 284-B:12-28, respectively.

Amend RSA 284-B:12, I as inserted by section 1 of the bill by replacing it with the following:

I. The authority shall issue a request for applications within 30 days of the adoption of licensing rules in accordance with RSA 284-B:4. The request for applications shall require all facility license applications to be submitted to the authority no later than 120 days after the publication of the request, provided, however, an applicant who has paid the full application and investigation fees required by this section may receive one extension of up to 30 days upon a finding of good cause shown by the authority. Applications received after the deadline shall not be reviewed by the authority. The authority shall approve, approve with conditions, or deny all applications submitted in accordance with the provisions of this chapter and any applicable rules promulgated by the authority.

Amend RSA 284-B:13, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) That each director, officer, or similar principal employee and each direct or indirect owner satisfies the standards for licensure contained in RSA 284-B:12.

Amend RSA 284-B:15, I(a)(6) as inserted by section 1 of the bill by replacing it with the following:

(6) Credit the balance to the gaming regulatory fund established by RSA 284-B:14, VI.

Amend RSA 284-B:28, II as inserted by section 1 of the bill by replacing it with the following:

II. All fees collected under RSA 284-B:15, I(a)(4) shall be credited to the fund established in paragraph I.

Amend RSA 6:12, I(b)(340)-(341) as inserted by section 9 of the bill by replacing them with the following:

(340) Moneys deposited in the gambling addiction prevention fund established in RSA 284-B:28.

(341) Moneys deposited in the gaming regulatory fund established under RSA 284-B:14.

Amend 2017, 156:86 as inserted by section 8 of the bill by replacing it with the following:

156:86 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns shall be suspended for the biennium ending June 30, 2019. ***The suspension shall be lifted upon certi-***

fication by the state treasurer to the secretary of state and the office of legislative services that he or she has received revenue under RSA 284-B:15.

2018-1358s

AMENDED ANALYSIS

This bill:

I. Allows the licensing and operation of video lottery and table gaming facilities.

II. Requires the gaming regulatory oversight authority to select licensees for video lottery and table gaming facilities and oversee the operation of such facilities.

III. Establishes the gaming regulatory fund.

IV. Establishes the gaming enforcement division of the state police.

V. Establishes the gambling addiction prevention fund.

SENATOR AVARD: Thank you, Mister President. My original objection for this whole casino gambling was the fact that it limited it to two licenses, creating what I feel was a monopoly. This basically removes the two and allows it to move forward without any restrictions as to how many licenses will be offered in the state of New Hampshire. That's in essence what this legislation does.

(The Chair recognized Senator Sanborn for a question of Senator Avard.)

SENATOR SANBORN: Senator, thank you so much for taking my question. I'm just trying to understand because obviously this amendment came in a little late and I'm not sure I understand it all, but are what you're saying that this would open up the ability for anybody to have a one-armed bandit or betting machine in any home or establishment or anywhere?

SENATOR AVARD: That's not what I understand.

SENATOR SANBORN: So it is my understanding that for anyone who ponies up $150,000 and goes through a process they can open up a casino and it would have to be within the casino, but we could have as many casinos as anyone wants to open up?

SENATOR AVARD: Not anyone, they're only allowed one license per establishment.

SENATOR SANBORN: But if I understand you correctly for the record, unlimited number of licenses, one license per establishment?

SENATOR AVARD: Per establishment.

SENATOR SANBORN: So we could conceivably have fifty or a hundred casinos if there are fifty or a hundred people that wanted to pony up $150,000?

SENATOR AVARD: Or two.

SENATOR SANBORN: Or two. Thank you very much.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise in support of the amendment. The amendment allows for a number of applicants, but the state must approve these applicants and they must meet the

criteria and they must go through the process. They pony up X number of dollars and if they want the license, they have to pay 40 million for the license. So indeed, that's something that has to be considered.

As many of you know I've been on this case for a long period of time. I want to create a picture for you. I want you to drive down Route 93 and as you reach Everett, I want you to look to the left and there's a forty-story building there that wasn't there a year ago. There are 1,500 people working in that building, all being paid a decent wage. There are 1,500 of them. The cost of building that entity is $2.3 billion, that's being spent in Massachusetts, 2.3 billion. When that entity is open in 2019, 2,000 people will have jobs. Base salary for most of those jobs will be in the 50 to $100 thousand range. The taxes paid by that entity will be enormous. Just look at the base rate for a property that's worth 3 or $4 billion when it's finished. All of those opportunities were available for New Hampshire. We said no. We said no for a lot of reasons, we're going to have corruption, we're going to have this, we're going to have that, etcetera, etcetera. We had the perfect place for it, where for 100 years we had thoroughbred racing. After thoroughbred racing shut down, we had a charitable gaming entity. We lost that opportunity. The local community voted 80 percent to accept the opportunity. So, this may be our last opportunity to move forward with this. Nothing is guaranteed, if it gets by this body, it's got to go to the House and that's the assembly of 400. I thought Leonidas had a problem when he fought the Assyrians at the battle of Thermopylae, but indeed, the battle that we have against the 400 is even more difficult. I'm telling you that, and I've been to the paths of Thermopylae and I've seen Leonidas' statue, alright? His name is known in history. Well, we've got that challenge, we as a body have that challenge. But indeed it isn't a case of the people don't want this. We've had public opinion polls that say 80 percent of the people in the state of New Hampshire want this. Those of us who listen to Channel 9 have seen the Oxford Casino's ads. They're pervasive. You drive down the turnpike, who sponsors the signs? Oxford Casino. Who's got the bus in Manchester totally covered with Play at Oxford Casino? That drives around the city all day. Now the people at Oxford heard this because they've put a hotel next to the casino because it's doing so well. As a matter of fact it's doing so well, that Churchill Downs paid $160 million for a $40 million investment. That's what the original guys put up.

So my friends, my colleagues, is this the perfect bill? Nah, no bill is perfect. Is it more than I had anticipated getting? Yes. But indeed if it's a compromise and a way to get this thing going, I obviously support it. And as I said, my wife's going to Mohegan Sun next week, alright? What's she going there for? To gamble, because she enjoys it. It's a part of life. People like to do this, and indeed, we have as I said, we have embellished this premise for the last basically hundred years, for a hundred years New Hampshire's been gaming.

When I first came to this legislature, Rockingham Park represented 7 percent of the operating income for the state of New Hampshire. It was in the budget, Rockingham Park, 7 percent. We did that for almost a hundred years. Is Salem better off because of what Rockingham Park did? I think so. Nobody in Salem was complaining, although persons that were complaining were quite much in the minority. So I ask you, please look at this and if nothing else, please, when you're driving down Route 93 and you're just coming up to that rise as you get to Somerville and you look to the left and you see this magnificent facility rising, you say

hey, that could have been in New Hampshire. That could have been here, you know it's with great sorrow I say this is what could have been. Well, we still have an opportunity to do something. So I hope my colleagues will consider it and thank you very much, Mister President. And I thank my colleagues in the Senate who brought forth the amendment that put it on the table for discussion. Thank you, Mister President.

(The Chair recognized Senator Daniels for a question of Senator Avard.)

SENATOR DANIELS: Thank you for taking my question. What is the fiscal impact of your amendment?

SENATOR AVARD: I don't know.

SENATOR DANIELS: So you're asking us to vote on an amendment where we have no idea what it's going to cost?

SENATOR AVARD: Well, I think we have the potential of, one of the first applications if it's approved to get least $40 million.

SENATOR DANIELS: Noticed in the Amended Analysis it establishes the Gaming Enforcement Division of the State Police, we have no knowledge of how big that's supposed to be, what it's supposed to entail or what the cost is. Is that correct?

SENATOR AVARD: That is correct.

SENATOR DANIELS: Thank you. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the amendment and the bill hopefully as passed if the amendment passes. I do so because 1) there are parts of this state that are in dire need of economic revitalization, and I represent twenty-seven towns in Grafton County, I'm sorry twenty-seven towns, nineteen of them in Grafton County. We're losing population, we're losing jobs, my district has lost 2,000 jobs in the last five years; high tech jobs moving south, okay? So there are parts of this state that are in serious need, right? For us to foreclose on the consideration of locating an establishment that would provide jobs and revenues both locally and statewide, okay, for whatever we choose, education, you pick it. But this would introduce a funding source that is not a tax. It is a voluntary activity enjoyed by many. When I first moved to New Hampshire I heard the term Manchvegas, because gambling is sort of in the life blood and the DNA of our state. I have people in my town of Warren that drive south to Mohegan Sun that go to Manchester and fly to Las Vegas. They like to gamble. Yet we foreclose of that opportunity, not only to allow them to enjoy themselves in our state and generate revenues for our budgets, okay? But also to provide jobs and work opportunities for a workforce that is in serious trouble in the North Country. So for those reasons Mister President, I offer my support for this amendment. Thank you.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in opposition to this amendment. I'm not going to repeat what I said two weeks ago, but I would ask you if you had reservations and didn't support legislation that would allow for two casinos in New Hampshire, why would you now go ahead and support legislation that will allow for as many casinos in New Hampshire that can be approved under the original bill? And so I think this just is allowing for the expansion of an industry that will have very negative impact economically on this

state. And I'd just like to say that it's my understanding, that we just heard that these jobs were going to pay for the Wynn Casino as much as $100 thousand a person. Well it's my understanding that a large bulk of individuals working at casinos make no more than 30 or $35 thousand dollars a year. They're not earning a livable wage in terms of what you, or close to livable wage but it's nowhere near $100 thousand a year. So, we have to ask ourselves, what kind of jobs would this bring to the state, and what kind of money would it take out of the pockets of New Hampshire residents? Who will no longer, no, because we see that for every casino within thirty miles of a casino is where the bulk of those people go to that casino. People coming from farther away, it's going to be almost impossible to compete with Wynn. And also if you remember that the Wynn casino, includes a number of entertainment venues, you know, if any of these casinos get approved and they are coming in with a project that, you know, can afford to build those type of entertainment venues, can afford to build the stages and the, you know, amusements that go along with that, ask yourselves what is that going to do to all the entertainment investments that have been made here in the state of New Hampshire, rather it's the Capital Center for the Arts, rather it's the development in Keene, rather it's the Opera House in Rochester, rather it's the Opera that goes to the northern part of the state, again, now we need to look at what, you know, and tourism for all of those entities is what helps to drive our economy. It's the third largest source of revenue in the state. They will not be able to compete with casinos here, there and everywhere.

I also, though I'm not opposed to gambling from a moral point of view, I was rather startled yesterday when I came home and I received a packet in the mail that was a publication about this thick, about how we should address the issue of gambling addiction. Now I ask you, if a publication like that is now being put in the hands of all of us here and across the country, does that not say that we are having a growing addiction problem? Why else would we be receiving that type of manual? And again studies have shown that, you know, what we would be talking about for the development of casino that is not on the level of Wynn, it is the majority of gaming that can take place there is with the slot machines. Studies have shown that slot machines are designed to be addictive, and that we don't have the kind of table gaming that we used to have in the past. If you were to visit Oxford, which I have done, you would see that 70 percent of the people there, they're not using those table games, they're sitting in front of a slot machine, not talking to anybody, playing these games over and over and over again. No, they're not socializing, and you know, the risk of them becoming addicted as we talked about. We're all addicted to our cell phones, it's the same kind of play that goes at work, so we do have an addiction problem. But to my mind, the bigger problem is that we run the risk of upending our economy here in New Hampshire. And particularly if we're going to allow, open the door for a number of casinos throughout the state. So thank you very much, Mister President, and I would urge my colleagues to vote down this amendment.

(The Chair recognized Senator Lasky for a question of Senator Fuller Clark.)

SENATOR LASKY: Thank you for taking my question. Would you not agree with me that the game of Keno is highly addictive?

SENATOR FULLER CLARK: Senator, the good Senator from Nashua, I would agree with you that Keno is highly addictive. In fact, I went before

the House Committee this year when there was a bill, asking to undo what we had done last year by linking kindergarten with Keno and abolish Keno in the state. I think it's incredibly disruptive and disappointing that we as a legislative body didn't fund kindergarten as a responsibility of the state and shifted that on to Keno. I think that was wrong. I think it shouldn't have happened. And I think what we're seeing is where Keno is being approved, it's being approved in the communities where I think it has the potential ultimately to hurt the income of people who are in those communities. So anyway, that's my position, I'm happy to answer your question. I don't approve of all of it, for economic reasons. I think it's just draining money out of people's pockets for a type of entertainment that does not benefit us as a state.

SENATOR LASKY: Thank you.

(The Chair recognized Senator Hennessey for a question of Senator Fuller Clark.)

SENATOR HENNESSEY: Thank you very much. In the research that I've done, I have seen that there is a good many of the biggest casino organizations, and this is a question, actually hire from places outside of the states where they reside and less from within the state and I don't know if you'd seen that same kind of information?

SENATOR FULLER CLARK: That is my understanding that the well-paying jobs go to those people who are brought in by the entities that start up and invest in the casino and that the everyday jobs go to residents in the locality. Thank you.

SENATOR HENNESSEY: And also, I wonder if there's any information about the cost of addiction and what the cost both, both in terms of morale, workforce and therapy, my field?

SENATOR FULLER CLARK: There are many studies that have been done. I think you'll notice in this legislation, it does acknowledge that addiction is, it comes with casinos and that they provide money to help with people who have addiction to gambling. But I, and I know that there are others studies out there, that it has costs that go beyond just that individual to the family, to the community, to potential crime, to potential suicide. So it has huge ramifications that end up costing us in other ways.

SENATOR HENNESSEY: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. With reference to the financial situation, LBA prepared a fiscal note to this legislation when it was first introduced and that is still available and I just want to make note that based on their analysis, both the cost and the revenues are available to everyone. The revenues, if one of these entities becomes operational is about $134,900,650 once we're in full operation. So let's call it a $135 million a year we'll be generating. There are costs associated with that that are clearly identified in the fiscal note; what it costs to get the police up and running and all of the other associated costs. So that fiscal note's been around for a long period of time and it's been redone time after time after time. I look at this, this is like the twentieth iteration of the fiscal note. So we update it every two years.

With regard to some of the comments about where the jobs are going to come from, and the problems that are associated with it. We know

that the local entity will receive most of the jobs, they'll come from New Hampshire people, just as they came from New Hampshire people at Rockingham Park, when we had Hinsdale and when we had Belmont and all of the local attraction was good and the jobs were there, and the jobs were decent paying jobs, and they will continue to be decent paying jobs, because you can't find people to perform what needs to be done in these entities and pay them inappropriately. They do very well. A parking attendant in Las Vegas makes over $100,000 a year. That's a guy or a woman that just tells you where to park the car. So indeed, they're good jobs, I mean you look at these numbers, I think the numbers clearly indicate that, I hate to say this but it's a good bet. It's a good bet.

And indeed, you know the problem is we, because of our inability to take advantage of this year after year after year, we've not received the benefits but, and with regard to publications that are being printed, I mean the opposition to this has always been in the mainstream of sending material out to individuals and doing other things. The lobbying against casino gambling here in New Hampshire has been persistent and well-funded, very well-funded. So indeed, this opportunity as I say and I think this is probably again, the last chance saloon in that respect because the entities have all listened to us. I mean I think it's amazing when you think that when we started this there was nothing in Massachusetts, there was nothing in Maine, they had de minimis things in Connecticut, they had very, very little in Rhode Island, they had one place, they had nothing in New York. But since this dialogue began, all of those entities have listened to us and have produced some type of advanced gambling, casino gambling. It's taking place around us so what we have sent a message out and others have listened to us. The only people that don't listen are us. You know we turned a deaf ear on, we oh, all these bad things are going to take place. What's going on around us? What's going on in Maine, in Massachusetts, in Rhode Island, in Connecticut, in New York? They have these entities in place, and they have done it since we started talking about it almost twenty years ago. Almost twenty years ago. And what have we done in the last twenty years? We lost Rockingham Park, we lost Belmont, we lost Hinsdale, where are we, and what are we saying? That people are going to go, they're going to go to Massachusetts and gamble, they're going to go to Maine and gamble, and what do we receive in terms of a benefit on that activity? We get nothing. Do we get the headaches? Yeah, because they come back to New Hampshire, and all of those problems that we talk about, if they exist, we have to deal with them, without the revenue source. an inconsistency there.

But indeed, my purpose of rising was to say, to the distinguished Chair of Finance, there is a fiscal note. That There's fiscal note has been done and redone and it's available, It's available and we can have it updated by LBA or anybody else that we want to and the cost associated with it have been clearly defined. Thank you, Mister President.

PRESIDENT MORSE: Before we move the question; we're voting on the floor amendment which is a straight fifty plus one vote. After we get through the floor amendment, we're looking for clarification of where the body stands, and I believe that is what Senator Bradley is going to ask on what the vote needs to be on the whole bill if the floor amendment were to pass.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Gray.)

SENATOR GRAY: This bill has a FN. Does it still have to go before Finance?

PRESIDENT MORSE: At this point we've suspended all the rules taking something up past the deadlines, so no.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Again, it's a specific question to the suspension of the rules. Have we suspended the rules to the extent that it only requires a simple majority to proceed to the House, on the final Ought to Pass?

PRESIDENT MORSE: When we get through the Floor Amendment we'll address that.

SENATOR BRADLEY: Thank you.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Kahn.)

SENATOR KAHN: I just wanted to make sure I understood the directions of the Mister President that the amendment requires how many votes to be adopted?

PRESIDENT MORSE: It requires a simple majority, Senator.

SENATOR KAHN: Yes, that's what I wanted. Thank you.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Birdsell, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Giuda, French, Avard, Lasky, Cavanaugh, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Bradley, Hennessey, Gray, Ward, Sanborn, Kahn, Daniels, Carson, Feltes, Reagan, Fuller Clark.

The following Senators were excused: Watters.

Roll Call, Yeas: 12 - Nays: 11. Adopted.

Recess. Out of recess.

PRESIDENT MORSE: Without objection the Senate President's going to rule that this requires a super majority to be passed, to be sent out of this body. I think the sponsor of it understood that when he met with me before today, and I just explained that. What you did earlier, and it bears to pay attention, we suspended all the rules in the Senate when we were being courteous to allow this in. So when you do something like that, the Senate President can fly by the seat of his pants, and that is not a good situation to be in quite honestly, but I'm ruling now and unless I'm overruled, you would have to have a 2/3 majority to send this legislation out of the Senate. I think that's just good public policy when you're past the deadline. I think the end result is pretty understandable at this point in time, unless people change their votes, but the reality of where we are right now, it would require a 2/3 vote.

Without objection, the Chair rules that a 2/3 vote is required. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator Gannon.

The following Senators voted Yes: Woodburn, Giuda, French, Avard, Lasky, Cavanaugh, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

The following Senators voted No: Bradley, Hennessey, Gray, Ward, Sanborn, Kahn, Daniels, Carson, Feltes, Reagan, Fuller Clark.

The following Senators were excused: Watters.

Roll Call, Yeas: 12 - Nays: 11. Failed, lacking the necessary 2/3 vote.

Senator Bradley moved to Lay on the Table SB 586-FN-A-L. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Sanborn: HB 193, HB 492, HB 1202-L, HB 1227, HB 1228, HB 1252-FN, HB 1258, HB 1271, HB 1273, HB 1280-FN, HB 1281, HB 1286, HB 1290, HB 1303, HB 1308-FN, HB 1331, HB 1349, HB 1352-FN, HB 1363, HB 1364, HB 1374, HB 1378, HB 1379, HB 1389, HB 1421-FN, HB 1425-FN, HB 1441-FN, HB 1446, HB 1453, HB 1454, HB 1455, HB 1480, HB 1493, HB 1494, HB 1506-FN, HB 1517, HB 1518, HB 1523, HB 1551, HB 1575, HB 1581, HB 1606, HB 1651, HB 1663, HB 1675, HB 1676-FN, HB 1683-FN, HB 1685-FN, HB 1731-FN, HB 1741, HB 1785, HB 1795, HB 1823-FN, SB 586-FN-A-L

ANNOUNCEMENTS

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I had agreed with my good friend from District 19 to do an Irish Cake Bakeoff today, and I forgot to do it. And I would've gotten beat, I think, based on her cake. I am going to make a cake next week, but please remember how good her cake was and compare it to mine. So I apologize to my friend and I will be bringing a cake next week. We'll take a vote on it.

Secondly, on a much more somber note, Mister President, and I'll just enter this, without objection, the obituary into the record. I won't read the whole thing. The Reverend Dwight Haynes of Concord passed away. He was a terrific community advocate, a wonderful friend to me, and many others, and served for forty plus years as the pastor of United Methodist Church here in Concord. For those who may be interested, services will be held at Wesley United Methodist Church at 79 Clinton Street in Concord on April 12th at 2 p.m., and without objection, I'll enter the full obituary into the record. Thank you very much, Mister President.

Dwight Seavey Haynes

January 22, 1937 – March 24, 2018

> The Reverend Dwight S. Haynes, 81, of Concord, NH passed away on March 24, 2018, surrounded by his family. Born in Haverhill, MA in 1937, as a four year old, he was diagnosed as deaf and dumb. Sent home by the experts in Boston, Dwight was operated on in the family's living room by a doctor who lived next door. His hearing was significantly restored, and speech therapy helped him to speak.

A shy and reserved child, (surprising to those who knew him as an adult!) Dwight set a goal giving himself the satisfaction of achievement and helping others at the same time, a quality he displayed throughout his life. As a second grader in 1944, he collected 2,650 tin cans for the war effort. This won him top honors in his city's "Tin-Toter Campaign." Told by his high school principal that he would never make it to college, Dwight earned a Bachelor's degree in philosophy from Bates College in 1959, and graduated from Boston University School of Theology in 1962 with dual Master's degrees in Divinity and Psychology & Pastoral Counseling. A lifelong champion of civil rights, one of his proudest moments was marching on Montgomery with Martin Luther King, Jr. In fact, he had just given a talk on the subject to middle school students in February of this year. Before retiring in 2002, Dwight served 40+ years as a pastor in the United Methodist Church (UMC). In notes made in his late 70s, he tallied having conducted 276 weddings, 280 baptisms, 414 members received, 590 funeral/memorial services, "and thousands of meetings."

In retirement he served four interim pastorates, preached in 46 churches, including two services at Bow Mills UMC on the Sunday before he died, and continued to participate in many volunteer activities. Whether serving as a mentor for local pastors and candidates for ministry, attending political rallies or social justice events, or writing letters to the editor, Dwight never stopped finding ways to contribute in any way he could. This included serving as a Granite State Ambassador at the kiosk in front of the State house for eight summers, as well as president of the Havenwood Resident Association. An avid bicyclist, Dwight completed 36,000 miles by his 81st birthday. Another goal he set and exceeded was donating 112 pints of blood. Dwight traveled as often as he could starting with a summer in Europe in his 20s, and taking trips to Israel and Egypt, Greece and Turkey, culminating in lifetime tallies of five continents, 29 nations, 44 states, and 17 National Parks. When speaking of his travels, Dwight frequently shared that while "people may look different and talk different, we all have the same hurts and hopes." He also liked to point out that St. Augustine said, "The world is a book. Those who do not travel read only a page."

Dwight leaves his wife of 56 years, Maryellen; his daughters, Linda and Judith; his grandchildren, Jessica and Joshua; and one great-grandchild, Asher.

A celebration of his life will be held at Wesley United Methodist Church, 79 Clinton Street, Concord, NH on April 12 at 2 pm. In lieu of flowers, memorial contributions may be made to the United Methodist Committee on Relief (UMCOR) or Wanakee Camperships and mailed to Bow United Methodist Church, 505 South Street, Bow, NH 03304. Memorial gifts may also be made directly to the Audubon Society or the ACLU.

(https://www.dignitymemorial.com/obituaries/concord-nh/dwight-haynes-7800937)

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I, too, rise and ask for personal privilege. As I was entering my house last evening, I got a call from George Lamprey, and George mentioned to me that Stewart Lamprey had passed away. Stewart Lamprey was a unique human being. He was Speaker of the House, he was President of this Senate; he became Under-Secretary of Commerce during the Nixon Administration, but more importantly, Stewart was a great friend and, I thought, a really great American.

I first met Stewart in 1968 when Walter Peterson appointed me to the Athletic Commission as a Commissioner. I walked into the office, Ray Burton was standing in one corner, Cynthia Kirby was at the desk, and Stewart was on the inside, he was Chief of Staff; brought me into the office and Governor Peterson, at that time, thought that this Athletic Commission was something more than the boxing and the wrestling and I got approved. From that point on, Stewart really became my friend, and in 1982, Stewart ran my campaign for Governor. We lost in a very close race, and it was the primary. Stewart was a real visionary, a real visionary. In 1972, before he left, he produced a document and talked about legislative changes that should be made. Maybe some of you have read that. I know I keep it in my office and look it over every once in a while. But Stewart had a vision of how this should all work, and did a great job of making things happen, making things happen.

After he left politics, Stewart started a company called New Hampshire Business Sales. And New Hampshire Business Sales was a very successful real estate operation, and he did a great job. And Jeb, you probably remember the work he did in Meredith. That beautiful building he constructed in Meredith. As I said, Stewart was a visionary, but in this business, as I say often, life's all about relationships. I had a relationship with Stewart, and it was a very meaningful one, and go and meet him and we'd talk politics and he ended his life in a nursing home up in Meredith and he passed away there. But, we all need somebody to talk to at some time in our lives, and we get, you know, get an answer to some of the questions that we pose, and that person you have to believe in strongly. And I had that relationship with Stewart. He taught me a lot about politics and a lot about how to do things right, and how to correct things that weren't going so well.

Stewart had a long and very, very successful life; a long and successful life. And I hope that the mark that he left on this state will continue in this context. Government has a purpose. That purpose is important to the people we serve; and Stewart made that happen as Speaker of the House, and as President of the Senate, and that's a great guide, I think, a great guide for me to look at as we move forward. I'm very proud to have known Stewart; very proud to have said he tutored me in the business of politics, and very proud to say Stewart did good things for New Hampshire. He did good things for this state and should be remembered for those things. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much. I request personal privilege? There're some remarks I'd like to share with the body. Many of us here today were either children or young adults in the 1960s, and we lived through a devastatingly painful and shocking period when many of our most remarkable leaders were struck down by an assassin's bullet: President John F. Kennedy, Medgar Evers, Malcolm X, Dr. Martin

Luther King, Jr., and Senator Robert Kennedy. Today, on the day after the 50th anniversary of the death of Martin Luther King, we are reminded of that painful time in our nation's history, and of the great loss to our country. Here in New Hampshire, I'd like to share the fact that on October 26, 1952 a 23-year-old divinity student at Boston University delivered a sermon at the historic Pearl Street Church in Portsmouth. Eleven years later, now a Doctor of Divinity, Martin Luther King, Jr. stood before the Lincoln Memorial in our nation's capital to deliver one of the most poignant and powerful speeches in American history. He said he had a dream that one day his children would be judged not by the color of their skin, but by the content of their character, and that one day little black boys and little black girls will be able to join hands with little white boys and little white girls as sisters and brothers. And in that speech, he evoked our state, imploring us, quote, "to let freedom ring from the prodigious hilltops of New Hampshire." As you know, fifty years ago yesterday, Dr. King's life was ended by an assassin's bullet. He was a great voice of moral clarity in troubled times; an advocate for peaceful nonviolent protest in a time of violent oppression. His legacy lives on when we, as a country, pause to honor his memory through the celebration of Civil Rights Day. On the night of Dr. King's assassination, Senator Robert Kennedy was speaking in Indianapolis. When he received word of this terrible tragedy, Senator Kennedy, who would himself be struck down by an assassin's bullet just two months later, said in honoring Dr. King's memory, quote, "What we need in the United States is not division. What we need in the United States is not hatred. What we need in the United States is not violence and lawlessness. What we need is love, and wisdom, and compassion towards one another, and a feeling of justice towards those who still suffer within our country. Sadly, that message is as relevant today as it was fifty years ago. I hope we can all take it to heart. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. Senate Finance will convene in room 103 at 2:30.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: I rise to pay tribute to some North Country legends who we have lost recently. Ronney Allen Lyster died unexpectedly, and he came to the North Country to be a logger, got his chainsaw caught in a tree and walked away and started selling cars and created a very, very successful multi-dealership; and owns and operates one of the most beautiful farmsteads in our region. Ronney was a man with a big heart, contagious and infectious smile, constantly in motion. He gave so much to others–his time, his heart, his energy, and his money. He'll be sorely missed.

We also lost a former colleague in the House, Representative Ralph "Buster" Doolan, Jr., who was living in Candia, now. A graduate of Lancaster Academy; excelled in sports, and was a member of the 1951 Class B State Champions; went to Norwich University, the University of New Hampshire; served in the United States Army. He enjoyed a successful and varied career in many different companies: LM Pike, Timberland Machines, Rotobec; and was a pioneer in some of the timber harvesting tools that have come to be known today. He also, along with his wife Jean, found in 1989, *Sawlog Bulletin Magazine*, an international business journal for the timber harvesters. He was very

involved in student's, young people programs to encourage and promote local sports, including the Coos and Upper Grafton Independent Football League. He was involved in the Republican State Committee on the Executive Board, and was elected in 2012 to the New Hampshire House of Representatives. And we will certainly miss Buster. I had a few opportunities to drive to Concord with him, and he was just a great person, cared deeply about people, and we certainly miss him today.

I'd also like to recognize and let you all know that James Hill Fadden, Sr., who came to this body with three generations of Fadden's, a few years back to celebrate our maple sugaring industry, passed. He was born in Lincoln, and was the son of Norm and Marion Fadden. The Fadden family has a deep history; deep connections to the community and to each other. He was a veteran, and also an active member of his community. He also ran, for many years, the Fadden's General Store; and, obviously, the maple sugar operation, which the family is famous for in our parts.

And, finally, just up the road in Lincoln, we lost William Michael Farrand, and he was a truly unique person whose challenges in life started at birth but they never slowed him down of pursuing things that he loved. He was fiercely independent, he loved nature and the outdoors, and his family and friends were all very, very close to him. He found his true calling, Mister President, when he was hired as the Wolfman at Clark's Trading Post; and to be remembered and loved by chasing after children calling to him, "Scram you old Goat", made many young people's lives better. And his footprint is sorely missed today by people, and I'm glad to see the accolades across our newspapers when William Farrand passed, and his memory certainly will be remembered by many, many people to come. Thank you, Mister President.

PRESIDENT MORSE: I just want Senator Watters to know that all our thoughts and prayers are with him, if anyone didn't hear that earlier. Hopefully he joins us next week. If not, I think we'll adapt the calendar to him. I promised him that.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 492, relative to electric personal assistive mobility devices.
HB 1202-LOCAL, relative to town revolving funds for group net metering.
HB 1227, relative to an unattended idling vehicle on private property.
HB 1228, removing the limitation on a chartered public school incurring long term debt.
HB 1252-FN, relative to certificates of insurance.
HB 1258, relative to the advanced manufacturing education advisory council.
HB 1271, changing the name of Industrial Drive at the Hugh Gallen Office Park to Ratification Way.
HB 1273, relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center.
HB 1280-FN, relative to bow and arrow hunting licenses for permanently disabled military veterans.
HB 1281, establishing an executive order registry.
HB 1286, relative to fishing and hunting licenses for permanently disabled veterans.

HB 1290, relative to vehicle registration for new residents to New Hampshire.
HB 1303, relative to the purposes of revolving funds in towns.
HB 1308-FN, relative to non-renewal of lines of business.
HB 1331, relative to incidental uses for agricultural plates.
HB 1349, relative to biological products and diagnostic reagents for animal use.
HB 1352-FN, eliminating the nonresident freshwater bait dealers license and relative to hunting adventure permits.
HB 1363, relative to the waiver of vehicle registration suspension fees.
HB 1364, relative to use of amber lights on vehicles.
HB 1374, relative to financial regulation technicals.
HB 1378, relative to domestic insurance company investments.
HB 1379, relative to confidentiality of forms and rates.
HB 1389, relative to commercial lines modernization.
HB 1421-FN, relative to the regulation of event tents.
HB 1446, relative to childhood cancer awareness month.
HB 1453, relative to the traffic safety commission.
HB 1454, eliminating the commission to study recommendations of the National Transportation Safety Board.
HB 1455, relative to vehicle operation at uncontrolled intersections.
HB 1493, relative to the statewide assessment system of performance in schools.
HB 1494, relative to the definition of academic standards.
HB 1517, relative to vehicle inspection failures for rust.
HB 1518, repealing the requirement that motor vehicle lighting and safety equipment be approved by the director of the division of motor vehicles.
HB 1523, relative to heavy duty recovery vehicles.
HB 1551, relative to the retention of records of individualized education programs.
HB 1575, permitting hunting with an air rifle.
HB 1606, relative to naturopathic health care practice.
HB 1651, establishing a committee to study the use of liquid de-icers and solid salt on roads.
HB 1663, establishing a committee to study reimbursement rates under automobile insurance policies.
HB 1683-FN, relative to the definition of child abuse.
HB 1731-FN, relative to regulating bicycles.
HB 1785, changing "hearing impaired" to "deaf" or "hard of hearing" in the New Hampshire laws.
HB 1795, eliminating the oversight commission on motor vehicle fines.
HB 1823-FN, relative to layered amortization of retirement system liabilities.

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 315, relative to the definitions of beverage and of mead.
SB 324-FN, allowing an optional retirement system allowance to include a subsequent remarriage of a divorced retiree.
SB 328, relative to attorney general membership on certain committees and repealing the criminal justice information system.
SB 340, relative to the commissioner of revenue administration's assessment report.
SB 349, relative to course requirements in a career and technical education program.
SB 359, relative to notice to school districts of out-of-home placements.
SB 384, relative to written certification under the use of cannabis for therapeutic purposes law.
SB 399, naming a bridge in Concord in honor of David E. Powelson.
SB 402, naming a portion of route 110 in Berlin in honor of Anthony B. Urban.
SB 406-FN, requiring background checks for access to Internal Revenue Service federal tax information.
SB 469, relative to the appropriation of funds from the equipment inventory fund.
SB 471, relative to the authority of municipalities to address potential natural threats.
SB 536-FN, relative to eligibility for death benefits for court security officers.
SB 561-FN,naming a bridge over the Little River between the towns of Plaistow and Atkinson the Lance Corporal Dimitrios Gavriel bridge.
SB 574-FN, clarifying the repayment period for parental reimbursement.
SB 579-FN, relative to penalties for welfare fraud.

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 55, relative to the servicing of backflow devices and arrest powers of fire marshals.
SB 87-FN, relative to on-premises sales by liquor manufacturers.
SB 199, relative to limited driving privileges after an administrative license suspension.
SB 529-FN, requiring the department of environmental services to conduct a study regarding the Baker River in the town of Warren and making an appropriation for such study.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 408-FN, licensing historic racing.
SB 468-FN-A, relative to fines and penalties collected by the department of environmental services.
SB 528-FN-LOCAL, relative to dam registration fees and relative to permit fees for constructing or reconstructing a dam.
SB 560-FN-LOCAL, relative to updating the state trails plan and making an appropriation therefor.
SB 563-FN, establishing a recovery friendly workplace initiatives tax credit against business taxes administered by the community development finance authority.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 305, clarifying lessee liability for month-to-month leases.
HB 1278, naming the rest area in Colebrook in honor of Frederick W. King, Sr. and naming a bridge in Farmington in honor of Major John W. Lawrence, Jr.
HB 1346, establishing a commission to study the New Hampshire veterans cemetery.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

April 12, 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 ask that you would bless our country and our state with your wisdom, your love and your compassion. We ask for blessings on our leaders. May these servants who are in positions of authority take that responsibility seriously and do their very best each day. May they make just and wise decisions. May they have passion for people, for truth and for righteousness. We ask for blessings on our service men and women. We ask protection for all our men and women in uniform, both here and around the world. We are grateful for their service and their dedication to keeping our nation safe. We pray that you would keep them safe. We thank you for the blessings of life and liberty. May our country and state continually show love and grace. May our dedication to peace cause us to reach out to all the other nations and people groups with a strong desire for peace and harmony to be displayed whenever possible. And may our desire for peace begin in the New Hampshire state Senate as we work together to make our state better for all of its citizens. Amen.

Senator Lasky led the Pledge of Allegiance.

Senators Soucy and Watters are excused for the day.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I am delighted to introduce my New Orleans branch of the family, my daughter Katie, my granddaughter Ella and my granddaughter Sadie. And then of course my husband Elliot.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. I just want to start Mister President, by saying I think the best female soccer players in the state are coming from District 16. I'd like to welcome the Division II 2017 Bow High School Girls State Champs. Bow High School is the smallest school in Division II and it's only the second year that they've

been playing in Division II, they got moved up two years ago from Division III. This past year they've had an impressive 19-1 record, they had a total of seventy-six goals for with only six goals against. Again, New England ranking is, they're number 4 in New England, and in the United States they were ranked number 20. It's incredible to see these high schools doing that. The Head Coach Jay Vogt could not be with us here today, he's a fourteen year coach, but I'd just like to welcome to the Senate and say congratulations. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I want to thank the New Hampshire Snowmobile Association for the great breakfast this morning, and recognize we have the leadership of our great, great snowmobile clubs in the New Hampshire Snowmobile Association this year, and I just wanted to recognize them, please stand.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. My grandchildren attend Bow High School, and my granddaughter played soccer, but my grandson was the captain of the hockey team, one of the three captains of the hockey team at Bow High School, so great to have the Falcons here. I realize they're flying low today, but thank you for coming and thank you, Mister President.

PRESIDENT MORSE: You're welcome, Senator D.

INTRODUCTION OF PAGES

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. It gives me great pleasure to introduce our pages today. We have from Woodsville High School in Haverhill one of the twenty-seven towns that I represent, Roderick Emley. He's the President of the Student Council as well as Youth and Government Club, treasurer of the French Club and involved in Future Business Leaders of America. Plays the trumpet in the band, junior year of high school studied abroad in Leer, Germany. Lived with a German host family and went to a local German high school. Future plans, before attending college he wants to take a gap year to live in France as an au Pair and live with a French family. In college wants to study political science or international affairs and eventually go to law school. Please welcome Roderick Emley.

And also from Woodsville High School in Haverhill we have Nye Adamkowski. Favorite school subject is French and she participates in many sports including, long list, soccer, alpine race skiing, track and field and also does national history day. She's participated in leadership conferences such as YLTA, finally currently a future business leader of America and involved in youth government. Future plans, attending college, hopefully an Ivy League or well-known school after a degree in business, she hopes to attend Boston University Law School, pass the bar and find a position in New York City. Welcome.

SPECIAL ORDER

Without objection, the following bill is special ordered to after HB 1256 in Transportation. Adopted.

TRANSPORTATION
HB 1697-FN, authorizing the Daniel Webster Council of Boy Scouts of America to issue decals for multi-use decal plates.

SPECIAL ORDER

Without objection, the following bills are special ordered to the next Senate session. Adopted.

HEALTH AND HUMAN SERVICES
HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.
HB 1822-FN, making hormonal contraceptives available directly from pharmacists by means of a standing order.

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, April 26, 2018. Adopted.

ENERGY AND NATURAL RESOURCES
HB 1458, relative to exempting certain rules governing marine species from the administrative procedures act.

FN REPORT FOR APRIL 12, 2018

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with a fiscal note or an appropriation of funds:

CONSENT CALENDAR:

JUDICIARY
HB 1420-FN, relative to a criminal penalty for driving after certification as an habitual offender.
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 1739-FN, prohibiting female genital mutilation.

REGULAR CALENDAR:

HEALTH AND HUMAN SERVICES
HB 1471-FN, relative to telemedicine and establishing a committee to study health care reimbursement for telemedicine and telehealth.
HB 1822-FN, making hormonal contraceptives available directly from pharmacists by means of a standing order.

TRANSPORTATION
HB 1509-FN, authorizing Granite Pathways to issue decals for multi-use decal number plates.
HB 1513-FN, authorizing the New Hampshire Law Enforcement Officers Memorial Association to issue decals for multi-use decal plates.
HB 1538-FN, authorizing Friends of the Hampton Falls Bandstand, Inc. to issue decals for multi-use decal plates.
HB 1546-FN, authorizing Seacoast Youth Services to issue decals for multi-use decal plates.
HB 1697-FN, authorizing the Daniel Webster Council of Boy Scouts of America to issue decals for multi-use decal plates.

Senator Daniels recommends the following bills be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

CONSENT CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1415-FN-A, establishing a death benefit for a school employee killed in the line of duty.

REGULAR CALENDAR:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1817-FN, establishing the position of state demographer and a commission on demographic trends; requiring state agencies to prepare 10-year current services cost projections; and relative to the inclusion of a demographic analysis as part of the legislative fiscal note process.

HEALTH AND HUMAN SERVICES
HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.

Without objection, the FN Report is adopted.

CONSENT CALENDAR

Senator Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

ENERGY AND NATURAL RESOURCES
HB 1474, designating the New Hampshire Red as the official state poultry.
Ought to Pass, Vote 5-0. Senator Avard for the committee.

> This bill will designate the New Hampshire Red as the official state poultry. A fourth grade class at Canaan Elementary School researched the chicken and found that it has a rich history in our state and has qualities worthy of recognition. The New Hampshire Red is noted for its intelligence, resilience, and ability to withstand cold winters. Such qualities are representative of New Hampshire residents, making the chicken a good choice for the state's official poultry.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1415-FN-A, establishing a death benefit for a school employee killed in the line of duty.
Ought to Pass, Vote 5-0. Senator Soucy for the committee.

> This bill establishes a $100,000 death benefit for the family of a school employee killed in the line of duty. 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.

HB 1571, authorizing an alternative recovery monitoring program for nurses licensed by the board of nursing.
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

> This legislation authorizes the Board of Nursing to operate or contract for an Alternative Recovery Monitoring Program for nurses impaired by substance use disorders or mental or physical illness. This program is similar to those already in existence for doctors and dentists.

HB 1664, relative to terms of appointment of members of governing boards for allied health professionals.
Ought to Pass, Vote 5-0. Senator Gannon for the committee.

> This bill clarifies the eligibility to reappoint a member of a governing board of an allied health profession to an additional full term.

This change will allow an individual who serves a partial term on the Board, less than one-half of that three year term, to be able to serve the partial term plus two full terms.

HB 1665, relative to the authority of the governing boards of allied health professionals.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This bill clarifies the authority of the governing boards of allied health professionals concerning individuals who are certified by such boards. This will give the board clear guidelines in addition to clarifying authority to what they can or to what they are allowed to do.

JUDICIARY
HB 252, relative to pro se litigants under the right-to-know law.
Ought to Pass with Amendment, Vote 5-0. Senator Gannon for the committee.

This bill clarifies the procedures for pro se litigants under the right-to-know law. With this bill, all documents filed with a petition and any responses will automatically be considered evidence in the case, and all documents submitted shall be provided to the opposing party prior to a hearing on the merits. The Committee amended the bill to clarify the language.

Senate Judiciary
March 28, 2018
2018-1276s
01/04

Amendment to HB 252

Amend RSA 91-A:7 as inserted by section 1 of the bill by replacing it with the following:

91-A:7 Violation. Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings under this chapter high priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. ***Subject to objection by the parties or ruling by the court, or both, all documents filed with the petition and any response thereto shall be considered as evidence by the court. All documents submitted shall be provided to the opposing party prior to a hearing on the merits.*** When any justice shall find that time probably is of the essence, he or she may order notice by any reasonable means, and he or she shall have authority to issue an order ex parte when he or she shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter.

HB 1420-FN, relative to a criminal penalty for driving after certification as an habitual offender.
Ought to Pass, Vote 5-0. Senator Hennessey for the committee.

This bill reinstates the misdemeanor offense for driving after certification as a habitual offender. That offense had been inadvertently repealed during the amending of the mandatory minimum sentences statue and this bill will appropriately reinstate it.

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.
Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

This bill amends the definition of aggravated felonious sexual assault when a victim is incarcerated in a correctional facility. These changes affirm the Legislature's established policy on recognizing that sexual relations between someone in a position of power and authority over someone in custody or detention, including during transportation, constitutes as sexual assault.

Senate Judiciary
April 3, 2018
2018-1333s
04/06

Amendment to HB 1564-FN

Amend the bill by replacing section 1 with the following:

1 Aggravated Felonious Sexual Assault. Amend RSA 632-A:2, I(n)(1) to read as follows:

(1) When the actor has direct supervisory [~~or~~]***,*** disciplinary***, or other*** authority ***authorized by law*** over***, or direct responsibility for maintaining detention of,*** the victim by virtue of the victim being ***detained or*** incarcerated in a correctional institution, the secure psychiatric unit, [~~or~~] juvenile detention facility [~~where the actor is employed~~]***, or any other setting in which the victim is not free to leave***; or

2018-1333s

AMENDED ANALYSIS

This bill amends the elements necessary for charging aggravated felonious sexual assault in cases where the victim is incarcerated in a correctional facility or is detained in any other setting in which the victim is not free to leave.

HB 1739-FN, prohibiting female genital mutilation.
Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill would impose criminal penalties on those involved in female genital mutilation. The Committee amended the bill to include female genital mutilation within the definition of 'abused child' in order to ensure proper reporting occurs.

Senate Judiciary
March 28, 2018
2018-1278s
08/04

Amendment to HB 1739-FN

Amend RSA 632-A:10-d as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. Any child subjected to conduct prohibited by paragraph I, but which is not justified pursuant to paragraph III, shall be considered an abused child pursuant to RSA 169-C:3, II.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Abused Child; Definition. Amend RSA 169-C:3, II(d) to read as follows:
(d) Physically injured by other than accidental means***; or***
(e) Subjected to an act prohibited by RSA 632-A:10-d.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1215, relative to voting on variances.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

This bill as amended will require that a municipal zoning board shall use one method consistently for all applications until the board formally votes to change the voting method. This legislation will provide protection from discrimination against applicants.

Public and Municipal Affairs
April 4, 2018
2018-1352s
03/08

Amendment to HB 1215

Amend RSA 674:33, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The board shall use one voting method consistently for all applications until it formally votes to change the method. Any change in the board's voting method shall not take effect until 60 days after the board has voted to adopt such change and shall apply only prospectively, and not to any application that has been filed and remains pending at the time of the change.

HB 1304, relative to the authorization for forensic audits by a county convention.
Ought to Pass, Vote 5-0. Senator Kahn for the committee.

This bill clarifies that a county delegation has the authority to appropriate a contingency fund for the purpose of forensic audits of county financial matters. Further it provides that the county commissioners shall approve the expenditure for the forensic audits.

HB 1533, relative to termination of variances and special exceptions.
Ought to Pass, Vote 5-0. Senator Gray for the committee.

This bill clarifies the process for termination of variances and special exceptions that were authorized before August 19, 2013. It allows for enough notice before termination, that property owners may exercise the variance or special exception should they wish.

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.
Ought to Pass, Vote 5-0. Senator Gray for the committee.

This bill will allow school districts to adopt an article authorizing the trustees of the trust fund to charge expenses incurred in employing trust departments of certain financial institutions against capital reserve funds. Municipalities are already allowed to do this and this legislation will extend that authority to the trustee of the school district trust fund.

HB 1638, declaring April 7, 2018 as tabletop gaming day in New Hampshire.
Ought to Pass with Amendment, Vote 5-0. Senator Kahn for the committee.

This bill as amended declares April 28, 2018 as tabletop gaming day in New Hampshire. Over the last decade there has been a huge increase in the industry of tabletop board gaming. This legislation will bring New Hampshire in line with many other places participating in tabletop gaming day on April 28th.

Public and Municipal Affairs
April 4, 2018
2018-1353s
08/03

Amendment to HB 1638

Amend the title of the bill by replacing it with the following:

AN ACT declaring April 28, 2018 as tabletop gaming day in New Hampshire.

Amend the bill by replacing section 1 with the following:

1 Tabletop Gaming Day. The general court proclaims April 28, 2018 as tabletop gaming day.

2018-1353s

AMENDED ANALYSIS

This bill declares April 28, 2018 as tabletop gaming day in New Hampshire.

The question is on the adoption of the Consent Calendar. Adopted.

REGULAR CALENDAR

EDUCATION

HB 1217, amending the certification requirements for school nurses. Ought to Pass, Vote 4-0. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1217 Ought to Pass. This legislation modifies the certification requirements for school nurses by reverting these requirements back to the standards that were required before the passing of more restrictive requirements last session. This bill still requires school nurses be registered and licensed in the state of New Hampshire. The changes implemented last year placed unforeseen financial and other burdens on school districts and would have resulted in a shortage of qualified school nurses. The Education Committee asks for your support in the motion of Ought to Pass on House Bill 1217. Thank you, Mister President.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. I am Chairman of the Education Committee and I know that we were 4-0 Ought to Pass, but I ask my colleagues to reject the Ought to Pass motion so that we may find this bill Inexpedient to Legislate. There was a panic created when another piece of legislation from the Senate increased the requirements in training for school nurses. In administrative rules, we were able to modify the requirements to allow a six-year period of time for nurses to gain increased training. We found that online course so that these nurses that needed that increase in credits, so that they were able to do this over a period of six years. There are, still may be, things that are objected to but by eliminating all the requirements that were carefully thought out and placed in the previous legislation, we know what happens. When we take the heat off, the pot goes cold and we don't boil up any new ideas or

any corrections to what is professionally thought to be the right direction to go for the school nurses. So I ask you to be no on Ought to Pass and at that time I'll offer an Inexpedient to Legislate motion.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the Ought to Pass. I do so because I represent towns upon which even the amended version, which is imperfect, will place an undue burden in the North Country. We have declining populations in our schools, property taxes are going up, nurses are scarce to find and what this will do is make it even harder for school districts to afford a nurse. There's not been a single case of a problem recorded because of the current certification standards, not one. No harm done, no deaths, no physical impairments of any kind. If there is a problem, a school nurse can pick up the phone, can call the hospital, a doctor, another school nurse, the School Nurses' Association or an ambulance. So this is a bill that's put forth by the nurses because it will tighten regulation on nurses and make it more difficult to get a job as a school nurse. We don't need that in our schools and certainly not in the North Country. I would ask you to sustain the Ought to Pass 4-0 by the committee. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, briefly to echo my colleague from District 17. I agree we should vote no on Ought to Pass and yes on ITL. This has been worked on for several years. What we arrived at last year with the leadership of the colleague for District 1 and District 14 and others was a reasonable compromise and what we arrived at in Rules after a long drawn out, another long drawn out rulemaking proceeding was a reasonable compromise. And we had another debate last week about coming in after a long debate on policy and a long debate on rules to just upset the apple cart. Where we're at right now is a reasonable balance in my view. This bill is opposed by disability rights advocates who worry about the impact in our schools. We have a careful balance right now reflecting certification requirements on the one hand and the ability to recruit nurses on the other hand and I think we ought to vote no on Ought to Pass and yes on ITL in light of that. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in opposition to the Ought to Pass and support the suggestion that we try to move to an Inexpedient to Legislate motion as suggested by the Education Committee chair from District 16. And the reasons, I understand the motivations behind this bill and actually why I voted in the committee in favor initially. It's tempting to want to reduce the regulations here to ease the opportunities of filling the school nurse positions. But it defies the role that school nurses are actually playing today. As I reviewed various testimonies that we've received either in JLCAR, either last year or even this year around a Senate bill that we've passed already and then on this one. What the summary of all that testimony is that nursing today in schools is a frontline health official. It is a person who is examining children and trying to avoid the kind of contagious spreading of disease that can happen in a school environment. That is an important public health role and to define the role more specifically and to the duties that today's nurses need to perform in the schools I think requires the kind of guidance that we've gotten so far and that has moved us to a place

in education rules that provides the guidance for the profession. I think we've moved to a reasonable place to fill the needs for schools and I think that these are the kinds of roles that people who've got experience in today's health care professions will want to fill and I don't think that we're going to face that kind of broad shortage that the fear and apprehension of moving to this higher credential is causing. So I think that we're in good ground to reinforce the actions that this Senate has taken previously. Not try to undo all that work that we should defeat this Ought to Pass motion and move to an ITL. Thank you, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator Giuda.)

SENATOR SANBORN: Senator, thank you for taking my question. Senator, it's my understanding for the record having I think voted against this policy when it came up last time, specifically because we heard concerns from schools and from the nursing community that the burden would be so great that it would result in a shortage of nurses at schools and raising the question as to whether or not a school should have to license a nurse. Can you confirm, since I wasn't in the committee, that isn't this bill coming forward because of a specific request from school districts around the state and the nursing community that although we passed policy in good faith last year that the burden was truly too high and it's causing an undue harm to finding nurses and having coverage within our schools?

SENATOR GIUDA: Senator, thank you for the question. I can't speak specifically to whether the origins of this bill were as you state. But what I can speak and have concern about is we are essentially mandating an increased cost to school districts, okay? Nurses are in short supply as we speak, should we mandate higher costs potentially it's a 28A issue. We'd have to look at that. Because we're establishing standards that are going to require a greater outlay of cash because it's requiring higher qualifications and I repeat, there's been no harm done. Again we try, we're trying to get into the business of regulation by hopeful preemption of possibilities. With respect to contaminants and contagious diseases, any school nurse will recognize those signs and symptoms. They do take continuing education courses as they go along now regardless of their level. The state nursing statutes are going to require all nurses to be RNs anyway. So again, we are heaping piles of regulation on a system which is working just fine, out of fear that we might somehow miss something, we're going to heap more regulations on our schools, make nurses harder to find and cause I think more harm than good.

SENATOR SANBORN: Thank you, Sir. Thank you

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition to the motion and I just wanted to respond to my friend from way, way, way down south in Warren, where I don't believe there's any notches in sight. But I was a teacher in Coos County in two different schools in Coos County as well as the Northeast Kingdom of Vermont, and I can tell you how important nurses are, how tremendous the work that they do and we all know that on many study committees about the shortage of nurses and the idea that somehow this is going to make that problem go away is just not the case. There is challenges in that area but we need to have school nurses that are on top of the details, know what's going on, and you know we settled this issue. We settled it last year or two years ago. And we had a little issue and it went to JLCAR

and they fixed that issue, the policy has been set. This year you passed a bill that I introduced to create another fix that we passed it and sent it to the House, okay? So those issues have been addressed and I would just say that the needs of kids today, we certify everybody to do everything. Pretty soon you're going to have to be certified to mow the schools grass, okay? If we ever get grass in the North Country. But we need to follow the Senate Education Chairman's advice and do what we need to do here to keep the policy and not be flip-flopping all over the place changing our policies every two years. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in favor of the Ought to Pass motion. And so that everyone understands, my daughter-in-law is one of the school nurses at Concord High School and has gone back and has been re-educated on a continual basis. There is a process by which they go and get hours of study over a period of time. I've been in schools as a high school teacher, and as a college teacher. I find that the school nurses are terrific, they do a great job. In Manchester, we have twenty-two school nurses in our system, twenty-two. If higher requisites were put in place according to our director of public health, Tim Soucy, who by the way lives next door to me. He says that it would put a terrible burden on the city, financially. And that's something that can't be sustained. What they do is very, very good and they are busy. They're busy from early in the morning until late at night and they're doing their job and they're doing it well. You don't need a BSN to do that. You can be an RN, you can be a diploma RN, like the old days. Then we started eliminating diploma RNs and getting rid of all the nursing schools because we put BSNs in place. Now we're restoring all the diploma RNs and hospitals are asking for the two year situation. Why? Because we can't get nurses. We put a 25 percent premium on getting nurses at New Hampshire Hospital because we couldn't find nurses, couldn't find them so we pay them 25 percent more. So indeed, we shouldn't do things that hinder our schools from getting nurses. They do a great job, they're very, very worthwhile. I've been with the nurses since I sponsored the school nursing act in 1973. But I think this is the right thing to do and I hope that my colleagues will support the Ought to Pass motion. Thank you, Mister President.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. Thank you for the intro. I want to introduce the best elementary school class from the home of the Republican Party, from the home of Las Olas, the best Mexican restaurant, you should all come down, and Memories Ice Cream which I've been to too many times. The Lincoln Street Elementary School from Exeter, New Hampshire and they are, with your indulgence going to sing one verse from a song written in Exeter. Go ahead my singing troop. Thank you, Mister President.

(The Chair recognized Senator Ward.)

SENATOR WARD: Thank you, Mister President. As a nurse, I rise in opposition to the Ought to Pass. I think we saw the handwriting, I saw the handwriting in the 1970s when I was a diploma nurse. It was very hard to get a job. The thing is if you're going to work with other professionals, you need to have an academic level equal to that. So that I'm totally in favor of having schools nurses with a baccalaureate degree. I

like the fact that the center has provided for six years to get to that point and I think it isn't just a hands on, the practical aspect of nursing, of doing certain things but the intellectual understanding of how the body works and what could go wrong. So I am in opposition to the Ought to Pass and later on I will support the ITL. 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 French.

The following Senators voted Yes: Giuda, French, Sanborn, Daniels, Avard, Cavanaugh, D'Allesandro, Gannon.

The following Senators voted No: Woodburn, Bradley, Hennessey, Gray, Ward, Kahn, Lasky, Carson, Feltes, Reagan, Birdsell, Fuller Clark, Innis, Morse.

The following Senators were excused: Watters, Soucy.

Roll Call, Yeas: 8 - Nays: 14. Failed.

Senator Reagan moved Inexpedient to Legislate.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 1598-L, relative to the vote to withdraw from a cooperative school district.
Ought to Pass, Vote 4-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1598-L Ought to Pass. This legislation changes the process for withdrawal from the cooperative school district. Currently if a pre-existing district petitions for a withdrawal feasibility study or a cooperative school board undertakes such a study and the plan is approved and sent to the New Hampshire Department of Education, there is no opportunity for the withdrawing district to separately determine if its residents desire to continue with this process. This legislation would make this further consideration possible. The Education Committee asks for your support in the motion of Ought to Pass on House Bill 1598-L. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1674, relative to computer science and digital skills required for an adequate education.
Ought to Pass, Vote 4-0. Senator Kahn for the committee.

SENATOR KAHN: Thank you, Mister President. I move House Bill 1674 Ought to Pass. Currently, a substantive education program delivers opportunity for an adequate education in nine areas. This bill separates one of those areas, the one on technology education and information and communication technology. Follow all that? Separates those into two areas, engineering and technologies; and computer science and digital literacy. Placing these two distinct competencies into the K-12 education will help prepare our students to be career and college ready. Further, this legislation does not dictate any courses of instruction or additional requirements to districts. The Education Committee asks for your support in this motion of Ought to Pass on House Bill 1674. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1335, relative to the cybersecurity software used by the state of New Hampshire.
Ought to Pass, Vote 3-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 1335, Ought to Pass. This legislation will prohibit state agencies from using software developed by Kaspersky Lab, which software is most frequently used for anti-virus and cyber security protection. It was brought to the committee's attention that Mister Kaspersky previously worked for the KGB and was trained at the KGB school for cyber security. His company has headquarters in Moscow, under the jurisdiction of the Russian government. In 2017, the National Security Agency reported a successful hack of some computers, by a contract employee who was suspected of taking secret documents home and working on them with a personal computer, which had Kaspersky software installed. Also, the Federal Government is prohibiting their agencies from installing this software. Because of these potential security risks, the ED&A Committee voted favorably, Ought to Pass, and asks for your support in their recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1599, relative to the governor's commission on disability.
Ought to Pass, Vote 3-0. Senator Cavanaugh for the committee.

SENATOR CAVANAUGH: Thank you, Mister President. I move House Bill 1599 Ought to Pass. The Governor's Commission on Disability is statutorily present to advise the public, the Governor, and the Legislature on the state of affairs that relate to programs and access to those with a disability in New Hampshire. The bill changes the definition of person with a disability to conform with the definition under the Americans with Disabilities Act; it will change the composition of the commission to maximize a diverse representation. It will institute term limits for both the Chair and new commission members and, it will define their quorum in statute. All these changes bring greater flexibility to the commission. The committee voted favorably Ought to Pass and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. We'll do a joint introduction. Roger Brooks' old school, Beaver Meadow School is here, the fourth grade class and it's a wonderful elementary school, it's a wonderful class. I had the opportunity to read to them a couple of weeks ago, and to finish off the introduction and the words welcoming Beaver Meadow School, Roger Brooks, take it away.

DR. ROGER BROOKS, SENATE DOORKEEPER: I'm delighted to see you all in here today and I'll have you know that your teacher, Miss Follansbee was one of our students back in my time, so it's a long, long time ago. Welcome to the Senate.

HB 1622, relative to organization of the department of information technology.
Ought to Pass, Vote 3-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 1622 Ought to Pass. This legislation is a result from a performance audit report on the Department of Information Technology. Findings in the report were developed to assist DoIT management to improve efficiency and effectiveness of their operations. This legislation allows DoIT management greater flexibility to reorganize their department to maximize efficiency and effectiveness by making the best uses of the resources they presently have in place. The approach to this legislation and reorganization is not to change everything at once, but by incremental changes to the organization. The committee voted favorably Ought to Pass and asks for your support in its adoption. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

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, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 1817-FN Ought to Pass. This legislation will establish the position of a state demographer who initially will work as a part-time contractor. It will establish a commission on demographic trends, it will require specific state agencies to prepare a 10-year current services cost projections for identified programs and require the LBA to include a demographic analysis as part of the fiscal note for specific legislation. This bill proposes common sense steps to supply essential data for decision-making, and tools for evaluating proposed legislation for budget forecasting, which includes a limitation for demographic impact notes to twenty bills per year, selected by both the majority and minority. The ED&A Committee voted favorably on Ought to Pass and asks for your support in their recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

FINANCE
HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund.
Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

SENATOR D'ALLESANDRO: Thank you, Mister President. I'm big on the dams, always have been. Thank you, Mister President. I move House Bill 1736 Ought to Pass. This bill amends RSA 482:54, by increasing the thresholds at which expenditures of the Dam Maintenance Fund for work on state-owned dams must be approved by the Governor and Council. The current thresholds were set back in 1982. These changes will help the Department of Environmental Services to expedite repairs. The Senate Finance Committee recommends passage of HB 1736, 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 1808, repealing certain inactive dedicated funds.
Ought to Pass, Vote 5-0. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1808 Ought to Pass. This bill repeals twelve inactive, dedicated funds identi-

fied by the Joint Committee on Dedicated Funds. The Senate Finance Committee recommends passage of HB 1808, 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.

HEALTH AND HUMAN SERVICES
HB 1284, relative to the reports required by the incapacitated and vulnerable adult fatality review committee.
Ought to Pass, Vote 4-0. Senator Gray for the committee.

SENATOR GRAY: Thank you, Mister President. I move House Bill 1284 as Ought to Pass. This bill changes the reporting requirements of the Incapacitated and Vulnerable Adult Fatality Review Committee from annual to biennial. This committee is charged with reviewing and reporting any trends and patterns of deaths or serious injuries or risk factors, together with any recommendations for changes in the law, policy, and practice that will prevent deaths and related serious occurrences. Changing the reporting requirements will help the committee identify trends and report accurate recommendations to the legislature. The House Health and Human Services Committee asks for your support in the motion of Ought to Pass on House Bill 1284. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

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 3-0. Senator Bradley for the committee.

Health and Human Services
April 5, 2018
2018-1366s
01/06

Amendment to HB 1468

Amend RSA 126-A:17-a, V as inserted by section 1 of the bill by replacing it with the following:

V. The commission shall issue an interim report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2019, and shall issue a final report on or before November 1, 2020.

Amend the bill by replacing section 3 with the following:

3 Effective Date.
I. Section 2 of this act shall take effect November 1, 2020.
II. The remainder of this act shall take effect upon its passage.

SENATOR BRADLEY: Thank you, Mister President. I move House Bill 1468 Ought to Pass with Amendment. The bill establishes a commission to study legislative oversight activities related to the Department of Health and Human Services. There are many different committees and commissions that oversee different aspects of the Department of Health and Human Services. This new commission would examine all of them to ensure they are meeting all of their duties and goals. The Health and Human Services Committee asks for your support for the motion of Ought to Pass with Amendment on House Bill 1468. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HB 1471-FN, relative to telemedicine and establishing a committee to study health care reimbursement for telemedicine and telehealth.
Ought to Pass, Vote 3-0. Senator Avard for the committee.

SENATOR AVARD: Thank you, Mister President. I move House Bill 1471 as Ought to Pass. This bill clarifies the law relating to telemedicine services. This bill also establishes a committee to study health care reimbursement for telemedicine and telehealth. Telemedicine has become an increasingly popular option for healthcare delivery in our state. Telemedicine is very important in the treatment with mental illnesses and for patients that live in rural communities. This bill would also clarify that telemedicine may be delivered into patients' homes, which is important for people who cannot travel for their healthcare. This bill would also establish a committee to study reimbursement rates for telemedicine. The Health and Human Services Committee asks for your support of the motion of Ought to Pass on House Bill 1471. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

TRANSPORTATION
HB 1256, relative to decal fees for multi-use veterans decal plates.
Ought to Pass, Vote 3-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move House Bill 1256 Ought to Pass. This legislation clarifies the decal fees for multi-use veterans' decal plates. When the veterans' decal plate was passed, it was the intent for veterans to pay $10. Since there are two decals on a car it was suggested that the Department of Safety define a decal as two stickers. This legislation will bring this change into law. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1256. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1697-FN, authorizing the Daniel Webster Council of Boy Scouts of America to issue decals for multi-use decal plates.
Ought to Pass with Amendment, Vote 3-0. Senator Birdsell for the committee.

Senate Transportation
April 3, 2018
2018-1336s
03/04

Amendment to HB 1697-FN

Amend the title of the bill by replacing it with the following:

AN ACT authorizing the Daniel Webster Council of Boy Scouts of America and the New England Patriots Charitable Foundation, Inc. to issue decals for multi-use decal plates.

Amend RSA 261-B:9 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. The New England Patriots Charitable Foundation, Inc.

2018-1336s

AMENDED ANALYSIS

This bill authorizes the Daniel Webster Council of Boy Scouts of America and the New England Patriots Charitable Foundation, Inc. to issue decals for multi-use decal plates.

SENATOR BIRDSELL: Thank you, Mister President. I move House Bill 1697-FN Ought to Pass with Amendment. This legislation authorizes the Daniel Webster Council of Boy Scouts of America and the New England Patriots Charitable Foundation, Inc. to issue decals for multi-use decal plates. The sale of these decals would allow scouts to go to camp trainings and other onsite location activities. The committee amended to the legislation to add an additional multi-use decal plate for the New England Patriots Charitable Foundation. Over the past five years, the Patriots Organization has provided more than $125,000 to various organizations. Like the other organizations that are currently going through the decal issuing process, the Patriots Charitable Foundation has filed with the secretary of state's office and has completed the requirements to be a 501(c)(3) here in New Hampshire. The Transportation Committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 1697-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
April 10, 2018
2018-1422s
03/04

Floor Amendment to HB 1697-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to organizations authorized to issue decals for multi-use decal plates.

Amend the bill by replacing section 1 with the following:

1 Multi-Use Decal Plates; Authorized Organizations. Amend RSA 261-B:9 to read as follows:

261-B:9 Authorized [~~Organization~~] ***Organizations***. The ***following organizations are authorized to issue decals under this chapter:***

I. Rotary District 7870 Foundation [~~is authorized to issue decals under this chapter~~].

II. The Daniel Webster Council of Boy Scouts of America.

III. The New England Patriots Charitable Foundation, Inc.

IV. Granite Pathways.

V. The New Hampshire Law Enforcement Officers Memorial Association.

VI. Friends of the Hampton Falls Bandstand, Inc.

VII. Seacoast Youth Services.

VIII. New Hampshire Catholic Charities, provided that all proceeds from decals issued by New Hampshire Catholic Charities shall be for the benefit of the New Hampshire Food Bank.

IX. New England Donor Services, Inc.

X. Sophia's Fund.

XI. The New Hampshire Breast Cancer Coalition.

XII. The university system of New Hampshire. Granite state college, Keene state college, and Plymouth state university are each authorized to issue decals, provided that all proceeds shall remain with the issuing institution and be used only for student scholarships.

2018-1422s

AMENDED ANALYSIS

This bill authorizes the following organizations to issue decals for multi-use decal plates:

I. The Daniel Webster Council of Boy Scouts of America.

II. The New England Patriots Charitable Foundation, Inc.

III. Granite Pathways.

IV. The New Hampshire Law Enforcement Officers Memorial Association.

V. Friends of the Hampton Falls Bandstand, Inc.

VI. Seacoast Youth Services.

VII. New Hampshire Catholic Charities, provided that all proceeds from decals issued by New Hampshire Catholic Charities shall be for the benefit of the New Hampshire Food Bank.

VIII. New England Donor Services, Inc.

IX. Sophia's Fund.

X. The New Hampshire Breast Cancer Coalition.

XI. The university system of New Hampshire. Granite state college, Keene state college, and Plymouth state university are each authorized to issue decals, provided that all proceeds shall remain with the issuing institution and be used only for student scholarships.

SENATOR BIRDSELL: Thank you, Mister President. This amendment actually just adds all of the decal plates that we passed, the Senate decal, the bills that we put through the Senate on decals and it also includes all of the House Bills that had decals on it. So we have everything on one so they're numbered appropriately. With that I ask for your vote. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1509-FN, authorizing Granite Pathways to issue decals for multi-use decal number plates.
Ought to Pass, Vote 3-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1509-FN Ought to Pass. This legislation authorizes Granite Pathways to issue decals for multi-use decal number plates. This organization was founded in 2009 and provides services for recovery for mental illness and substance abuse. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1509-FN. Thank you, Mister President.

Senator Birdsell moved to Lay on the Table HB 1509-FN. Adopted.

HB 1513-FN, authorizing the New Hampshire Law Enforcement Officers Memorial Association to issue decals for multi-use decal plates.
Ought to Pass, Vote 3-0. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1513-FN Ought to Pass. This legislation authorizes the New Hampshire Law Enforcement Officers Memorial Association to issue decals for multi-use decal plates. The sale of these decals would serve as a way to support the association's mission of honoring those who have fallen in the line of duty. The Transportation Committee asks for your support for the motion of Ought to Pass on House Bill 1513-FN. Thank you, Mister President.

Senator Birdsell moved to Lay on the Table HB 1513-FN. Adopted.

HB 1538-FN, authorizing Friends of the Hampton Falls Bandstand, Inc. to issue decals for multi-use decal plates.
Ought to Pass, Vote 3-0. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1538-FN Ought to Pass. This legislation authorizes Friends of the Hampton Falls Bandstand to issue decals for multi-use decal plates. This organization provides entertainment during the summer months in Hampton Falls. Come on down with Martha and enjoy a good old time in Hampton Falls. These events are very well attended by those from the seacoast. The money from these decals will be used to continue to fund their programs. The Transportation Committee asks for your support for the motion of Ought to Pass on House Bill 1538-FN. Thank you, Mister President.

Senator Birdsell moved to Lay on the Table HB 1538-FN. Adopted.

HB 1546-FN, authorizing Seacoast Youth Services to issue decals for multi-use decal plates.
Ought to Pass, Vote 3-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1546-FN Ought to Pass. This legislation authorizes Seacoast Youth Services to issue decals for multi-use decal plates. This organization provides shoplifting prevention programs, an after school program, and substance abuse prevention programs to many youths in the Seacoast Area. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1546-FN. Thank you, Mister President.

Senator Birdsell moved to Lay on the Table HB 1546-FN. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 539-FN-A, making appropriations to the department of education for adequate education grants and relative to certain provisions for Medicaid waivers.

Senator Daniels moved Concurrence. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Sanborn: HB 252, HB 1215, HB 1217, HB 1256, HB 1284, HB 1304, HB 1335, HB 1415-FN-A, HB 1420-FN, HB 1458, HB 1468, HB 1471-FN, HB 1474, HB 1509-FN, HB 1513-FN, HB 1533, HB 1538-FN, HB 1546-FN, HB 1564-FN, HB 1571, HB 1593, HB 1598-L, HB 1599, HB 1622, HB 1638, HB 1664, HB 1665, HB 1674, HB 1697-FN, HB 1736, HB 1739-FN, HB 1807-FN, HB 1808, HB 1817-FN, HB 1822-FN, SB 539-FN-A

ANNOUNCEMENTS

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President, personal privilege? We have a colleague who recently passed away, in the House, this Sunday. He was my State Rep at one point, and I served with him in the House. Mister Sean McGuinness established his career as a mortgage banker, and he was dedicated to thirty years in the industry, which also included owning and operating his own business in Downtown Nashua. Sean is a former Ward 1 Alderman, which he served two terms. He was also a former State Rep in Ward 1, and he was a member of the Board of Harbor Homes for many years. In his free time, Sean enjoyed fishing and skiing. I'm going to add he also liked Scotch, and he was a good man. He will be forever missed for the loyal and faithful friend and family man that he was. He truly enjoyed his time with his family and he cherished every minute. And one final note, Mister President, there are very few people that I can say that I've never heard him say a bad word about a single soul. He worked well with both sides of the aisle, and he was a kind man, and he's surely going to be missed. So, I ask that it be put into the permanent record, please. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Just a notice: Stewart Lamprey, former Speaker of the House, and former President of the Senate passed. Stewart's services are on Tuesday in Meredith, and the funeral is on Wednesday. I hope, Mister President, that we might be able to get a group of Senators to either attend the wake or the funeral. Stewart, one of the few men in the history of this state, served three terms as Speaker of the House, and three terms as President of the Senate; resigned as President of the Senate to become Under Secretary of Commerce in the Nixon Administration; but a great public servant, and a great, really a great friend to democracy. So I hope we can do something on his behalf, Mister President. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Mister President, I rise to pay tribute to Clayton Hinds of Colebrook; graduated Colebrook Academy, served in the United States Army, varied career as an aviation mechanic at Pratt Whitney, TW Express before returning home to Colebrook in 1991 to take over his family's business, the Colebrook Country Club, which was a gathering place for all social organizations and community causes of which he was an instrumental part, including the Kiwanis, the Ski-Bees, the Trail Master, the Vershire Center, the 45th Parallel EMS. He is survived by his wife, Michelle, and his two daughters, Megan and Elizabeth, as well as his parents and siblings.

As well, I'd like to pay tribute and honor to George, better known as Dave Roberts, formerly of Lancaster; graduate of local schools; White

Mountain Regional High School. Longtime coach–actually coached me many years ago. In 1983 Class I State Championship Team from White Mountain Regional High School. Longtime sports reporter for the *Coos County Democrat*, and just a great all-around person who cared about people, who cared about kids. I could still see his twinkle in his eye as he rode the mower around the Colonel Town fields in Lancaster, and I just wanted to pay tribute to him.

And, finally, Mister President, we have a birthday that just occurred: Eleanor Brady turned 99 years old. She is the *Boston Post* Cane recipient in the town of Jefferson. And she is the founder of Six Gun City, and a member of the Hall of Fame of the New England Amusement Park Associations. She is the mother of the big "Brady Bunch" from Jefferson, who spread all over New Hampshire doing many, many great things including Commissioner Tom Brady, and former Secretary in the Reagan Administration, Larry Brady, and many, many other more Brady's, which she very much leaves her impression on all of them, and all of us. So thank you, Mister President, for your attention.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise for a moment of personal privilege to remember Katie Metzger; don't know if folks recall Katie; a ten year veteran in the House, and representing Fitzwilliam and Richmond in Cheshire County. Katie, who was born in 1923 died March 29th in Concord. Katie moved and retired to Fitzwilliam in 1976; we were lucky. She fell in love with New England, and it soon became evident to everyone in Fitzwilliam that she was a leader and a talented one, at that. She served on Fitzwilliam's Town Board as Chairwoman of the Planning Board, and on the Board of Selectmen, and as Chairwoman of the Conservation Commission, always identifying herself as an environmentalist. She was an incorporator of the Cheshire Medical Center as Chairwoman of the Executive Committee, and she was on the Southwest Regional Planning Commission, and the Fitzwilliam Town Library where she helped lead an effort to raise substantial funds for the library's renovation and expansion. Although a go-getter, she was always humble and quick to acknowledge that it takes many people working collaboratively for the success of any project. From 1988 to 1998, Katie served in the New Hampshire House of Representatives. She ended her career in the legislature as the Chairwoman of the Municipal and County Government Committee. She was known as a good listener, fair in her deliberations, and accessible to her constituents. A memorial service will be held in the Fitzwilliam Community Church on Saturday, June 16th at 11 a.m. and the Reverend Curtis Metzger, her son and a resident of Boscawen, will be presiding. It's in deep respect and memory that I ask for that privilege, and thank you, Mister President.

SENATOR BRADLEY: Just an announcement for the HHS Committee members. We will meet at one o'clock for a hearing. Thank you.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. As some of you may know, I have two sons who received three degrees from the University of New Hampshire. They made the choice to come to the University on their own, and I'm very pleased to let you know that my daughter is just as smart as her brothers. She's coming to UNH this fall; studying pre-med. So, we will have a fourth degree across three children in four years. I'll keep you updated. Thank you, Mister President.

(The Chair recognized Senator Gannon for a question of Senator D'Allesandro.)

SENATOR GANNON: Thank you, Senator. I heard that there is a major book announcement. Could you tell us about that, Sir?

SENATOR D'ALLESANDRO: Thank you very much, Senator. As some of you know, for the last two years I've been writing a book, and the book will be published on the 16th of May. Down at the Common Man Restaurant, we'll have the initial book signing of the book. The book talks about my life in politics, and my involvement in presidential campaigns. So thank you, Senator Gannon, that's wonderful of you and you get a free copy. So certainly you're all invited. I'm honored that you would ask, and you're all invited. And the book was reviewed by Mark Shields, who is with National Public Television; Walter Shapiro, who was a writer for the *New York Times*, and he's a lecturer at Yale University in communications; Tom Sanders, who played for the Celtics for a number of years, and was my business colleague for a number of years. So, hope that you will come. Hope you'll enjoy it, and my wife deserves a lot of the credit because she's lived with me for the last fifty-seven years, and done a pretty good job. She makes good oatmeal, too. So, if you're interested in that I welcome you all to get that oatmeal. Thank you, Senator, I appreciate it. Thank you, Mister President.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

PRESIDENT MORSE: I just want to speak to the body for a moment. I got up at 3:30 this morning and went to work at 4:00. I still have my wool socks on because I forgot to bring black socks. I've unloaded a truck, I've answered every phone call, I've dealt with four House members and one of the things I really respect about myself and I do with all of you is that I treat this job with total respect and total honor. And one of the most humbling moments I've ever had in my life is when the Senate went to the floor and met the public back in '04 or '05, Senator, you remember those days and the next morning they were lined up in front of my office in Finance and to thank me for how we handled the Senate. Well, I can tell you in the last couple of weeks, I've had a lot of complaints. Now I don't know if it's because everybody's living a schedule like mine and we're just too busy and we're forgetting about how we talk to the public and to our colleagues, but I honestly believe we can do better. And I also believe we can do better with attendance. I've certainly been called by Chairs to talk about attendance in their committee, because they're having a tough time getting bills out. I made it very clear in the Republican caucus yesterday, that if I replace a member on a committee, it's not for a day. It's forever, because I'm not going to start alternating memberships every day. So as we go forward I would think, we could treat the business of the state in the next five weeks with total honor and total respect, because I believe in that greatly or I wouldn't be here. Thank you.

LATE SESSION

Third Reading and Final Passage

HB 252, relative to pro se litigants under the right-to-know law.
HB 1215, relative to voting on variances.
HB 1256, relative to decal fees for multi-use veterans decal plates.
HB 1284, relative to the reports required by the incapacitated and vulnerable adult fatality review committee.

HB 1304, relative to the authorization for forensic audits by a county convention.
HB 1335, relative to the cybersecurity software used by the state of New Hampshire.
HB 1420-FN, relative to a criminal penalty for driving after certification as an habitual offender.
HB 1471-FN, relative to telemedicine and establishing a committee to study health care reimbursement for telemedicine and telehealth.
HB 1474, designating the New Hampshire Red as the official state poultry.
HB 1533, relative to termination of variances and special exceptions.
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 1571, authorizing an alternative recovery monitoring program for nurses licensed by the board of nursing.
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 1598-LOCAL, relative to the vote to withdraw from a cooperative school district.
HB 1599, relative to the governor's commission on disability.
HB 1622, relative to organization of the department of information technology.
HB 1638, declaring April 28, 2018 as tabletop gaming day in New Hampshire.
HB 1664, relative to terms of appointment of members of governing boards for allied health professionals.
HB 1665, relative to the authority of the governing boards of allied health professionals.
HB 1674, relative to computer science and digital skills required for an adequate education.
HB 1697-FN, relative to organizations authorized to issue decals for multi-use decal plates.
HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund.
HB 1739-FN, prohibiting female genital mutilation.
HB 1808, repealing certain inactive dedicated funds.

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 its amendments to the following entitled House Bills sent down from the Senate:

HB 410, relative to the legislative youth advisory council.
HB 1252-FN, relative to certificates of insurance.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 333, relative to pharmacy interns and vaccinations.
SB 345, naming a bridge in the town of Lincoln in honor of the Clark Family.
SB 360, establishing a commission to study whether the department of education should be required to conduct criminal history records checks, via a fingerprint check, on all applicants for teacher certification.
SB 392, establishing a commission to study and evaluate the impact of the discharge of state prisoners.
SB 436, relative to tuition in the community college system.
SB 442, relative to surety indemnification requirements for private post-secondary career schools.
SB 470-FN, relative to positions within the insurance department.
SB 484, reestablishing the commission to address child hunger in New Hampshire.
SB 516, prohibiting motorcycle-only checkpoints.
SB 517, establishing an electric vehicle charging stations infrastructure commission.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 301-FN, temporarily reducing the real estate transfer tax for first-time home buyers.
SB 514-FN, establishing a commission to create a New Hampshire recovery memorial.
SB 518, relative to agency reports of real property owned or leased by the department.
SB 524-FN, relative to head injury policies for the community college system of New Hampshire and the university system of New Hampshire.

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 164-FN, establishing a commission to study repealing the statute of limitations and limitations on actions for sexual assault.
SB 532-FN, relative to group II status of certain department of corrections officials.
SB 559-FN-A, establishing a committee to study the construction of sound barriers on type I and type II highways.

April 12, 2018
2018-1496-EBA
06/03

Enrolled Bill Amendment to SB 315

The Committee on Enrolled Bills to which was referred SB 315

AN ACT relative to the definitions of beverage and of mead.

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 315

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 315

Amend RSA 175:1, XLVIII-a as inserted by section 2 of the bill by replacing line 3 with the following:

has completed, except that the ratio of fermentable sugars from honey must exceed 50 percent of the

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 11, 2018
2018-1460-EBA
08/04

Enrolled Bill Amendment to SB 469

The Committee on Enrolled Bills to which was referred SB 469

AN ACT relative to the appropriation of funds from the equipment inventory fund.

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 469

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 469

Amend RSA 228:24-b, III inserted by section 1 of the bill by replacing line 13 with the following:

fund [~~to~~] ***within*** the mechanical services bureau.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 12, 2018
2018-1498-EBA
03/01

Enrolled Bill Amendment to HB 1258

The Committee on Enrolled Bills to which was referred HB 1258

AN ACT relative to the advanced manufacturing education advisory council.

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 1258

This enrolled bill amendment inserts omitted statutory text.

Enrolled Bill Amendment to HB 1258

Amend RSA 188-E:23 as inserted by section 2 of the bill by replacing lines 4-8 with the following:

[~~I.~~] ***(a)*** Curriculum expansion and revision.
[~~II.~~] ***(b)*** Curriculum eligibility requirements.
[~~III.~~] ***(c)*** Curriculum quality.
[~~IV.~~] ***(d)*** Fund raising from private and other sources.
[~~V.~~] ***(e)*** Allocation of funds necessary for the curriculum.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 12, 2018
2018-1494-EBA
06/05

Enrolled Bill Amendment to HB 1378

The Committee on Enrolled Bills to which was referred HB 1378

AN ACT relative to domestic insurance company investments.

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 1378

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1378

Amend RSA 402:29-d, I(a) as inserted by section 1 of the bill by replacing line 4 with the following:

guaranteed by a single person***; provided, that this subparagraph shall not apply to general***

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 10, 2018
2018-1423-EBA
04/05

Enrolled Bill Amendment to HB 1389

The Committee on Enrolled Bills to which was referred HB 1389

AN ACT relative to commercial lines modernization.

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 1389

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1389

Amend RSA 412:5, I-a(c)(2) as inserted by section 2 of the bill by replacing line 2 with the following:

established under RSA 404-C.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 12, 2018
2018-1493-EBA
10/05

Enrolled Bill Amendment to HB 1453

The Committee on Enrolled Bills to which was referred HB 1453

AN ACT relative to the traffic safety commission.

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 1453

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1453

Amend section 2 of the bill by replacing line 1 with the following

2 Traffic Safety Commission. Amend RSA 21-P:64, II and III to read as follows:

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 13, 2018
2018-1509-EBA
03/01

Enrolled Bill Amendment to HB 1551

The Committee on Enrolled Bills to which was referred HB 1551

AN ACT relative to the retention of records of individualized education programs.

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 1551

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1551

Amend RSA 186-C:10-a as inserted by section 1 of the bill by replacing lines 4-10 with the following:

program destroyed at that time or request that the records be retained until the student's twenty-sixth birthday. The parents may, at any time prior to the student's twenty-sixth birthday, request, in writing, that the records be retained until the student's thirtieth birthday.

II. Absent any request by a student's parents at the time of graduation, the local education agency shall destroy a student's records and final individualized education program within a reasonable time after the student's twenty-sixth birthday, provided that all such records be destroyed by the student's thirtieth birthday.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 12, 2018
2018-1497-EBA
05/03

Enrolled Bill Amendment to HB 1575

The Committee on Enrolled Bills to which was referred HB 1575

AN ACT permitting hunting with an air rifle.

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 1575

This enrolled bill amendment inserts a gender neutral reference and makes a grammatical correction.

Enrolled Bill Amendment to HB 1575

Amend RSA 210:13 as inserted by section 7 of the bill by replacing line 3 with the following:

beaver through the ice during the open season therefor, shall visit his ***or her*** traps once in each 72 hours.

Amend RSA 210:13 as inserted by section 7 of the bill by replacing line 6 with the following:

traps at night by the use of a rifle, revolver, or pistol larger than a .22 caliber long rifle***, or air rifle***

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 1271, changing the name of Industrial Drive at the Hugh Gallen Office Park to Ratification Way.
HB 1278, naming the rest area in Colebrook in honor of Frederick W. King, Sr. and naming a bridge in Farmington in honor of Major John W. Lawrence, Jr.
HB 1663, establishing a committee to study reimbursement rates under automobile insurance policies.
SB 402, naming a portion of route 110 in Berlin in honor of Anthony B. Urban.
SB 539-FN-A, making appropriations to the department of education for adequate education grants and relative to certain provisions for Medicaid waivers.
SB 561-FN, naming a bridge over the Little River between the towns of Plaistow and Atkinson the Lance Corporal Dimitrios Gavriel bridge.

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 305, clarifying lessee liability for month-to-month leases.
HB 492, relative to electric personal assistive mobility devices.
HB 1202-LOCAL, relative to town revolving funds for group net metering.
HB 1227, relative to an unattended idling vehicle on private property.
HB 1228, removing the limitation on a chartered public school incurring long term debt.
HB 1280-FN, relative to bow and arrow hunting licenses for permanently disabled military veterans.
HB 1281, establishing an executive order registry.
HB 1290, relative to vehicle registration for new residents to New Hampshire.
HB 1303, relative to the purposes of revolving funds in towns.
HB 1308-FN, relative to non-renewal of lines of business.
HB 1346, establishing a commission to study the New Hampshire veterans cemetery.
HB 1349, relative to biological products and diagnostic reagents for animal use.
HB 1363, relative to the waiver of vehicle registration suspension fees.
HB 1364, relative to use of amber lights on vehicles.

HB 1374, relative to financial regulation technicals.
HB 1379, relative to confidentiality of forms and rates.
HB 1421-FN, relative to the regulation of event tents.
HB 1446, relative to childhood cancer awareness month.
HB 1454, eliminating the commission to study recommendations of the National Transportation Safety Board.
HB 1455, relative to vehicle operation at uncontrolled intersections.
HB 1493, relative to the statewide assessment system of performance in schools.
HB 1494, relative to the definition of academic standards.
HB 1517, relative to vehicle inspection failures for rust.
HB 1518, repealing the requirement that motor vehicle lighting and safety equipment be approved by the director of the division of motor vehicles.
HB 1523, relative to heavy duty recovery vehicles.
HB 1683-FN, relative to the definition of child abuse.
HB 1731-FN, relative to regulating bicycles.
HB 1785, changing "hearing impaired" to "deaf" or "hard of hearing" in the New Hampshire laws.
HB 1795, eliminating the oversight commission on motor vehicle fines.
HB 1823-FN, relative to layered amortization of retirement system liabilities.
SB 324-FN, allowing an optional retirement system allowance to include a subsequent remarriage of a divorced retiree.
SB 328, relative to attorney general membership on certain committees and repealing the criminal justice information system.
SB 340, relative to the commissioner of revenue administration's assessment report.
SB 349, relative to course requirements in a career and technical education program.
SB 359, relative to notice to school districts of out-of-home placements.
SB 384, relative to written certification under the use of cannabis for therapeutic purposes law.
SB 406-FN, requiring background checks for access to Internal Revenue Service federal tax information.
SB 471, relative to the authority of municipalities to address potential natural threats.
SB 536-FN, relative to eligibility for death benefits for court security officers.
SB 574-FN, clarifying the repayment period for parental reimbursement.
SB 579-FN, relative to penalties for welfare fraud.

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 1370, relative to a school's emergency management plan.

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:

SB 399, naming a bridge in Concord in honor of David E. Powelson.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session. Adopted. Adjournment from the Late Session.

April 19, 2018

The Senate reconvened at 10:00 a.m., a quorum being present.

The Pastor Mark Warren, chaplain to the Senate, offered the following prayer:

Let us pray.

God, we just take a moment to slow ourselves down from the business of getting to this meeting. We settle our minds, we settle our hearts, and we just take a deep breath in understanding that today's a new day, and everything's new each morning. We change our minds now, Lord, just to kind of appreciate these senators who give so much of themselves to the citizens of this state of New Hampshire, and for that, God, we just pray a special blessing on them, prosperity on them. They have given of their time, their resources to serve this state and the people that reside in it. We thank you. There's some work to be done, Lord, today, and we just ask for your wisdom, your discernment, your guidance, your direction, to know that the decisions that are made in this room affect many people; so let us have compassion, let us have grace. Let our words be filled with grace. May the words of our mouth and the meditations of our heart be pleasing to you, O Lord. Amen.

Senator Cavanaugh led the Pledge of Allegiance.

INTRODUCTION OF PAGES

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I am so pleased today to welcome our page from Enfield, New Hampshire which is a wonderful town where I used to actually work at the Enfield Village School. She's sixteen years old, in tenth grade and is attending Mascoma Valley Regional High School. Her favorite subject is history. She's involved in many activities in her school community, as am I, including student council, drama club, interact club, concert band and jazz band. She had representative position on her class council and she's the treasurer of the interact club. In concert and jazz band she plays the trombone and for the Memorial Day parade she's playing the sousaphone. Wow! That's great. In the future she plans to major in a political or a historical subject for her college degree. This would hopefully lead to a career in either field if she were to pursue politics, her dream position would be secretary of state. If she were to pursue history, she would want to be an anthropologist. Either way she's going to do great things. (Chase Johnson)

(The Chair recognized Senator Ward.)

SENATOR WARD: Thank you, Mister President. I am pleased to introduce to the Senate Cameron A. Titus, age seventeen and in grade eleven at Kearsarge Regional High School. Favorite subjects in school are

social sciences, politics and history. Extracurricular activities, Youth in Government, the Penn and Yale Model Congress. See as I didn't know what those things were, I asked him, and these are events held by these institutions with the aim of simulating the legislative process of our Federal Government with students interested in learning, modeling and participating in a mock session of government. Cameron volunteers for NEHSA, which stands for New England Healing Sports Association where he assists instructors helping people with physical disabilities, such as amputations or cerebral palsy, for those people to have the opportunity to be on a ski slope and enjoy the outdoors. He is passionate about the social sciences, a more specific scope of his passions include politics, especially public policy, economics, finance and law. In addition to this he also holds down a job. Life has to be balanced, we all know that, and Cameron has learned that. So to offset all the academics, Cameron enjoys skiing, music, particularly 80's rock and roll, movie soundtracks and instrumentals. Welcome to the Senate.

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

EDUCATION
HB 1636, establishing a committee to study teacher preparation and education programs.

SPECIAL ORDER

Without objection, the following bills are special ordered to Thursday, May 3, 2018. Adopted.

COMMERCE
HB 1285, relative to dancers and entertainers in premises serving alcoholic beverages.
HB 1690-FN, relative to liquor licenses.

EDUCATION
HB 1498, relative to alternate certification pathways for career and technical education instructors.

ENERGY AND NATURAL RESOURCES
HB 1402, relative to ordinances regarding forestry activities.

HEALTH AND HUMAN SERVICES
HB 1822-FN, making hormonal contraceptives available directly from pharmacists by means of a standing order.

JUDICIARY
HB 1627-FN, prohibiting the transmission of images or sounds of another person who is on private property or to conduct surveillance activity.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Sanborn for a parliamentary inquiry.)

SENATOR SANBORN: For an inquiry, I guess. Asking, I had on my notes that House Bill 1636 and 1627 were also on my special order list, so I'm just asking for confirmation. Was it 1627, I apologize? I had 1636– Mister President, I apologize. There seems to be some confusion on the floor, could you do the list again? My apologies, some of us seem confused out here.

PRESIDENT MORSE: Senator Sanborn 1627 was one of them, what was the other one?

SENATOR SANBORN: I apologize, Sir. I apologize so if I could do it over again. I've got in Commerce was 1285 and 1692, in Education it was 1498 and 1636, in Energy it was 1402, in ED&A I don't have anything, in Finance I had–

PRESIDENT MORSE: Go back to Commerce, Senator Sanborn. Was it 1690, not 1692?

SENATOR SANBORN: I apologize, Sir, 1690?

PRESIDENT MORSE: Okay, I think we got them all.

SENATOR SANBORN: And then Finance 1822?

PRESIDENT MORSE: No, we don't have anything in Finance.

SENATOR SANBORN: I'm not wearing my glasses, so I apologize for that. And then 1627 in Judiciary.

PRESIDENT MORSE: I think we got them all but we're giving you a copy of the list.

SENATOR SANBORN: Thank you, Sir.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Soucy for a parliamentary inquiry.)

SENATOR SOUCY: I'm still not clear as to which bills are special ordered. Could we go through that list one more time, because I, much like my colleague from District 9 had several other bills that you never mentioned, and I think before we move on we should all be on the same page, if we may.

PRESIDENT MORSE: Okay, in Education there's two Education bills, but the first one is special ordered to the next session, House Bill 1636.

So without objection the following bill is special ordered to the next session, House Bill 1636 in Education.

Without objection the following bills are special ordered to Thursday, May 3rd. In Commerce, House Bill 1285, House Bill 1690, in Education House Bill 1498, in Energy House Bill 1402, in Health House Bill 1822 and in Judiciary House Bill 1627.

FN REPORT FOR APRIL 19, 2018

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with a fiscal note or an appropriation of funds:

CONSENT CALENDAR:

ENERGY AND NATURAL RESOURCES
HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services.
HB 1777-FN, relative to energy infrastructure corridor revenue.

HEALTH AND HUMAN SERVICES
HB 1746-FN, relative to the practices of pharmacy benefit managers.
HB 1769-FN, relative to maintenance of certification by physicians or applicants for
a license to practice medicine in New Hampshire—if Interim Study recommendation is overturned.
HB 1782-FN, establishing a committee to study insurance payments to ambulance providers and balance billing by ambulance providers.

REGULAR CALENDAR:

COMMERCE
HB 1690-FN, relative to liquor licenses.
HB 1692-FN, allowing liquor licensees to select an anniversary for renewal.
HB 1719-FN, relative to donations of liquor to nonprofits.
HB 1720-FN, relative to the storage of beverages produced by contract brewers.
HB 1725-FN, relative to wine samples and samples for consumption on the premises of a beverage manufacturer.

EDUCATION
HB 1698-FN-L, relative to the cost of special education services for foster children.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1506-FN, relative to regulation of graduate physicians.

HEALTH AND HUMAN SERVICES
HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation.
HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.
HB 1822-FN, making hormonal contraceptives available directly from pharmacists by means of a standing order.

JUDICIARY
HB 134-FN, relative to causes for divorce.
HB 1477-FN, relative to annulment of arrests or convictions for possession of 3/4 of an ounce of marijuana, or less.
HB 1627-FN, prohibiting the transmission of images or sounds of another person who is on private property or to conduct surveillance activity.
HB 1672-FN, prohibiting release of certain information relative to users of therapeutic cannabis to federal agencies.
HB 1753-FN, relative to transportation of alcoholic beverages by a minor.
HB 1788-FN-L, relative to costs charged under the right-to-know law.

PUBLIC AND MUNICIPAL AFFAIRS
HB 1473-FN, relative to the timber yield tax.
HB 1579-FN, requiring records to be kept for certain exempt convenings under the right-to-know law.

Senator Daniels recommends the following bills be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

CONSENT CALENDAR:

HEALTH AND HUMAN SERVICES
HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians.
HB 1356, relative to data sharing between the department of environmental services and the department of health and human services.

REGULAR CALENDAR:

ENERGY AND NATURAL RESOURCES
HB 1592-FN, requiring the commissioner of the department of environmental services to review standards relative to arsenic contamination in drinking water.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1104-FN, relative to dredge and fill permit time limits; relative to time limits under the administrative procedure act; and relative to online filing with the secretary of state's office.
HB 1427-FN, relative to membership in the retirement system for certain officials.

JUDICIARY
HB 1316-FN, relative to revenue collected from concealed carry licenses.

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills which are still in their respective committees:

COMMERCE
HB 1578, (New Title) relative to samples from nano breweries.
HB 1682-FN, (New Title) establishing a committee to study the pervasiveness of foreclosure practices that violate state or federal law.

HEALTH AND HUMAN SERVICES
HB 1562-FN, (New Title) relative to the role of foster parents.
HB 1816-FN, relative to Medicaid managed care.

Without objection, the FN Report is adopted.

CONSENT CALENDAR

Senator Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

ENERGY AND NATURAL RESOURCES
HB 1289, relative to trespassing domestic fowl.
Ought to Pass, Vote 5-0. Senator Bradley for the committee.

> This legislation establishes a penalty for trespassing domestic fowl and requires enforcement by local law enforcement officials. The bill seeks to protect one's property rights from a neighbor's trespassing domestic fowl. This bill does not prohibit the ownership of domestic fowl on one's own property.

HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services.
Ought to Pass, Vote 5-0. Senator Feltes for the committee.

> This bill repeals the repeal of the NH Pollution Prevention Program of the NH Department of Environmental Services. The NH Pollution Prevention Program assists small businesses in preventing pollution and understanding compliance with environmental regulations. The program was established in 1996 with a repeal date of July 1st, 2002. The program's repeal has been extended twice due to its positive feedback. The committee believes it is important to maintain this regionally and nationally recognized program to assist New Hampshire's small businesses and organizations.

HB 1777-FN, relative to energy infrastructure corridor revenue.
Ought to Pass, Vote 5-0. Senator Avard for the committee.

> New Hampshire has designated four energy infrastructure corridors for the siting of large energy projects along I-89, I-93, I-95, and NH Route 101. Current statute requires that a developer's lease

payments for the use of these corridors go into the state highway fund. However, parts of the corridors are on state turnpikes rather than state maintained highways. This bill corrects an oversight and ensures that any lease payment generated from the use of land on a turnpike will be placed in the turnpike fund.

HB 1810, establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them.
Ought to Pass, Vote 5-0. Senator Bradley for the committee.

This bill establishes a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them. The Committee to Study Temporary Seasonal Docks from the last legislative session examined seasonal docks, but found them to be part of a larger problem in the management of structures in non-tidal waters. This study commission would review the way New Hampshire's non-tidal public waters are utilized, their importance to various aspects of the economy, and the criteria and processes under which individuals and businesses are authorized to install structures within them.

HEALTH AND HUMAN SERVICES
HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians.
Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

This bill allows the Department of Health and Human services to contract with one or more physicians, who have been certified as addiction specialists, to review medication assisted treatment for opioid dependence. Such physicians would be responsible for providing consultation and guidance to the department. Passage of this legislation is just one more step in increasing mental health and drug addiction services in the state.

HB 1356, relative to data sharing between the department of environmental services and the department of health and human services.
Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

This bill requires the department of environmental services and the department of health and human services to establish a protocol to share data regarding health and environmental information collected by each agency. This will ensure we are using our resources to protect the health and safety of our citizens. The amendment which had its own hearing would provide funding to the Department of Business and Economic Affairs to assist them in relocating their offices to a space more conducive to the job they have been tasked to do.

Health and Human Services
April 11, 2018
2018-1465s
05/04

Amendment to HB 1356

Amend the title of the bill by replacing it with the following:

AN ACT relative to data sharing between the department of environmental services and the department of health and human services and making an appropriation to the department of business and economic affairs for relocation costs.

Amend the bill by replacing all after section 1 with the following:

2 Department of Business and Economic Affairs; Appropriation: Relocation and Lease Costs. The sum of $75,000 for the fiscal year ending June 30, 2018, and the sum of $392,304 for the fiscal year ending June 30, 2019, are hereby appropriated to the department of business and economic affairs for the costs of relocating the department's operations to a new premises and for the costs of leasing the premises. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

2018-1465s

AMENDED ANALYSIS

This bill:

I. Requires the department of environmental services and the department of health and human services to establish a data sharing protocol regarding certain health and environmental information collected by each agency.

II. Makes a supplemental appropriation to the department of business and economic affairs for relocation costs.

HB 1577, relative to the administration of anesthesia by dentists. Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

This bill regulates a dentist's use of anesthesia, sedation and moderate anesthesia as well as holding dentists accountable for professional misconduct. Comprehensive guidelines are given to dentists to ensure safety for patients as well as clarity for dentists. This will ensure that dentists have the proper training and oversight necessary to be providing anesthesia to patients in an in office setting.

Health and Human Services
April 11, 2018
2018-1471s
10/05

Amendment to HB 1577

Amend RSA 317-A:12, XII-a(g)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) In addition to the dentist performing the procedure, there shall be a dedicated anesthesia provider present to monitor the procedure and recovery from anesthesia. The dedicated anesthesia provider shall be a dentist who is qualified to administer general anesthesia or deep sedation, a physician anesthesiologist, or a certified registered nurse anesthetist (CRNA). The board may exempt dentists who are board eligible or board certified in either dental anesthesiology or oral and maxillofacial surgery from this requirement.

Amend the introductory paragraph of RSA 317-A:12, XII-c as inserted by section 1 of the bill by replacing it with the following:

XII-c. ***The use of minimal anesthesia in patients undergoing dental treatment under RSA 317-A:20, including:***

HB 1746-FN, relative to the practices of pharmacy benefit managers. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

This bill prohibits certain practices of pharmacy benefit managers until June 30, 2020. There was concern with a practice of pharmacy benefit managers requiring accreditation of pharmacies in order to fill prescriptions for certain drugs. These accreditation processes were often costly and onerous to pharmacies. This legislation would prohibit the practice until June 30, 2020 while the stakeholders work together to find a solution for the problem.

HB 1769-FN, relative to maintenance of certification by physicians or applicants for a license to practice medicine in New Hampshire. Interim Study, Vote 5-0. Senator Bradley for the committee.

This bill prohibits differentiating among physicians based on maintenance of certification. The committee heard testimony that the certification board is continuing to work on making the recertification process more efficient and relevant to provider's specialties. The motion of interim study would allow the stakeholders to continue to try and find a compromise and bring future legislation forward.

HB 1782-FN, establishing a committee to study insurance payments to ambulance providers and balance billing by ambulance providers. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

This bill establishes a committee to study insurance payments to ambulance providers and balance billing by ambulance providers. The committee heard testimony that municipal and private ambulance providers have difficulty in recovering payment from insurance carriers, and that patients receive bills from ambulance providers for costs that are not reimbursed by insurance. This bill, with the amendment, establishes a committee to study insurance payments to ambulance providers and balance billing to patients by ambulance providers.

JUDICIARY

HB 1265, relative to the release of criminal conviction records. Ought to Pass with Amendment, Vote 5-0. Senator Gannon for the committee.

This bill clarifies the law to permit the release of New Hampshire criminal conviction records to a defendant in a criminal proceeding or counsel for such defendant. Although it is regularly done, this will simply codify the practice of releasing these records to a defendant's counsel, ensuring the appropriate individuals have access to necessary records.

Senate Judiciary
April 10, 2018
2018-1430s
04/03

Amendment to HB 1265

Amend the bill by replacing section 1 with the following:

1 State Police; Criminal Records. Amend RSA 106-B:14, I-a(a) to read as follows:

(a) No individual, or public or private agency receiving criminal conviction record information from the division shall resell, rent, trade, transfer, make available, or otherwise disclose such information to an-

other person for any purpose, other than to a client of the individual***, a defendant in a criminal proceeding or counsel for a defendant in a criminal proceeding,*** or public or private agency, without permission of the director.

2018-1430s

AMENDED ANALYSIS

This bill permits the release of criminal conviction records to a defendant in a criminal proceeding or counsel for the defendant.

The question is on the adoption of the Consent Calendar. Adopted.

REGULAR CALENDAR

COMMERCE

HB 523, establishing a committee to study the use and regulation of biometric information.
Ought to Pass, Vote 4-0. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on House Bill 523. The collection of biometrics, including fingerprints, DNA and face recognition, as well as ready photographs is becoming more and more a part of society. Biometric identifiers are unique to individuals. They are more reliable in verifying identity than token and knowledge based methods. However the collection of biometric identifiers raises privacy concerns about the ultimate use of this information, especially in regards to stealing someone's biometrics. This bill creates a study committee that will examine the issue and make recommendations on rules and limitations on biometric collection. Please join the committee in voting House Bill 523 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1322, relative to risk-based capital for health maintenance organizations.
Ought to Pass, Vote 4-0. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. When this statute was originally adopted in 2000, it combined the National Association of Insurance Commissioners, NAIC, model laws for risk-based capital and for health maintenance organizations. In doing so, HMOs were defined under life and health insurers for the purpose of calculating their RBC reports. The Insurance Department now understands that HMOs should actually use the same formula as property and casualty insurers for these calculations, in accordance with the model laws for HMO. This bill makes that correction and also amends the definition of life and or health insurer to clarify that HMOs use a different formula when it comes to calculating RBC. Please join the committee in voting House Bill 1322 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1407, repealing the prohibition on the use of milk containers.
Ought to Pass, Vote 4-0. Senator Lasky for the committee.

SENATOR LASKY: Thank you, Mister President. I move Ought to Pass on House Bill 1407. This bill repeals the prohibition on the use of milk containers for substances other than milk. There is a memorandum of understanding between the Health and Human Services Department and the

Federal Government that adopts the federal pasteurized milk ordinance so it does not include a financial penalty. Please join the committee in voting House Bill 1407 Ought to Pass, so that milk containers can finally be given their just due. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1660, relative to delinquent accounts of liquor licensees.
Ought to Pass, Vote 4-0. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. I move Ought to Pass on House Bill 1660. When a retailer purchases a product from a beverage wholesaler, they have a limited amount of time to pay their bill. When they don't pay their bill within the prescribed time frame, the beverage wholesaler adds them to the delinquent account list. That delinquent account list is updated every day. It's sent from the commission to all of the wholesalers across the state and they are told that this business is in arrears and you cannot deliver to this entity until they clear up their debt. Under the current statute they're required to pay only by cash or check at the site of the wholesaler. This bill allows liquor licensees to use credit or debit cards to pay fees on delinquent accounts. This will allow licensees who are ready to pay their fees to continue to receive deliveries. Please join the committee in voting House Bill 1660 Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, as a licensee I stand to say that this may or may not affect me and thankfully it does not affect me, but as a licensee I feel compelled to say it could or not based on our ethics rules, I'll still participate.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1692-FN, allowing liquor licensees to select an anniversary for renewal.
Ought to Pass, Vote 4-0. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on House Bill 1692. This bill allows a liquor licensee to select an anniversary month for renewal. This convenience helps an entity to consolidate multiple licenses that they may hold. This bill also adds a requirement that such selection may only take place after one year of initial licensure, and the renewal month may not be changed again for a period of three years. Please join the committee in voting House Bill 1692 Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Thank you, Mister President. I rise as a licensee under the liquor laws and again based on our ethics, I feel compelled I need to say that it may or may not affect me, I do not believe it affects me but I'm still participating anyway.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1719-FN, relative to donations of liquor to nonprofits.
Ought to Pass with Amendment, Vote 3-1. Senator Lasky for the committee.

Commerce
April 11, 2018
2018-1481s
08/04

Amendment to HB 1719-FN

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SENATOR LASKY: Thank you, Mister President. I move Ought to Pass with Amendment on House Bill 1719. This bill allows any New Hampshire non-profit entity to receive donations of beer, wine or liquor from New Hampshire licensees to be sold or given away at an event sponsored by the non-profit entity. Current practice is when the non-profit holds a fundraiser and a sponsor wants to donate liquor, beer or wine to the event, the non-profit must purchase the alcohol from a state liquor store and then a sponsor may reimburse that non-profit for the price of the alcohol. It's a tedious practice for all involved. Many non-profit organizations will benefit from this legislation which will streamline the process by opening doors to vendors supporting community organizations. Please join the committee in voting House Bill 1719 Ought to Pass with Amendment. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, again I apologize keep rising so much but on the good part we won't have to do this much longer, based on the fact I am a liquor licensee and every bill we have today seems to be about liquor licensees, based on our current ethics laws I may or may not have a conflict but I'm still participating.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise again I already indicated that I may or may not have an ethics conflict based on our current ethics laws I was the one vote against this not because I'm against allowing liquor organizations any liquor organization to provide alcohol to a charity, in fact I think I was co-sponsor of a bill to do this, I think two or three years ago, Mister President. So it's a concept I support. The problem is as we see on a regular basis when the camel's nose slides so easily under the tent, that the next year comes and it's play ball for everyone, everywhere, anytime, anyhow.

In this case it's not the concept as to whether or not we should allow people to donate alcohol to a charity event, it's that this bill specifically is essentially limitless. The fact that any charity in the state of New Hampshire and we have more charities in the state of New Hampshire I think than any per capita than any state in America, can up to twelve times a year get an unlimited amount of alcohol from every single source that's potentially available.

Now do I believe that everyone's going to abuse this? I do not believe everyone's going to abuse this. But I think this legislation as it's presented in front of you today is too much, too hard, too fast and we need some level of guard rails, because in the worst case, a non-profit could call up a alcohol company and deliver a tractor trailer truck of product to a charitable event every single month and that will be allowed under this law. Is that really what we're trying to do here? Or are we trying

to say there's a charitable event and they need a case of wine to raffle off because they're trying to raise money for a good purpose? So again I caution the body, this is one of those cases where beyond any question this bill, if taken to the level that we're about to pass, because I believe the bill passes, has truly, truly far reaching ramifications and as a result of that I just can't support it even though I support the concept in a more limited fashion. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. While I appreciate the Senator's remarks, I do feel that this bill has sufficient guardrails in place and while theoretically one could donate a fifty-three foot trailer of product to a charity, I find such a situation highly unlikely. As an example of the guardrails that are in place; if someone wanted to donate alcohol to the University of New Hampshire, there is only one place that can receive it. A fraternity cannot, a sorority cannot, no other entity, other than conferences and catering. Once they receive the product, to serve it they have to request a license from the Liquor Commission for the event at which they'll be serving. So that is a very substantial guardrail that is in place, in that we need the approval of the Liquor Commission to actually serve this. So I find it highly unlikely, improbable, maybe impossible, that there would be a significant abuse of this particular rule. So I hope you'll continue to support the bill and urge you to vote Ought to Pass.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1720-FN, relative to the storage of beverages produced by contract brewers.
Ought to Pass, Vote 4-0. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on House Bill 1720. This bill will add the term contract brewer to our statute. Contract brewing occurs when a business hires another existing brewery to produce its beer known as the contract brewer. The contract brewer must have title to the ingredients throughout the manufacturing and shall be responsible for keeping brewery records and labeling the beer. Obtaining necessary COLA's and paying necessary tax on the beer manufacture. Title to the beer passes to the party contracting to the beer production only after tax payment and removal from the brewery.

The party contracting the contract beer need not have its own physical brewery. Still, sometimes a business may choose to retain all the brewery responsibilities and produce beer via the lease of another existing brewery's premises and equipment. In this situation the business is a tenant brewer and it operates through a host brewer in an arrangement called an alternating brewery prior already shipped. Here the two parties alternate use of the brewery and both are separately involved in the manufacture of beer. And this gets even more interesting. The benefit of these alternate brewing arrangements is they allow brewers to save money on fixed costs such as rent and salaries for additional employees, and send more money on activities such as marketing. In addition using an existing brewery may help a brewer meet market demand. If a brewer does not have enough manufacturing capacity itself, leasing the premises of another brewery or hiring other brewery to produce its recipe and will enable further production and a vast increase in output. Please join me and the committee in Ought to Pass on House Bill 1720. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I'm going to wrap these up as quick as I can. Based upon the fact I am a liquor licensee and based upon our current ethics laws I feel compelled I must say I may or may not have a benefit although no benefit that's be more than any other licensee but compelled to declare and I am participating. Thank you.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

HB 1725-FN, relative to wine samples and samples for consumption on the premises of a beverage manufacturer.
Ought to Pass with Amendment, Vote 4-0. Senator Innis for the committee.

Commerce
April 10, 2018
2018-1482s
08/10

Amendment to HB 1725-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to beverage manufacturers and nano breweries and defining table wine.

Amend the bill by replacing all after the enacting clause with the following:

1 Table Wine; Definition. Amend RSA 175:1, LXIX to read as follows:

LXIX. "Wine-table" means a product obtained by the fermentation of the natural content of fruit or other agricultural products containing sugar and containing [~~more than 6 percent but not~~] ***no*** more than 18 percent alcoholic content by volume at 60 degrees Fahrenheit. The commission may approve as a table wine a higher alcoholic content product, not to exceed 24 percent, that is obtained in the same manner.

2 Sales for Consumption; Beverage Manufacturers. Amend RSA 178:12, II-a to read as follows:

II-a. The holder of a beverage manufacturer license may sell beverage samples to visitors of legal drinking age for consumption on the premises where the beverages were manufactured. Sales of samples for consumption on the premises shall be limited to one 4-ounce glass per label ***per person and 2 pints*** per person. ***A maximum of 48 ounces total may be served to a person for consumption on the premises.***

3 Sales for Consumption; Nano Brewery. Amend RSA 178:12-a, II(e) to read as follows:

(e) Sales for consumption on the premises shall be limited to one 4-ounce glass per label ***per person and 2 pints*** per person. ***A maximum of 48 ounces total may be served to a person for consumption on the premises.***

4 Effective Date. This act shall take effect upon its passage.

2018-1482s

AMENDED ANALYSIS

This bill expands the definition of table wine and allows beverage manufacturers and nano breweries to sell one sample per label and 2 pints per person for consumption on premises with a maximum of 48 ounces per person.

SENATOR INNIS: Thank you, Mister President. As passed by the House this bill allows wine manufacturers to serve samples of wine on premises and allows such manufacturers to serve two five-ounce samples if they serve food. This bill also allows beverage manufacturers to provide a sixteen-ounce sample for consumption and allows such manufacturers to serve two sixteen-ounce samples if they serve food. The committee amended the bill to the Senate version known as Senate Bill 418 which expands the definition of table wine and allows beverage manufacturers and nano breweries to sell one sample per label and two pints per person for consumption on premises with a maximum of forty-eight ounces per person. I would ask the Senate however to please overturn the Ought to Pass on the amendment so I may offer a Floor Amendment. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise as a liquor licensee under these current statutes and the 170s, I'm not sure this would affect me but I plan to participate.

(The Chair recognized Senator Daniels for a question of Senator Innis.)

SENATOR DANIELS: Looking at line 27 of the amendment, that no wine shall be served or consumed on the premises except that which is manufactured by the licensee on the premise. How does this work with the bill that we passed last year that allowed remote tasting locations?

SENATOR INNIS: I'm not certain I can answer that question, Senator. I might defer to Senator from District 3, but I cannot answer that question. I'm sorry.

SENATOR DANIELS: Thank you.

PRESIDENT MORSE: Senator Bradley, do you want to take a stab at it?

SENATOR BRADLEY: Thank you, Mister President. My understanding is that, well first of all I don't believe we've gotten to the Floor Amendment.

PRESIDENT MORSE: Senator are you questioning the committee amendment or are you questioning an amendment that yet doesn't exist?

SENATOR DANIELS: I thought we were talking about the amendment, I'm sorry.

PRESIDENT MORSE: We are voting on the Committee Amendment.

The question is on the adoption of the Committee Amendment. Failed.

Senator Innis offered a Floor Amendment.

Sen. Innis, Dist 24
April 19, 2018
2018-1658s
08/03

Floor Amendment to HB 1725-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to food service for beverage manufacturer and wine manufacturer licensees.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Beverage Manufacturers; Food Service. Amend RSA 178:12 by inserting after paragraph X the following new paragraph:

XI. Any beverage manufacturer licensee meeting and maintaining the requirements of a restaurant under RSA 178:20, except RSA 178:20, IV and paying an additional fee of $240, may sell beverages for consumption on the premises and not be subject to the limitations in paragraph II-a. Such beverage manufacturer shall comply with the following:

(a) No beverage or liquor shall be served or consumed on the premises except that which is manufactured by the licensee on the premises or manufactured at a host brewer facility.

(b) The licensee may serve beverages to any visitor of legal drinking age by the glass or other suitable container.

(c) The licensee shall not allow any beverage or liquor to be served or sold to any person under the age of 21 on the premises

(d) Food and non-alcoholic beverages may be provided by a properly licensed third party food vendor, prepared on or off the premises.

2 New Paragraph; Wine Manufacturers; Food Service. Amend RSA 178:8 by inserting after paragraph VII the following new paragraph:

VIII. Any wine manufacturer licensee meeting and maintaining the requirements of a restaurant under RSA 178:20, except RSA 178:20, IV and paying an additional fee of $240, may sell wine for consumption on the premises and not be subject to the limitations in paragraph III. Such manufacturer shall comply with the following:

(a) No wine shall be served or consumed on the premises except that which is manufactured by the licensee on the premises.

(b) The licensee may serve wine to any visitor of legal drinking age by the glass or other suitable container.

(c) The licensee shall not allow any wine to be served or sold to any person under the age of 21 on the premises

(d) Food and non-alcoholic beverages may be provided by a properly licensed third party food vendor, prepared on or off the premises.

3 Effective Date. This act shall take effect 60 days after its passage.

2018-1658s

AMENDED ANALYSIS

This bill allows the sale of alcoholic beverages and wine produced by licensed manufacturers on their premises if food is served.

SENATOR INNIS: Thank you, Mister President. This amendment seeks to alleviate some concerns from the industry. It adds the option of a basic food requirement for full servings of wine or beer at New Hampshire suppliers for $240, the same fee as nano breweries. Brewers and wine makers are requested to compete with surrounding states. The amendment would allow wineries and beverage manufacturers to serve their own product in a full serving with three prepared food options. It's 50 percent less expensive than a beer and wine license, which is attractive to the industry. And it removes the concern of service without food for restaurants, retailers and public safety advocates, which we've heard is important. It represents a practical compromise with the industry and removes the table wine issue which is largely unrelated and complicated and an issue that needs time and effort to further sort out with the brokers, the distributors and the Liquor Commission. Thank you, Mister President. I encourage Ought to Pass on the amendment. Thank you, Mister President.

(The Chair recognized Senator Birdsell for a question of Senator Innis.)

SENATOR BIRDSELL: Thank you for taking my question. Would you be open to making the effective date, effective upon passage?

SENATOR INNIS: Yes.

SENATOR BIRDSELL: Thank you.

Recess. Out of recess.

Senator Innis withdrew Floor Amendment 2018-1658s.

Senator Bradley moved to Lay on the Table HB 1725-FN. Adopted.

EDUCATION

HB 1495, relative to standards for determining an adequate education. Ought to Pass with Amendment, Vote 4-0. Senator Kahn for the committee.

Senate Education
March 27, 2018
2018-1248s
06/04

Amendment to HB 1495

Amend RSA 193-E:3, I as inserted by section 1 of the bill by replacing it with the following:

I. Annually, each school district shall report data to the department of education at the school and district levels on the indicators set forth in this paragraph. The report shall not contain personally identifiable information including but not limited to name, gender, or social security number. The department of education shall develop a reasonable schedule to collect the reporting of data required by state and federal law. The requirements for data keeping and the form of the report shall be established in accordance with rules adopted by the state board of education. Indicators shall include the following areas:

(a) Attendance rates.

(b) Annual and cumulative drop-out rates of high school students and annual drop-out rates for students in grades 7 and 8.

(c) School environment indicators, such as safe-schools data.

(d) Number and percentage of graduating high school students.

(e) Number and percentage of graduating high school students going on to postsecondary education, military service, and an advanced learning program leading to a value added skill or career certification.

(f) Number and percentage of students earning a career and technical education industry recognized credential.

(g) Number and percentage of students completing a career pathway program of study.

(h) Number and percentage of high school students who earned postsecondary credit of C or better for one or more concurrent or dual enrollment courses from a New Hampshire postsecondary college or university.

(i) Number of students that completed a New Hampshire scholars program of study.

(j) Number and percentage of students that completed and passed an advanced placement exam with a score of 3, 4 or 5; or International Baccalaureate exam with a score of 4, 5, 6, or 7.

(k) Number of students that scored at least a level III on components of the ASVAB, as defined in RSA 186:68, I, that comprise the Armed Forces Qualification Test (AFQT).

(l) The number and percentage of high school students that either met or exceeded the college and career ready benchmark established by the department for either the SAT or ACT.

(m) Expulsion and suspension rates, including in-school and out-of-school suspensions including data identifying the percentage of out-of-school suspensions of more than 10 days for each school year. This indicator shall be categorized by district, school, and grade level with each category disaggregated and broken down by gender, race, IEP, and eligibility for free and reduced-price meal programs.

(n) Teacher and administrative turnover rates at the school and district levels.

SENATOR KAHN: Thank you, Mister President. I move House Bill 1495 Ought to Pass with Amendment. This bill as amended adds to the indicators that school districts are required to report annually to the Department of Education regarding delivery of an adequate education. The bill also establishes a rating scale for school districts regarding performance standards. Rating scale scores range from 1, indicating that the school does not meet grade level performance standards to number 4, indicating that the school exceeds the standards. This bill also requires data gathered from public schools to be included in the annual report New Hampshire School District Profiles, which shall be made available to the public on the department website and online at every school administrative unit for public review. This legislation's extremely important to ensure that the standards of an adequate education are being met. Please join the majority of the Education Committee in support of the motion of Ought to Pass with Amendment on House Bill 1495. Thank you, Mister President.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Kahn for an introduction.)

SENATOR KAHN: Thank you, Mister President. It is a pleasure to have a community just abutting Keene, that has a flourishing elementary school and I would like to welcome the Marlborough School fourth graders. Welcome to the State Senate.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1496, relative to requirements for performance based accountability for an adequate education.
Ought to Pass with Amendment, Vote 4-0. Senator Ward for the committee.

Senate Education
March 27, 2018
2018-1249s
06/04

Amendment to HB 1496

Amend RSA 193-E:3-d as inserted by section 3 of the bill by replacing it with the following:

193-E:3-d Performance-Based School Accountability System; Verification Process. Prior to the submission of the final report pursuant to this section, the department shall undertake a process to verify and test the integrity, accuracy, and validity of the performance-based accountability system utilizing the best available data from one school from each of the counties in the state. The commissioner shall ensure, to the greatest extent possible, that the verification process utilizes the best available

data from a balance of elementary and secondary schools representing diverse socioeconomic conditions throughout the state. The commissioner shall work with school officials and faculty from the selected schools to implement the performance-based school accountability program and to develop a data collection system which will allow schools to easily report results to the department for analysis and reporting. ***The commissioner shall review and make recommendations regarding the performance-based accountability system to ensure that the system adequately measures the goals and indicators associated with student academic achievement and growth.***

SENATOR WARD: Thank you, Mister President. I move House Bill 1496 Ought to Pass with Amendment. This bill as amended modifies the requirements for public school performance-based accountability for an adequate education. Current statute requires schools to demonstrate opportunity for an adequate education by meeting one requirement. Either through the narrative report or by the performance system which identifies academic achievement. This bill as amended requires every public school to demonstrate satisfactory accountability, not only by one system measure but by both systems. This change will strengthen the accountability process and better identify schools requiring corrective and technical improvement. An additional change requires the department to conduct on site school inspection which is at least every five years, whereas current statute requires on site visitation every ten years or 10 percent of schools per year. This bill is one of the three bills that better align New Hampshire education statutes with the Elementary and Secondary Education Act as amended by Every Student Succeeds Act passed by the U.S. Congress and signed into law this past year. Please join the majority of the Education Committee in support of the motion Ought to Pass with Amendment on House Bill 1496. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator D'Allesandro offered a Floor Amendment.

Sen. D'Allesandro, Dist 20
Sen. Giuda, Dist 2
April 17, 2018
2018-1593s
04/06

Floor Amendment to HB 1496

Amend the title of the bill by replacing it with the following:

AN ACT relative to requirements for performance based accountability for an adequate education and relative to reporting requirements for the civics competency assessment.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Civics Instruction. Amend RSA 189:11, II to read as follows:

II. As a component of instruction under paragraph I, a locally developed competency assessment of United States government and civics that includes, but is not limited to, the nature, purpose, structure, function, and history of the United States government, the rights and responsibilities of citizens, and noteworthy government and civic leaders, shall be administered to students as part of the high school course in history and government of the United States and New Hampshire. Students who attain a passing grade on the competency assessment shall be eligible for

a certificate issued by the school district. The United States Citizenship and Immigration Services (USCIS) test [~~may~~] ***shall*** be used to satisfy the requirement of this paragraph. ***By June 30 of each year, each school district shall submit the results of the exam to the department of education. By September 30 of each year, the department shall provide a report to the senate and house education committees.***

2018-1593s

AMENDED ANALYSIS

This bill modifies requirements for performance based accountability for an adequate education.

This bill also adds reporting requirements for the civics competency assessment administered to high school students.

SENATOR D'ALLESANDRO: Thank you, Mister President. This is a very friendly amendment that Senator Giuda and I have put together which talks about the civics program and the accountability and it says by June 30th of each year, the school district shall submit the results of the exam to the Department of Education and by September 30th of each year the Department shall provide a report to the Senate and House Education Committee Chairs. What we're looking for is how effective the civics education program is throughout the state, and we want to monitor that on a yearly basis. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1497, relative to accountability for school performance.
Ought to Pass, Vote 4-0. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1497 Ought to Pass. This bill better aligns New Hampshire statutes with the Every Student Succeeds Act, ESSA, by better defining key educational terms such as competencies and emphasizing level of mastery of key concepts, skills and knowledge. The bill identifies all schools, not just Title 1 schools, that fall in the bottom 5 percent in terms of achievement and growth performance. Lastly the bill further defines work study skills by inserting terms recommended and supported by New Hampshire businesses such as communication, creativity, collaboration and self-direction. In addition to knowledge these skills are sought and required by employers when hiring individuals into New Hampshire's workforce. Please join the majority of the Education Committee in support of the motion of Ought to Pass on House Bill 1497. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1499, relative to the focus and components of New Hampshire kindergartens.
Ought to Pass, Vote 4-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1499 Ought to Pass. This legislation works to make kindergarten a play-based education, including an emphasis on movement, expression, exploration, socialization, and music. Kindergarten was intended to be a means of socializing children and preparing them for formal education through exploration. This bill seeks to return those concepts to the kindergarten

classroom and will help teachers nurture the talents and abilities of our state's youngest learners. Please join the majority of the Education Committee in support of the motion of Ought to Pass on House Bill 1499. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I've reflected on this bill since we took our vote in the Education Committee. What the bill does is that it amends our statutes 193-E:2 which is a criteria for adequate education. And it adds this section on substantial education content of an adequate kindergarten. Now we don't have grade level standards in any of our statutes. We have educational standards, outcomes that we want from our educational programs. But there is no standard for any grade level in any of our statutes.

So there are three things about 1499 that trouble me. One is that we're setting a precedent for grade level standards. We really ought to think about that before we do it for one grade only. Because I think we got it right. I think we have it right that we don't insist on grade level standards. We allow school districts to set the standards by grade level.

Second, the bill says that we should provide for unstructured time and in the committee hearing what troubled me is that we said that that's the equivalent of playtime. I had to think what was troubling me about the term playtime, and it's our debate that we had last year about full-day kindergarten. Because that was exactly the objection that we heard from the opponents of full-day kindergarten. It's monitored daycare. It's playtime. We knew, I know, that's not what kindergarten is about. Kindergarten is a developmental education that allows for students to advance themselves in preparation of the first grade. But the notion that we are needing to instruct teachers to build in playtime just seems again, why are we doing this for this level of education?

And the third is that there is an implementation period here that's sixty days. And if this is truly a substantive change, why are we rushing this through in sixty days and not giving the school districts more time to actually talk about the topic? I know we had testimony from two Representatives, who care a great deal about this bill, that they had had a conversation with the Department of Education that sixty days would be adequate. But and again reflecting on it, I don't know why the implementation date couldn't be put off until September 1 of 2019, because if this really is substantive, give the school districts an opportunity to talk about what their content of an adequate kindergarten education ought to be.

For these reasons, I think we've got an intent that can be expressed a number of ways, but to write this into the statute for an adequate education I think is a mistake. I recommend that you vote against the Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, and colleagues. I was unable to attend the hearing on this and would have said some of that then. But I just that so we could avoid having play based legislation, which I fear we're moving towards with this, that I ought to just talk a little bit about where kindergarten came from and where it is now. Now of course you know, Froebel was one of many reformers when he started what he called, a kindergarteners children's garden in 1837, and we had

our first one taught in German in 1856 out in Wisconsin, and our first in New England in English in 1860, and I'll talk about that one in just a moment. But what was revolutionary about Froebel, because education didn't start before age seven at that point, because they did not think that children had the capacity in their minds to learn and he said, no, no, no, they have the cognitive capabilities and if we can tap them through their own experiences where they are and develop an education around what they do well, which is play and other forms of activities, that would be a good basis for starting kindergarten.

Now, it also was at a time it was not just in kindergarten but also the common school movement. And I think that's why it's important to know that it was Elizabeth Peabody in 1860 that started the first English language kindergarten down in Boston. And Sophia Peabody was one of her sisters and Nathaniel Hawthorne's wife but her other sister's the wife of Horace Mann, and of course we know Horace Mann because he started the common school movement so we got grade one to eight education as public education in New Hampshire and elsewhere. Now both of them believed that the point of this was that people leaving the farm and immigrants were coming in and what this education would do would be prepare them for industrial employment. That was the nineteenth century.

Now that was a great success, but look what happened in that philosophy of preparing people for industrial employment when the mills closed in Manchester, 90 percent of the men working those mills had no more than an eighth grade education. And so we knew in the twentieth century that an education had to be more than just for industrial employment. And a lot has happened in terms of our understanding from that time, you know Froebel, the German romanticism said, you know the mind of a child is a tiny flower which is going to grow and we should nurture it, and that you know certainly was the spirit of those times. And he invented his Froebel's gifts which were actually abstract geometric blocks that he thought would teach math and abstract geometric concepts that might be needed in the manufacturing or elsewhere. Two of them, good stuff.

But since that time, what else do we now know in the twentieth century about child brain development. E. I. Shay early in the twentieth century, but most particularly in the last decades what we have learned about child brain development. Biologist, cognitive ability, and particularly I'm sure you've all heard about, we understand now that the development of the executive function. And it's been really shown that in that three to six year old group, executive function development, which is so important for impulse control, not just socialization, but also for learning, is something is particularly well developed through early math. Through early math. So, you know, we've come a long way from that. And you know, again, you know play is important, and I, you know, so we won't have play-based legislation.

I hope everybody here has been in the kindergartens in their local schools in the last few years, particularly since we implemented all day to see what is going on there. And of course play is a component of it. In most schools they have morning circle and a variety of activities but includes, they're taught addition and subtraction. They learn that through songs, games and other kind of things that I'm sure we all can imagine. But they also have resources like toys, picture books, crayons and so on. But they usually have some reading instruction, they usually are working on some kind of writing, recognize their letters, recognizing their colors, working through simple math, they usually do single digits on additions

and subtraction, they learn to count with more or less games, they become acquainted with a clock, what's a clock, and learn skip counting to prepare them for multiplications, and language arts in particular. You know, it's not only that they get some reading instruction but they learn sight words, cat fun rhyming blends and so on. But they also work on some writing, all of them may draw and do drawings and combine them with words. Then maybe there's a break for lunch, maybe a recess, maybe a nap time, but then they continue some more lessons and they have free playtime and there they are.

So it's a complex plan which recognizes play-based in a lot of ways but also recognizes that we can do these other things and we need to do these other things for children. And you know, when I was at Somersworth Kindergarten, all the kindergartens in Somersworth with Commissioner Edelblut last year and you could see this operation. And often times, multiple activities going on at one time depending on where a child was at that might be in one group, they might have an aide or then a group might be getting together with a teacher to look at a book together, a picture book and then they'd break into groups to make their own drawings and help each other, the ones who couldn't quite form the letters, a little older kid would help them do that. Lots of great things going on.

So, when you look at the language of the bill just be careful what has happened here. You know we got this discussion of Froebel, great but I think it's kind of dated in its own way and limiting. But notice that we can mention music and it can mention literacy through guided reading, but nothing here about writing, and no math. So you know I think about you know back to my really play-based kindergarten. Maybe I should have declared a conflict or taken the fifth, but my first day of kindergarten play-based I pushed a kid in the fishpond in the middle of a culvert. But you know I also began to learn to read and learned to write and got ready for first grade.

And I fear, especially on the math component limited here. And I say once you put it in statute you can bet that there's going to be parents there, it's in statute, you can't teach this you can't teach that we only can do this; and we don't do that. We teach as my colleague from District 10 said, you know we mandate the content and the outcomes you know, but we don't say how to teach it. So I fear that you know, for math, what we'd have, the math we could get is Senate you may take three giant steps backward. Mother, may I? Yes, you may. Let's pause here, let's vote this down or study it, but it's really not where we should go right now. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. Tongue in cheek, I might reflect upon the Senator from District 4's remarks as not dissimilar from activities in present suite. I rise in support of the committee recommendation. Testimony was provided of schools' districts in which kindergarten is having a rigorous unstructured format for children four and five years old who just do not do well there, okay? Six hours, full-day kindergarten in a structured environment for a four or five year old child is impossible, okay? This bill was brought in specifically in response to districts that are formulating that and turning kindergartens into a first grade endeavor for the school districts. And so while the only thing this directs is that some down time be produced in whatever format curriculum that school would like to engage so that kids don't get stressed etcetera.

I would offer another reason for unstructured and yet let's say managed playtime. As you look at societal structure today, more and more of our kids are coming from broken homes, and when they come from a broken home or a single parent environment, into a collection of students with dissimilar tastes, appearances, actions, dress, etcetera, some of that downtime is very instructive in learning the buzz word of diversity and understanding it. Because there's no better way to inculcate that value in our kids than to allow them some time to just relax with one another, and accentuate what we have in common. So I would stand in strong support of this bill as it's brought out of committee. And I thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I stand in strong opposition to House Bill 1499. I'm interested in hearing that the Senator from District 2 is saying children are four and five years old. I don't know if you've been in a kindergarten lately, but most of them are five or six years old and there is in fact a big difference developmentally. In fact they keep upping the age and more people than ever are now putting off kindergarten for another year. It is in fact full of play. The kindergartens, I'd like to see a definition of play-based because when somebody goes out to the blacktop and draws a picture of a clock with chalk and children stand in different places on the clock, that's play. You know we don't have to say okay now you're learning about a clock, you could be playing a game where people are moving on the clock. This is what kindergarten is about. I notice that not a single kindergarten teacher or even school administrator came to the hearing. Anyone who teaches kindergarteners especially in this country, would strongly dispute this I guarantee that. I do understand that in European cities, kindergarten is starting more at three and four years old and that's very different. You know if your child's not ready to go into a kindergarten environment where you're learning while you're playing, then they should wait another year. And you know developmental psychology happens to be what I studied and I studied it with a guy who was an expert on play. So I totally oppose this bill.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Kahn, seconded by Senator Fuller Clark.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 13 - Nays: 11. Adopted, bill ordered to Third Reading.

HB 1612, relative to data security in schools.
Ought to Pass with Amendment, Vote 4-0. Senator Kahn for the committee.

Senate Education
April 11, 2018
2018-1459s
06/04

Amendment to HB 1612

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Student and Teacher Information Protection; Data Inventory Security Plan. Amend RSA 189:66 by inserting after paragraph IV the following new paragraph:

V. The department shall establish minimum standards for privacy and security of student and employee data, based on best practices, for local education agencies. Each local education agency shall develop a data and privacy governance plan which shall be presented to the school board for review and approval by June 30, 2019. The plan shall be updated annually and presented to the school board. The plan shall include:

(a) An inventory of all software applications, digital tools, and extensions. The inventory shall include users of the applications, the provider, purpose, publisher, privacy statement, and terms of use.

(b) A review of all software applications, digital tools, and extensions and an assurance that they meet or exceed standards set by the department.

(c) Policies and procedures for access to data and protection of privacy for students and staff including acceptable use policy for applications, digital tools and extensions.

(d) A response plan for any breach of information.

(e) A requirement for a service provider to meet or exceed standards for data protection and privacy.

2 Student and Teacher Information Protection; Data Inventory Security Plan. Amend the introductory paragraph of RSA 189:66, IV to read as follows:

IV. The department ***and each local education agency*** shall make publicly available students' and parents' rights under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. section 1232g, et seq., and applicable state law including:

3 Effective Date. This act shall take effect 60 days after its passage.

2018-1459s

AMENDED ANALYSIS

This bill requires each local education agency to develop a data security plan.

SENATOR KAHN: Thank you, Mister President. I move House Bill 1612 Ought to Pass with Amendment. This legislation addresses additional information security provisions for local school districts. Districts will be required to have data security plans and policies. District contracts with educational service operators will be required to provide time frames for operator destruction of student personnel information upon request of the district and upon contract termination unless there is consent of the student or parent. The Department of Education or the Department of Information Technology are encouraged to provide guidance to districts on their security plans and contracts. Please join the majority of the Education Committee in support of the motion of Ought to Pass with Amendment on House Bill 1612. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1637, requiring school districts to establish policies relating to suspensions and expulsions.
Ought to Pass with Amendment, Vote 4-0. Senator Giuda for the committee.

Senate Education
April 11, 2018
2018-1458s
06/04

Amendment to HB 1637

Amend RSA 186:11, XXXVIII(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Require each school district to establish a policy on school discipline that establishes the criteria for in-school suspensions, short term out-of-school suspensions, long term out-of-school suspensions and expulsions, and the maximum length of long term suspensions. Such policy shall separately describe the criteria for imposition of each level of discipline, with reference to factors such as disruption of school activities, risk of property damage, actual or threatened bodily injury, or other factors determined relevant by the school district.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1636 Ought to Pass with Amendment. This bill establishes a Committee to Study Teacher Preparation and Education Programs. I'm on the wrong bill. My apologies, Mister President. House Bill 1637, I move it Ought to Pass with Amendment. The legislation requires the State Board of Education to require school districts to adopt policies regarding school suspensions and expulsions. This important bill will ensure that school districts have clearly stated policies and goals regarding suspensions and expulsions and that parents as well understand what these procedures are. The Education Committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 1637. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1698-FN-L, relative to the cost of special education services for foster children.
Ought to Pass, Vote 4-0. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1698-FN-L Ought to Pass. This legislation provides that for any child placed in a home for children, the sending school district is required to send the receiving school district the actual pro-rated cost of this special education and related services provided by the receiving district. The goal of this legislation is to make sending school districts liable for the actual cost of the special ed. services. Some have concerns about the ability to capture this change but it's done every day with third party billing and Medicaid billing. The Education Committee asks for your support in the motion of Ought to Pass on House Bill 1698-FN-L. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1744, authorizing a parent to exempt his or her child from participating in the statewide assessment program.
Ought to Pass, Vote 3-1. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1744 Ought to Pass. This legislation provides that a student exempted from taking the statewide assessment by the student's parents or legal guard-

ian shall not be penalized. It also requires the school district to provide an appropriate alternative educational activity for the time period during which the assessment is administered, and provides that the name of the parent or legal guardian objecting to the assessment, shall be excluded from access under RSA 91-A. Parents have testified on the difficulties they encounter when trying to refuse the statewide assessment for their children. Schools are required to inform parents about the current state laws that reference opting out of standardized assessments. Transparency will be an ESAA requirement if House Bill 1744 is signed into law. The Education Committee asks for your support in the motion of Ought to Pass on House Bill 1744. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. This bill will enable the state of New Hampshire to raise its test scores dramatically. How? We allow people to opt out. That's it. Okay, we might even coach some people to opt out. We're going to raise our test scores; we'll look great against the rest of the country that recognizes what does it mean to do standardized assessment. Standardized assessment. Here we go. Any test in which the same test is given in the same manner to all test takers and graded in the same manner for everyone is a standardized test. The opposite of standardized testing is non-standardized testing. And non-standardized testing is where either significantly different tests are given to different test takers or the same test is given under significantly different circumstances. Alright, so New Hampshire is going to adopt new circumstances where you can opt out, you can opt out your kid, you can opt out your kid. What do you think? I want your kid in. It's going to raise the test scores. This is blowing a hole through what we have in place for demonstrating substantial significant on grade progress for our schools and our students. One test a year. We've even said you don't need to do standardized testing the same test every year. You can now do it every three years. I just feel like we have missed what we are losing. I understand what we're gaining, an opt out provision on standardized testing. I think we all understand it, but we have not debated what is it that we lose when we let people opt out. And what we're losing is any comparability for our grade level testing with other states. I ask that we vote down the Ought to Pass motion on 1744. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. Without rehearsing debates we've had in previous years on this or what we talked about a couple of weeks ago with opt in or opt out, I just wanted to mention briefly two consequences here. We know that if our participation rate in our standardized testings fall below a certain level, it jeopardizes our federal education funding. That's not something I've made up, that is a fact. Secondly, accountability. You know we're supposed to hold people accountable for how we spend our tax dollars and that's why we have testing based on provision of an adequate education. And you know what, we've just been voting and passing some bills that say that these test scores ought to be collocated at the DOE so they can evaluate across the state which schools are doing better, right? Because we want to know how our tax dollars are being spent and to make sure they're being spent effectively. So, gee, you know, once the participation rates starts to go down and we know we're not going to get good information at the DOE, and we are no longer going to know whether schools are accountable for the expenditure of tax dollars. We ought to vote this down. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Kahn.)

SENATOR FULLER CLARK: Senator Kahn, I'm looking at the notes from the hearing report and Bonnie Dunham spoke to the fact that while teachers may be able to give good information and feedback about individual children, we don't get feedback about how the district is doing as a whole or how the state is doing as a whole. Will you agree with that?

SENATOR KAHN: I do.

SENATOR FULLER CLARK: And would you then agree that perhaps when individual families are looking to decide where they want to live, where they want to ensure that their children have a good education, that they're denied a certain level of information about how well education is doing in the community that they're thinking about and how well it's doing in this state relative to other states?

SENATOR KAHN: Yes, I think that's exactly the kind of information that will not be valid as we try to compare ourselves with other states. Even in between districts as was suggested.

SENATOR FULLER CLARK: Is it not true right now that we have a workforce issue that we need to bring more young families here? And if they can't have access to this information, do you think this would have an additional negative impact on families deciding to move to New Hampshire?

SENATOR KAHN: I don't know that I can make that causal link, but what I do believe is that we'll have invalid information, and I don't think that ever serves anybody well.

SENATOR FULLER CLARK: Thank you.

(The Chair recognized Senator Innis for a question of Senator Kahn.)

SENATOR INNIS: Senator in your remarks you seem to imply that students will be likely to score in a lower range on the standardized tests are more likely to opt out. Is that the understanding I should take from your testimony?

SENATOR KAHN: No.

SENATOR INNIS: Alright. Thank you. With that said do we have any empirical evidence from other states or certain school districts that tell us who is likely to opt out and whether or not the numbers are large enough to create a statistical significant difference?

SENATOR KAHN: So what I'm aware of from our college level experience is that students have various testing phobias. We know that. Parents know that. Those that have testing phobias often are around mathematics. And we're going to see, you know whenever that there's the option of alternatives that you know like opting out, people will opt out.

SENATOR INNIS: I understand the line of reasoning there, I just, to restate my question, do we have evidence that there are demographic differences in those students that are likely to opt out as opposed to those that do not?

SENATOR KAHN: I don't have that evidence that demographically this will be any different. I just don't. But what starts with a couple of percent will just increase because it will become a more acknowledged phenomena that, hey, my kid doesn't like taking tests either. You opted out; I'll opt out my kid. We're putting ourselves down a path of invalidating our standardized testing results.

SENATOR INNIS: Thank you for taking my question, I appreciate it. Thank you, Mister President.

(The Chair recognized Senator Watters for a question of Senator Kahn.)

SENATOR WATTERS: Senator Kahn, perhaps referencing the Senator from District 24. Would you believe that in fact the great legal cases and scandals about testing manipulation in Washington, Philadelphia, some other places revealed in court that not only were teachers holding eraser parties on answers on tests but that there have been a program to discourage students, particularly those who had you know from difficult learning backgrounds or students with disabilities to not take the tests? Would you believe?

SENATOR KAHN: It sounds outrageous, but I do believe.

SENATOR WATTERS: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise in opposition, ask my colleagues to vote against 1744. We've heard two things that I think are extremely important; opt out. That sickens me, the opt out provision. Having been a teacher almost all of my life, I tell you that that standardized test is a great element in the educational experience, and it gives you something to look at in how you're conducting your class and how you're doing your best to make every kid succeed. If indeed you allow everybody to opt out, you have nothing to go on. You have nothing to go on. So accountability is the key issue. Both accountability on the way your tax dollars are being spent and accountability on the way that education process is being conducted by that individual who stands in front of that classroom. And that people take pride in that, take a great deal of pride in that because the best product produced is the qualified capable student, that's going to make a difference in this society. That's what we should be striving for and I think that's what the standardized test helps us to do. Thank you, Mister President.

Recess. Out of recess.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Fuller Clark, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

HB 1761, relative to the math learning communities program in secondary schools.
Ought to Pass with Amendment, Vote 4-0. Senator Kahn for the committee.

Senate Education
April 11, 2018
2018-1456s
06/04

Amendment to HB 1761

Amend the title of the bill by replacing it with the following:

AN ACT relative to the math learning communities program in secondary schools and relative to dual and concurrent enrollment agreements between high schools and colleges and universities.

Amend RSA 193-I:2, II as inserted by section 2 of the bill by replacing it with the following:

II. Course I, advanced math foundations, is a review and expansion of a student's understanding and ability to apply fundamental competencies in algebra, geometry, probability, and statistics. This course provides one math credit toward high school graduation.

Amend the bill by replacing all after section 2 with the following:

3 Dual and Concurrent Enrollment Program; Definitions. Amend RSA 188-E:25 to read as follows:

188-E:25 Definitions. In this subdivision:

I. "Concurrent enrollment" means courses taught at the high school by high school teachers approved by the community college system of New Hampshire (CCSNH) ***or the university system of New Hampshire,*** in which high school students earn both high school and college or university credit while students are still attending high school or a career technical education center.

II. "Dual enrollment" means college courses taught by instructors from the community college system of New Hampshire (CCSNH) ***or the university system of New Hampshire*** in which high school students earn college credit while students are still enrolled in high school or a career technical education center.

4 Dual and Concurrent Enrollment Program; Enrollment Requirements. Amend RSA 188-E:27, I to read as follows:

I. An interested high school student in grade 11 or 12 may enroll in a course that is designated by the CCSNH ***or the university system of New Hampshire*** as part of the dual and concurrent enrollment program.

5 Dual and Concurrent Enrollment Program; Enrollment Requirements. Amend RSA 188-E:27, III to read as follows:

III. The state shall pay up to $250 to the CCSNH institution where a high school or career and technical education student successfully completes an approved course and the CCSNH shall accept such amount as full payment for course tuition. ***No state funds for dual and concurrent enrollment programs shall be paid to university system of New Hampshire institutions during fiscal year 2018 or fiscal year 2019***.

6 Dual and Concurrent Enrollment Program; School Board Policy. Amend RSA 188-E:28 to read as follows:

188-E:28 School Board Policy.

I. No later than July 1, 2018, the school board of each school district shall develop and adopt a policy permitting students residing in the district who are in grade 11 or 12 to participate in the dual and concurrent enrollment program. The policy shall, at a minimum, include compliance with measurable educational standards and criteria approved by the CCSNH ***and/or the university system of New Hampshire*** and that meet the same standard of quality and rigor as courses offered on campus by the CCSNH ***and/or the university system of New Hampshire***. The policy shall also comply with the standards for accreditation and program development established by the National Alliance for Concurrent Enrollment Partnerships. The policy shall include, but not be limited to, student eligibility criteria, standards for course content, standards for faculty approval, program coordination and communication require-

ments, tuition and fees, textbooks and materials, course grading policy, data collection, maintenance, and security, revenue and expenditure reporting, and process for renewal of the agreement.

II. The department of education and the CCSNH shall develop and approve a model dual and concurrent enrollment agreement that shall be used by the CCSNH and the school board of a school district participating in the dual and concurrent enrollment agreement program. The model agreement shall include standards established by the CCSNH, shall include elements, standards, and criteria that have been approved by the department of education and CCSNH, and shall serve as the framework for the development, implementation, and administration of the dual and concurrent enrollment program in each school district by clearly defining the procedures related to concurrent and dual enrollment of high school students in college classes. The department shall further develop guidelines for the program relating to reporting, accountability, and payment of available funds to the CCSNH.

III. The department of education and the university system of New Hampshire shall develop and approve a model dual and concurrent enrollment agreement that shall be used by the school board of a school district participating in the dual and concurrent enrollment agreement program. The model agreement shall include standards established by the university system of New Hampshire, and shall include elements, standards, and criteria that have been approved by the department of education, and shall serve as the framework for the development, implementation, and administration of the dual and concurrent enrollment program in each school district by clearly defining the procedures related to dual and concurrent enrollment of high school students in college classes.

7 Effective Date.

I. Sections 3-6 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

2018-1456s

AMENDED ANALYSIS

This bill:

I. Requires the commissioner of the department of education to establish and implement a supplemental high school math program for students who require remediation.

II. Extends the dual and concurrent enrollment program to high school courses approved for credit by the community college system of New Hampshire and the university system of New Hampshire.

III. Requires the department of education and the university system to develop a model dual and concurrent enrollment agreement to be used by participating school districts.

The Chair ruled sections of the Committee Amendment non-germane.

Without objection, Senate Rule 3-17 is suspended to allow consideration of the non-germane Committee Amendment. Adopted by the necessary 2/3 vote.

SENATOR KAHN: Thank you, Mister President. I move House Bill 1761 Ought to Pass with Amendment. This bill requires the Commissioner of the Department of Education to establish and implement a supplemental high school math program for students who require remediation. It

also extends the dual and concurrent enrollment program to high school courses approved for credit by the Community College System of New Hampshire and the University System of New Hampshire. Further it requires the Department of Education and the University System to develop a model dual and concurrent enrollment agreement to be used by participating school districts. The Education Committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 1761. Thank you, Mister President.

The Chair ruled sections of the Committee Amendment non-germane.

Without objection, Senate Rule 3-17 is suspended to allow consideration of the non-germane Committee Amendment. Adopted by the necessary 2/3 vote.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
April 18, 2018
2018-1644s
06/04

Floor Amendment to HB 1761

Amend the title of the bill by replacing it with the following:

AN ACT relative to the math learning communities program in secondary schools.

Amend the bill by replacing all after section 2 with the following:

3 Effective Date. This act shall take effect upon its passage.

2018-1644s

AMENDED ANALYSIS

This bill requires the commissioner of the department of education to establish and implement a supplemental high school math program for students who require remediation.

SENATOR GIUDA: Thank you, Mister President. The amendment that I'm proposing 1644s, removes the inclusion of the University System of New Hampshire in the dual and concurrent enrollment process. We have an extremely successful system right now with the Community College System. Over 100 high schools that are participating very successfully with criteria for teacher qualifications that the existing amendment we just passed would reduce, and thereby jeopardize the standing of those students in nationwide universities where those kids would be going. The Community College System gets lots of inquiries from across the country, from our kids that are applying to out of state colleges and universities, and it is critically important that we maintain those standards. Additionally, this would create additional unnecessary administrative work, costs, and so forth as we attempt to superimpose or integrate an unnecessary function with one that's already working well. And so for that reason I ask for your support on Floor Amendment 1644s. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. And I thank my colleague from Senate District 2, in the sense that I was advised, don't talk much about this bill, just let it go through. So first off, I just want to

correct one statement from the Senator from District 2, and that is this does not talk about teacher qualification whatsoever. That was a part of an original bill, it's been amended, there's nothing in the amendment that talks about teacher qualification. So we're just talking about a bill that we passed last year that enables eleventh and twelfth graders in high school to take college credit courses. Either in their school or at a college near them, that's either a part of the University System or a part of the Community College System. That's all. That's all that this is trying to do, is say, hey, the same thing that we allow for a student to do with the community colleges, we've allowed them to do with the University System of New Hampshire institutions. Because, here's why it's important, this is why it's time sensitive. We put in there that by July 1, 2018 every school district in the state has to have a policy on dual and concurrent enrollment. So right now we're only allowing that policy to take place with the Community College System of New Hampshire. Just by statute.

So, what do we have? We've got who is the primary competitor for the Community College System of New Hampshire for dual and concurrent enrollment? It's Southern New Hampshire University. Surprise, huh? We've got 25,000 students who are juniors and seniors in New Hampshire high schools. During testimony we heard that the ruining start program, that has been successful for the Community College System, has enrolled this year 3,000 students in 5,000 courses. Three-thousand of 25,000 students. We have a long, long way to go if we are going to use dual and concurrent enrollments to reduce the time to a post-secondary education degree and to reduce the price of what students have to pay to get that credential.

Why do you suppose Southern New Hampshire University has created Southern New Hampshire in the high schools? Go on the website. What is Southern New Hampshire in the high school? Designated courses have been aligned to meet the same content, rigor and learning outcomes as that of the university. The high school teachers instructing these courses meet the university adjunct faculty requirements and have been approved by the university. It's the same thing that the Community College System is doing. And, so we're sitting in a meeting with the New Hampshire College & University Council. We were all invited. Quite a number of us went. And on the dais was the principal of Laconia School District, the high school. And the principal says, and I'm negotiating with Southern New Hampshire University for SNHU in the high school. Well, interesting. Competition is destined.

So we've got in the act, currently that we're going to adhere to the standards, national standards for dual and concurrent enrollment. There's an organization, most of the fifty states are members. New Hampshire doesn't have any members in it. You would think we might, at least one, but no. But it's a great resource for understanding where other states are on this. So I've plodded around, talked to Minnesota. I got their suggestion because the state legislature in Minnesota has been working with NCSL and so they–. So I talked to the legislator who follows dual and concurrent enrollment in Minnesota and he says, I asked do you do it for community colleges, yeah, and four year publics too, right? Yeah. Okay. And he said wait, wait we also do it for the non-public post-secondary education institutions. I said why do you do that? Because they might be closer to the high school. Right. That's what dual enrollment is all about. It's not about anything but a high school student taking a course

at another college and the high school accepting that credit as a high school credit. But we want to regulate the marketplace. Southern New Hampshire University by the way, for these courses, has a set fee. It's $100 for a three credit course.

You know what I'm glad about? That the competition is currently an in state institution. Because there's another obvious. The University of Maine offers dual enrollment. The Vermont post-secondary education institutions, they offer dual enrollment. Even in Vermont, get this, if you're a Vermont resident you're issued a dual enrollment voucher in a program called the state's Next Generation Initiative. Students receive two vouchers to attend any Vermont college, public or private. This is a pathway; this is what we're trying to do is create a pathway for our New Hampshire students into post-secondary education. Yes, the Community College System plays a role, an important role. But does that mean no other institution in the state of New Hampshire that offers a post-secondary education degree should play a role?

Two of the people that I have worked with on this that have encouraged me to continue to move forward. One is the Representative who authored the dual and concurrent enrollment statute. He's a co-sponsor of this amendment. And he asked me to place this amendment on his bill. It's his bill. A Republican Representative. Commissioner Edelblut has also been one of the people encouraging me, put this dual and concurrent enrollment authorization, amend it to a bill. Find a House Bill and put it on it. He's been a strong supporter. And his metaphor for this is why not use every on ramp we have? Why do we need to travel down a single lane highway on something that everybody else has figured out is a multi-lane road?

In the end, there are two things about this. One, you can't limit the marketplace because as Southern New Hampshire University has shown, people will enter it. They'll find ways to do it better, to do it cheaper. The marketplace is going to have multiple people in it, multiple institutions. And the second point is, this isn't about institutions, this is about students. Yes, I started on this because there was a perceived issue in Keene. But like all of us, we start with a local issue and you begin to see does this local issue have an impact on the rest of the state? That's why I went to the prime sponsor of the legislation to begin with. That's why I went to the Commissioner of Education to talk about this. It's about the student accelerating their time to degree and reducing the price of a higher education. All this amendment does is encourage University System in New Hampshire institutions to get into the marketplace. Why would we want them in the marketplace? The national association says, universities are good at this because they are better resourced, they have a broader curriculum and they're better at professional development. Why are they better at professional development? The offer Masters Degrees, and they can take those non-credentialed great high school teachers that don't have the college level credential and maybe move them along a little faster and accelerate this whole path, add more speed to the highway. Add more capacity to our roads. Help the students in New Hampshire, that's all that this amendment is about.

I ask you, do not pass the amendment that is before you. Let's move forward, let's join the rest of the states in the country. There's only one state that is restrictive as we're about to put and leave in our statute. It's the state of Iowa. And I finally found an answer, my colleague from District 2. The answer is that the Community College System is ad-

ministered by the Board of Education. Case closed. Alright. Enough, I'd love to talk about this more, but there are probably others who want to enter this conversation. Please don't pass this amendment, and let this go forward as recommended by the Education Committee. Thank you, Mister President.

(The Chair recognized Senator Feltes for a question of Senator Kahn.)

SENATOR FELTES: Thank you, Mister President. Thank you, Senator for taking my question. Appreciate all the work that you have done on this along with the Senate Education Committee to put this amendment on. One of the concerns in Senate Finance when this was discussed at one point was whether or not state funds would be at issue or implicated for fiscal years 2018 and 2019. Have you addressed that issue?

SENATOR KAHN: Yes, there is in here specifically in section 4 and 3, no state funds for dual and concurrent enrollment programs shall be paid to the University System institutions during fiscal year 2018 and 2019. I added that following conversations with my colleague from District 11.

SENATOR FELTES: Thank you, Mister President. Thank you, Senator. One of the other issues was a question about competitive disadvantage here or there with respect to attracting students in the Community College System. As you noted, Southern New Hampshire University already does this. And so by adopting the language about a model agreement, and a model enrollment with the Department of Education, as oversight, doesn't that address some of the concerns that already exist today and how this operates?

SENATOR KAHN: Yes, I believe so and it models the legislation as currently exists for the Community College System in New Hampshire. There is a master agreement for the Community College System with the Department of Education upon which, school districts and the southern community colleges could then enter into more formal agreements, yes.

SENATOR FELTES: Thank you, Mister President, thank you, Senator. And you worked with the Commissioner of Education on this?

SENATOR KAHN: Certainly since the legislation has been introduced, we have had many conversations about his work for this.

SENATOR FELTES: Great, thank you.

(The Chair recognized Senator Watters for a question of Senator Kahn.)

SENATOR WATTERS: Thank for taking my question. This is for purposes of clarification. I wondered if you and perhaps my colleagues could turn to page 20 of our calendar to the amendment. Because I wanted to ask specifically about any concern about a change to the standards of the teachers here. So if you look here in section 1 it says, concurrent enrollment means courses taught at the high school by high school teachers approved by the Community College System of New Hampshire, and then or the University System. So the existing language in statute is maintained in your bill, so there's no change in standards?

SENATOR KAHN: Yes. Correct, Senator.

SENATOR WATTERS: Thank you.

(The Chair recognized Senator Sanborn for a question of Senator Giuda.)

SENATOR SANBORN: Senator thank you so much for taking a question. As I'm trying to understand all this, because I, with respect to my friend from District number 10 who might stand up after I speak and I encourage that, I'm reading this I guess in a different vein, from what

I hear in the testimony. So my question is, it's my understanding that the concern is that even though you have 180-E:25 and the definitions of the subdivision that is adding University of New Hampshire to the Community College System, but the Community College System's requirements to, for high school teachers to teach high school students is that that teacher must have the same certification level of a professor at a university system. So any classes taught to a high school student from a high school teacher will be viewed by colleges across the country as being the same level in standard as what a college course would be. And the concern is, is that if another post-secondary educational system, in this case maybe the University of New Hampshire, lowers those standards to allow high school teachers to teach high school students, but those teachers do not have the collegiate level of education certification, then therefore it could actually hurt our students and their ability to get credit at the collegiate level for colleges that are looking around the country. Am I understanding this correctly?

SENATOR GIUDA: Yes.

SENATOR SANBORN: Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise in support of the amendment before us. We've dealt with this subject before. It is substantially the same as Senate Bill 361 which is currently on the table with a pending motion of Inexpedient to Legislate, and that was because the bill wasn't ready for prime time. While some of the things may have been addressed in reading through the amendment, I think there are other things that have been created that still need to be looked at. When you talk about coming up with a policy that has to be approved by the community system and/or the university, it kind of feeds into the question that was just previously asked. Are the standards the same? You know, can a lower standard be accepted over the current one that seems to be working? That's in there in a couple places. And if it is "and," does, you know, it would state that the community colleges and the university have to agree on that policy. But what if they don't? Then it could be an "or," which now you could go to an inequitable level of criteria and standards. My understanding going back to the discussions we had before, that there is, that this came about as a result of one school in the Keene area, and in talking to the community colleges that school had not been willing to enter into the program that would enable them to participate in what existed now. So I would encourage the body to maintain what we've already previously done. Let's stick with the current amendment, which takes out the part that we have already rendered as inexpedient and then put on the table so it could be worked on. Let's continue that process, support the amendment before us, and work on fixing what we need to on the dual and concurrent enrollments so we have something ready for next year. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to inform the body that I may or may not have a conflict of interest because I am an adjunct professor at the community college in Nashua, and I have dealt with students that are in the Running Start Program, and I will be participating in the debate and the vote. I also rise in support of the Senator from the Second District, his amendment. I deal with these students. Most of them on a regular basis, at least one or two per semester. So, I get to see these students and some of them are successful and some

of them are not. I have a real concern about these students being in a high school setting, getting a college class. As a college instructor I get to see a different side of these students as opposed to what their high school teachers get to see. So again, I just would like to just inform the body, I don't think this ready, I think there's a lot more work needs to be done on this, and thank you very much.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise and ask my colleagues to defeat the amendment and pass the bill. The dual enrollment provides opportunity for students. This just extends that opportunity and I thought the analogy of highway was a perfect one. We always widen our highways to give more opportunity and we got the best piece of highway in the United States of America from Windham to the Mass line. I drive that and I say to myself, I'm in the best situation I have ever been in.

I was student at the University of New Hampshire, then obviously became a teacher. The kids are way ahead of us. The ability to take a college course at the secondary level provides opportunities. Why deny opportunity to a great university system? A land grant, sea grant, and space grant university. One of a couple in the whole United States of America. That's our university. Why shouldn't everybody have an opportunity to participate? And if you can participate at the secondary level, and enhance your opportunity at the post-secondary level, you've achieved something. You've taken advantage of an opportunity.

All of these schools are accredited by the New England Association of Colleges and Schools. Nobody's going to water down the curriculum, or water down the individuals who are teaching. Because that's part and parcel of the accreditation process. We believe in that because we pay a ton of money to be accredited for a five or a ten year period. So this is an opportunity. We give kids an opportunity. My grandchildren are a hell of a lot smarter than I was as a secondary student. And they should have opportunity. We all talk about costs. This is an opportunity for us to work against those costs. To provide something at a lesser expense and yet it's still the same quality. We're in the business of opportunity here. We have a great public system, both the Community College System and the University System of New Hampshire.

If the outward migration rate continues in this state, we're not going to have anybody in any of these colleges. Keeping them here is providing them opportunity to learn at the secondary level, to participate at the secondary level, and to find out how much quality we have in our post-secondary education system. And Southern New Hampshire is working on it. I met with the President of Southern New Hampshire University what, a couple of weeks ago. They have now reached their 100,000 enrollment in their online program. Why? Because they're marketing it. They're selling it. And why wouldn't they get into the secondary system, of course. There's opportunity there. Opportunity for them and opportunity for the students. So let's not put the kibosh on opportunity. We're all very enthusiastic about providing a pathway for our kids to make their lives better. Defeat this amendment, pass the bill as amended and let's go forward with reckless abandon, as I used to tell my players. I want you to play this game with reckless abandon. And that's how we should be doing in terms of bringing this opportunity forward, with reckless abandon. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I'm not sure we should be passing legislation with reckless abandon, but I truly appreciate my good friend from District number 20's comments, and holistically I agree with most of what he says. Our colleges are too expensive. Easier to find a path. Let's make interstates bigger so we can drive faster. Agree with everything he says. So conceptually I'm with my friend from District number 10. But my struggle in this debate is clearly there remains this question about qualifications and standards. We're hearing that some of our New Hampshire higher institutions say they have one level of standard and qualifications for high school teachers to teach, and then we're hearing that other schools, we're not sure what their qualifications are; that they can set their own standards. So I guess the question that I have to ask myself is, are all of our New Hampshire higher education systems making the same requirements for teacher qualification at the high school level? And if they're not doing that, would it tell us to support this amendment so that everyone can come back to the table and look to make sure those same standards exist? So because of that, Mister President I am supporting the amendment because I believe in the concept, I just don't think the egg is quite cooked yet. Thank you very much.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. I just want to disclose, I help represent the full-time professors at the Community College System and I do intend in participating. Thank you.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise only for the second time. But I want to address the quality question. Because if that's where you're hung up, I can help you. So I want to help my colleague from Senate District 9, because if that's a concern, it's addressable. And if I need to use some experience factor with this, I was on the New England Association of Schools and Colleges, their Commission on Institutions of Higher Learning. I helped write the accreditation standards that are currently in place, and here is what they say, specifically, about teacher credentials. It's that if you offer courses anywhere but on your main campus, they should be taught by a faculty with comparable credentials as have been previously reviewed and accredited by the body. That's what it is. Every school has to meet that same standard. There is no deviation from that standard. I don't know how much more I can say about that. I mean every school. So that's why Southern New Hampshire University had said it meets the same standard as our adjunct faculty. Because their full-time faculty are probably ten year track PHDs but their adjunct faculty are filling in the gaps with master's level credentials. It's what the Community College System is insisting on for their baccalaureate courses.

But you know what? All the CTE courses, nearly all, I won't speak for all. Most of the CTE courses are taught by faculty with maybe a bachelor's degree. Maybe not even a bachelor's degree. But those are the comparable credentials to their on campus faculty. So they can make that arrangement for a dual enrollment class at the high school because it's a comparable qualification. You see what it is? There's no fixed line. There's no line that says you must have a PHD, you must have a master's degree. It's how the institution wants to recognize the quality and delivery of its courses. And by and large when it comes to baccalaureate degree comparable courses, English, social studies, math, science the master's degree is the comparable credential. And that's what any institution would probably be insisting upon for their high school teacher teaching their course.

But remember, there are two legs to this stool. One is what you might teach in the high school, the other is what is at the college. And why we would block that path, the fact is we can't block that path. Keene State's been offering enrollment in courses to high school students forever. I was there forever. It's half price. Let the colleges, I mean, let the high school districts enter into agreements and negotiates the best rate for their students. Why are we not encouraging that? So I just, this is ready. This is way more than ready. Every other state in the country is accepting that this is ready. But we're just going to clog up our highway. Let it be the old two lane road and it'll be good enough to get us there. And I really do believe that if you put your student hat on here, we can do better. Thank you, Mister President. Defeat this amendment, please.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Kahn, seconded by Senator Fuller Clark.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

ENERGY AND NATURAL RESOURCES
HB 1592-FN, requiring the commissioner of the department of environmental services to review standards relative to arsenic contamination in drinking water.
Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

Energy and Natural Resources
April 10, 2018
2018-1438s
08/04

Amendment to HB 1592-FN

Amend RSA 485:3, XV as inserted by section 2 of the bill by replacing it with the following:

XV. By January 1, 2019, the commissioner shall review the maximum contaminant level for arsenic to determine whether it should be lowered and, if it is determined that it should be lowered, shall initiate rulemaking in accordance with RSA 541-A to establish the new maximum contaminant level and shall submit a report to the house executive departments and administration committee, the senate executive departments and administration committee, and the joint legislative committee on administrative rules prior to initiating such rulemaking.

Amend RSA 485:3, I(b) as inserted by section 3 of the bill by deleting subparagraph (3).

SENATOR INNIS: Thank you, Mister President. This time it's not about PFCs but arsenic. I move House Bill 1592-FN Ought to Pass with Amendment. This bill requires the Commissioner of the New Hampshire Department of Environmental Services to review standards relative to arsenic contamination in drinking water and make new rules if he or she deter-

mines there should be new standards. The bill also requires the Commissioner of the Department of Environmental Services to consider certain criteria before adopting specifications for contaminants in drinking water. This bill would allow for a thorough review of the ambient ground water quality standard and the drinking water maximum contaminant level for arsenic. Currently the New Hampshire DES follows the current federal standard of ten parts per billion. The department has recognized that standard has not been protective, nor nearly as protective as other drinking water standards. More than one-third of public water systems in New Hampshire have noticeable amounts of arsenic in their supply and the bladder cancer rate in the state is 20 percent higher than the national average. It's clear that the high levels of arsenic cause major health problems. Giving the New Hampshire Department of Environmental Services the ability to review the standard and propose revised limit would be in the best interest of public health. The amendment makes a technical change to ensure that a report of the department's findings on changes to the drinking water standard are submitted to the House and Senate Executive Department and Administration Committees as well as the Joint Legislative Committee on Administrative Rules. The Senate Energy and Natural Resources Committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 1592-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

INTRODUCTION OF GUESTS

(The Chair recognized Senator Giuda for an introduction.)

SENATOR GIUDA: Thank you, Mister President. I ask my Senate colleagues to join me in welcoming the smartest, best-looking, and most well-behaved fourth grade in the state from the New Hampton Community School. Welcome to the New Hampshire Senate.

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill is special ordered to the present time. Adopted.

HEALTH AND HUMAN SERVICES
HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation.

HEALTH AND HUMAN SERVICES
HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation.
Ought to Pass with Amendment, Vote 3-2. Senator Fuller Clark for the committee.

Health and Human Services
April 12, 2018
2018-1502s
01/06

Amendment to HB 587-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Prohibiting Conversion Therapy on Minors. Amend RSA by inserting after chapter 332-K the following new chapter:

CHAPTER 332-L

PROHIBITING CONVERSION THERAPY ON MINORS

332-L:1 Definition. In this chapter, "conversion therapy" means practices or treatments which impose a viewpoint that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy shall not include talk therapy or religious counseling that provides acceptance, support, and understanding to that individual. Nor does it prohibit facilitating an individual's coping, social support systems, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, if such counseling does not seek to change an individual's sexual orientation or gender identity against an individual's will.

332-L:2 Prohibition; Violations, and Enforcement.

I. A person who is licensed to provide professional counseling under RSA 326-B, RSA 328-D, RSA 329, RSA 329-B, RSA 330-A:16, RSA 330-A:18, RSA 330-A:19, RSA 330-A:20, RSA 330-A:21, or RSA 330-C, including, but not limited to, a nurse, physician assistant, physician, psychologist, clinical social worker, clinical mental health counselor, marriage and family therapist, or licensed alcohol and drug counselor, or a person who performs counseling as part of the person's professional training for any of these professions, shall not engage in conversion therapy with a person under 18 years of age.

II. Any licensed professional, as listed in paragraph I, who proposes to engage or engages in conversion therapy on a patient under 18 years of age shall be considered to have engaged in unprofessional conduct and shall be subject to such discipline as the relevant licensing authority deems appropriate.

332-L:3 Non-Infringement. Nothing in this chapter shall be construed to infringe on any constitutional right, including the free exercise of religion.

2 Effective Date. This act shall take effect January 1, 2019.

SENATOR FULLER CLARK: Thank you very much, Mister President. I move House Bill 587-FN as Ought to Pass with Amendment. The purpose of this bill is to prohibit individuals licensed to provide counseling from engaging in conversion therapy with a person under eighteen years of age. Currently there is no law in the state of New Hampshire to protect young people from the practice of conversion therapy. Conversion therapy is a dangerous practice of seeking to change someone's gender identity or sexual orientation. This bill would prohibit persons licensed to provide counseling in New Hampshire from engaging in this dangerous and unproven practice. As defined in the amendment, conversion therapy does not include talk therapy or religious counseling that seeks to provide support to individuals and the amendment also does not seek to limit or infringe on anyone's freedom of religion. What I would like you to do however, it says here, please join the Health and Human Services Committee in supporting the motion of Ought to Pass with Amendment on House Bill 587-FN. However, I would urge you to vote down the Committee Amendment so that I may bring forth a new amendment that would have the best chance of acceptance by the House without a Committee of Conference. So that's what I'm asking you to do. The language

that we attempted to amend in the first section of the bill would create problems for acceptance in the House. And so, I hope that you will vote down the Committee Amendment and then let me speak to my Floor Amendment. Thank you.

(The Chair recognized Senator Gray for a question of Senator Fuller Clark.)

SENATOR GRAY: If we were to vote down the Committee Amendment, does your amendment have a replace all provision?

SENATOR FULLER CLARK: It does have a replace all provision.

SENATOR GRAY: Then what difference does it make whether we vote for or against the Committee Amendment, since if your amendment carries that it would do a replace all?

SENATOR FULLER CLARK: That's a good question, however I do believe that the amendment that I'm bringing forward is the best amendment, and I will leave it up to the judgement of the voters here on the floor of the Senate as to how they wish to proceed.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Alright I'm going to do my best to try to explain where we're at, and explain the issue to the best of my ability to explain. Senator Fuller Clark, our friend from Portsmouth, I apologize for that, her Floor Amendment would be Senate Bill 224 that we voted I believe it was 15-8 last year. So that's number one, just please try to remember that. Number two, the differences between the Floor Amendment that, or Senate Bill 224, let's put it that way, and the Committee Amendment are as follows: If you turn to page 10 of the calendar, let me walk you through the differences. The first difference is on the first two lines of the amendment in the calendar. It adds the words, which impose a viewpoint. The second major change is on the fifth line down when it says, conversion therapy shall not include, then the addition of, talk therapy or religious counseling. And the third significant change between Senate Bill 224 and the committee amendment is in the last line of the definition, gender identity, and then the new words, against an individual's will. Those are the changes between the bill that we voted on last year and the Committee Amendment. So those are the changes.

Now here are the reasons why I think a majority of the committee supported those changes last week, and look, this was a compromise. Compromise, nobody gets everything they want. We're trying to protect counselors, therapists, psychiatrists, folks like our friend from Hanover, who professionally advised youngsters for all of their career. It's important, I think, that they have licensed professionals to be able to go to and talk about these very important issues that affect them, their entire being. And to do so without running afoul of their board for disciplinary purposes. What we're trying to prevent, for lack of a better word, is when an individual, a counselor, would really push somebody against their will by imposing a viewpoint. That's what we're trying to prevent. We're trying to protect counselors to be able to do the very hard work of helping people that are going through issues that a lot of us have never been through, but the kids that are going through it, oh man this is their life. And it's important that they have professional help. We put in the, in the definition on the fifth line down, religious counseling because to her credit, our friend from Portsmouth had the non-infringement language which you see at the bottom of the amendment. And so it mirrors the intent of the non-infringement language at the bottom of the amendment by putting it into the actual definition.

Now I understand that everybody comes to this issue with their own personal point of view. And that's a great thing. It's what makes this body just such a wonderful place to be. And we do it hopefully with respect, especially on these conscience issues, that everybody's opinion, beliefs, principles, are important. But we try, I think the committee tried, and we spent a lot of time going back and forth. As Chair of the committee, normally I try to have fairly loose proceeding but boy, I was loose that day. It was like a discussion. First it was our friend from Rochester and our friend from Hanover. Then it was our friend from Nashua and our friend from Hanover. And then it was our friend from Portsmouth and me. It was like the five of us with a room full of people watching us just having a discussion about how to make this work. And I'm not going to say that all five of us were really comfortable on what this language was, but the majority of us were, and I think it works to do what we're trying to do. Which is ensure that professionals can counsel kids at very difficult times in their life, without imposing a viewpoint or trying to change them against their will, and not being denied the opportunity for religious counseling.

So I would ask that you vote for the Committee Amendment, I understand my friend from Portsmouth thinks that it might have a better chance with her Floor Amendment to get through the House. I understand that and I guess we see that slightly differently. But I think this is a reasonable compromise on a very difficult issue, and I would ask a positive vote for it. Thank you, Mister President.

(The Chair recognized Senator Lasky for a question of Senator Bradley.)

SENATOR LASKY: Thank you, Senator. When I saw the infringement clause here, I thought you wouldn't need the language in the first paragraph about religious counseling, because to me they're one and the same. Is that true or how do you answer that?

SENATOR BRADLEY: I would answer it this way, I think that there was a lot of discussion about that. And I think, virtually all of us, I think, I hope, I'm not speaking out of turn for anybody, felt that it's very important to protect religious liberties. And so if we're willing to protect it with the language here at the end of the bill, there would be no problem putting it here also because it just makes it clear that religious counseling and non-infringement of religious liberties is what the intent is.

SENATOR LASKY: It doesn't give one more importance than the other? Or more important than the other?

SENATOR BRADLEY: I don't believe it does.

SENATOR LASKY: Okay, thank you.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I would join the Senator from District 3 in asking that the people here in this body vote for the Committee Amendment. I believe it improves the bill from what it is. We don't know what is in the amendment that the Senator from District 21, and to vote it down in deference to her amendment when we don't even know what it is, makes little sense to me. Thank you.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much. I would just like to speak to the changes that Senator Bradley mentioned. And to tell you that while we were attempting to incorporate everyone's concerns about

this legislation, that we heard after the fact that by adding some of the language, that you heard was added in this bill, that we open it up unintentionally to misuse and for the potential of under the language for conversion therapy to be permissive. In the original bill, which you passed here as Senator Bradley spoke to last year on a vote of 15-8, the definition provided a very narrower definition for conversion therapy and it's clear in all the language, professionals are not kept from hearing the thoughts, ideas, and feelings of people about sexuality and gender identity. I think it's also important to realize that the courts have already ruled that prohibiting conversion therapy is not unconstitutional, and does not violate religious liberty, and does not violate parental rights. A parent could always seek conversion therapy for their child, but what we want to make sure that in New Hampshire, that that is not an acceptable practice. Because we have heard from all of the various professional entities that forcing children to go through coercive treatment to change their behavior is dangerous. That it leads to increased suicide, increased depression, and in actuality it isn't effective.

So I would just say to you that if you really believe that New Hampshire should step forward and ban conversion therapy, that we need to vote down this amendment, and vote for the amendment that will come next. Which is the very same language that fifteen of us voted on last year, which contains as Senator Bradley spoke to, the language about non-infringement that nothing in this chapter shall be construed to infringe on any constitutional right, including the free exercise of religion. You just heard me say that that's been held up in the courts. And I think it's time that we as a state move forward and made it clear that professionals should not be allowed to practice conversion therapy in the state of New Hampshire, and that we want to make sure that we give the opportunity to ban that practice the best possible chance of passing in the House. And so while these small language changes may seem like they're not important, I think they really will put passage of this legislation in jeopardy. Thank you very much.

(The Chair recognized Senator Giuda for a question of Senator Fuller Clark.)

SENATOR GIUDA: Thank you Senator, for taking my question. In the amendment currently under consideration, on the fourth line it says, conversion therapy shall not include talk therapy. For my own information, what modalities of therapy are there in conversion therapy? Obviously if you're excluding talk there must be some other modalities and I'd be interested to know what those might be?

SENATOR FULLER CLARK: Well, I think one of the reasons we don't want this amendment to go forward is because there's a lot of confusion about the vagueness of putting language in here about talk therapy. So in the amendment that I'll be bringing forward, that language has been dropped.

SENATOR GIUDA: I'm not sure that you answered my question, Madam Senator. Talk therapy seems to be one particular modality, what are other types of therapy that are used here? Because if we're exempting talk therapy then there must be some other things that are done or practices that are engaged in and I'd like to know what those may be.

SENATOR FULLER CLARK: Well, I think that there are a lot of other practices that we've heard about that might be used by someone who is practicing conversion therapy. It could be such things as an attempt

through physical imposition on a young person to force them to think differently about who they are. That has been known to occur in conversion therapy. But so, but I'm not really sure that I'm still answering your question. I think mostly when we think about therapy, therapy is engaged in discussion, exploration, exchange between the counselor and the patient. So one, as I said to you, I've heard concerns that this is too open-ended, and secondly, that there isn't really a good definition for separating out talk therapy from counseling in general because counseling is fundamentally talk therapy.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition to the Committee Amendment. Page 10 of your calendar, the definition of conversion therapy, the thing we're just talking about. An exclusion to the definition of conversion therapy is talk therapy, whether the inclusion of this basically eats up the definition of conversion therapy and that's very problematic. So, for that reason, and many other reasons, I oppose the committee amendment. One thing about the Committee Amendment that's consistent with Senate Bill 224, which is Senator Fuller Clark's potential impending Floor Amendment, is the non-infringement language. That's in the Committee Amendment, that's in Senator Fuller Clark's Floor Amendment. That was in Senate Bill 224 and that's a bill that this body, Mister President, voted 15-8 to support including six Republicans. So, to my good friend from Rochester, who voted for that bill last year, Senate Bill 224, but didn't vote for this Committee Amendment, I think I would argue, you would want to vote this down so you can vote for the bill that you voted for last year. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. I rise in support of the Committee Amendment. And reading through the hearing report, there, a number of therapists came, it looks like a number of therapists came out very concerned about the original bill. Doctor Calvidish said, psychotherapy is a form of treatment that requires a lot of freedom of thought and speech that needs to allow the patient and the therapist to talk about whatever they would like to. Both parties need a safe space to discuss thoughts and feelings without preconceived notions of the right or correct outcome. They're concerned the therapist might stop a discussion when a patient brings up unwanted sexual feeling because they're worried about violating this act. Doctor Shillaber stated, a mother came to her, said that her daughter was in a lesbian relationship and that the mother wanted her to change it. Doctor Shillaber responded that she would work with the daughter on her personal goals. The daughter was not interested in exploring a heterosexual relationship and it was not discussed because that is not why the girl wanted to be there. Why the girl was really there was because she was raped by her cousin who was a male. So these are the open thoughts and conversations that therapists need to have. And while the good Senator from District 21 says vagueness in the language there is vagueness in an amendment that we have even heard has not even had a hearing. So again, we're voting this down but there was a lot of work that was done. It was discussed in committee and I feel that we need to move ahead with this amendment. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise asking that you defeat the Committee Amendment and I'll tell you, much of what I wanted to say has already been said. But I'd like to say I was part of that discussion in the hearing and there was a lot of misunderstanding. Especially surprisingly by some of the therapists who spoke. Of course a therapist can talk with any of his or her clients about their sexual preference. That is never forbidden. What is forbidden is to take stand and do usually what is also called aversion therapy in order to get somebody to change their sexual preference. That is what is not allowed. Part of my problem with the words talk therapy in there is that those are vague. I suggested at one point maybe talk psychotherapy or something that would be more clear. But of course therapists take a risk every single time you meet with a client, you take a risk. You're not allowed to touch your client inappropriately; you're not allowed to have a sexual relationship with your client obviously. All of those things if you are going into this profession and you don't think you can stop yourself from doing something that is harmful, you should not be in that profession. As I said in the committee, I have to be concerned about the fact that my practice was for a while, I had my own building and then I had a practice in the basement of my house. If somebody went out the front door and slipped on the ice, I also have that responsibility. So honestly, this is part of being a psychotherapist. You take on some of these risks. And as long as you know, you are not doing harm and your goal is not to do harm, it's not going to change anybody's practice. I worry about those people who think they can't do this kind of; they can't have talk therapy or have psychotherapy sessions without doing something that's illegal. They need only to evaluate why they're doing what they're doing and review the ethics standards. So I strongly urge you to defeat the committee amendment. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President and colleagues. I rise just to look at that sentence about conversion therapy exclusions and I hope that this can answer the questions raised by the Senator from District 2. So if you'll open the, to page 10 again, sometimes grammar really matters and it does in this sentence. You see the phrase, you know we have talk therapy, religious counseling, and then you see the phrase that provides acceptance, support, and understanding to that individual. And the absence of commas that phrase applies not only to talk therapy but also to religious counseling. So the exclusion here does not apply to talk therapy. That does up above efforts to change behaviors or gender expression to eliminate or reduce the sexual romantic attractions. And also note as well in the next passage about nor does it prohibit facilitating individual's coping, social support system, and identity exploration and development, including sexual-orientation neutral interventions. So I think that, I hope that offers some clarity here that yes, talk therapies that attempt to change individual's sexual orientation, as noted in that first part, would not be included in that exemption which only exempts talk therapies that provide acceptance, support, and understanding to that individual. Thank you, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator Bradley.)

SENATOR SANBORN: Senator, thank you for taking my question. I think a lot about the debate we had last year on this, right? And if you remember I asked questions relative to trying to understand the legislative intent of what our discussion was. And it was very important to me

at that time and it's very important to me today that protecting religious freedom, and the first amendment of being able to speak someone's mind, was really important and how are we trying to parse and parcel our way to ensure people can have a conversation and we can still find protections. So while I'm thankful that you actually put statements in here relative to protecting the free exercise of religion, help me understand. So if I go back up to the first line, for the definition in this chapter of conversion therapy means the practice or treatment which impose a viewpoint. If someone's getting religious counseling, if they have a viewpoint. So when does it cross over from being having a viewpoint versus expressing that viewpoint or imposing that viewpoint? Because further on down below, four lines down, it implies to me, and this where I'm trying to understand, that the counselor must have acceptance, as the Senator from District number 4 had said, must have acceptance of it. So I'm trying to wrestle with and trying to ensure right? So I'm trying to ensure that if someone who has religious convictions and they're providing religious counseling, that we're not inadvertently tripping them up, that they're still allowed to have their belief, they're still allowed to have their convictions, and we're not hog-tying them by specifically imposing versus have and requiring acceptance of it. So how do we protect, how do we protect the religious community in that regard?

SENATOR BRADLEY: Let me answer it this way. This is a very difficult topic. I agree with our colleague from District 4 that language matters. It's the intent of this language that we not undermine the ability of counselors to be able to provide counseling whether it's religious counseling or other kinds of counseling that would help somebody understand what's going on in their life. That's clearly not the intent. And so, the addition of the phrases, which impose a viewpoint, and against an individuals will, are to try to clarify the legislative intent as to what crosses the line. If you are a counselor and you are trying to understand and talk about with your patient what's going on in their life, that's not imposing a viewpoint. But if you're trying to impose a viewpoint, the intent here is that you set a pretty clear line, you're imposing a viewpoint, whether it's yours or somebody else's viewpoint. And the protection that you're doing it against an individual's will is also trying to set that line. Nothing's perfect. This is our best attempt.

SENATOR SANBORN: Thank you for the answer, I appreciate that. So it's, for legislative intent, it's your belief that having a viewpoint is protected, but imposing that viewpoint on others would not be?

SENATOR BRADLEY: Absolutely.

SENATOR SANBORN: Thank you, thank you.

SENATOR BRADLEY: And I'll answer it this way. Senator, you have all sorts of viewpoints.

SENATOR SANBORN: One, maybe two.

SENATOR BRADLEY: But until you got thirteen people agreeing with you, you haven't imposed anything. That's kind of the difference, well you only need twelve others in this room. You see my point?

SENATOR SANBORN: Yes, thank you.

SENATOR BRADLEY: And I have those viewpoints too. But until twelve people are with me, nobody's imposed anything. And that's what the intent here is.

SENATOR SANBORN: Thank you. Thank you.

(The Chair recognized Senator Avard for a question of Senator Hennessey.)

SENATOR AVARD: Thank you, Senator for taking my question. With regards to all the conversation that's going on one of the things that I think is important to understand is, there's already an organization that frowns on the practice of conversion therapy. In order for you to hold your license by a particular board, if this particular board found out that you are practicing conversion therapy you would most likely be convicted if you will, or frowned on by your peers, would lose your license already. Is that correct?

SENATOR HENNESSEY: That is correct. But depending on the organization, but yes, the one I'm subscribed to, yes.

SENATOR AVARD: So why do we need this law, if the practice is already, if you practice this, you're already going to lose your license if you're found out?

SENATOR HENNESSEY: Well, first of all, this would make it something that you could even advertise. You could act, you could say I'm going to provide conversion therapy which I think is immediately something that should not be allowed. I don't know how many, we've talked about before but I don't know how many people realize there's a significant difference between conversion therapy and regular, what I do, which is regular. It's shaming, it's hurting, it's literally physically hurting at times having rubber bands that you snap against your wrist, and we're talking about people under eighteen years of age. So my answer is that there are lots of things in our society where the association would say you can't do that. You know, the medical association says that the person who was the physician for the U.S. Olympic Gymnastics team would lose his license if he did the things he did. But they also made it so it was against the law. It also is against the law. So it's not, it doesn't have to be one or the other. It's that serious in my mind.

SENATOR AVARD: Just for clarification. If somebody advertised that they had that they were doing conversion therapy, that would alert the boards then to say, to revoke their license to practice?

SENATOR HENNESSEY: Somebody has to report it.

SENATOR AVARD: But if you're advertising, you just reported yourself.

SENATOR HENNESSEY: Yeah well, I guess you are. As long as people are paying attention to it. Unfortunately many people who get, even those who are in conversion therapy have no idea that's what's going to happen. And so what, if you ask the average person on the street would they even know what conversion therapy is. I have to say, I think these are things that are happening almost entirely underground now. People are not out there because they know that it's against their boards and I believe it would make it even that much firmer if it were also something that we legislated.

SENATOR AVARD: So then are we to conclude that the boards are ineffective as to setting their own rules?

SENATOR HENNESSEY: No, I didn't make that conclusion at all.

SENATOR AVARD: Thank you.

(The Chair recognized Senator Giuda for a question of Senator Fuller Clark.)

SENATOR GIUDA: So we're talking religious therapy. So a deacon, or a minster, or a priest, or a rabbi, or an imam, says to a troubled teenager, you know that the Koran, and the Bible, and the Torah, and so forth, view this behavior as sinful, and therefore not good for your moral health. Has that person violated the statute? Because it's not necessarily providing acceptance, support, and understanding. To put in a religious counseling exception that says, you can't profess the very basis of the thing that you are an intrinsic part of, to me seems a very difficult problem, one that's not resolved in this legislation. Can you help me with that?

SENATOR FULLER CLARK: Well I believe that if you look at the language about non-infringement, it says, nothing in this chapter shall be construed to infringe on the constitutional right including the free exercise of religion. So that would allow an individual, as you referred to as a minster, an individual who is a pastor, an individual who is representing some of the other religions that you mentioned, within their pastoral capacity they are allowed to profess such thoughts as you shared with us right now. They are not however allowed under this legislation to advertise that they are providing that type of counseling and being paid for it. So it has to be within the context of practicing their religion, not practicing counseling professionally because all of the professions that are identified who therapy goes from pediatricians, to different kinds of therapists, have said there is no evidence of any kind that through pressure, or degrading someone because of their feelings, or however else you might try to convert them away from the feelings that they're having is, really possible professionally. And when we've heard that, well why do we need this legislation, we not only need this legislation to make it clear that this type of therapy is not professionally approved but also it provides language here so that if someone, a young person, has been forced to go through conversion therapy they know that that is a type of professional counseling that is not approved and can be dangerous.

SENATOR GIUDA: Thank you for taking my question.

(The Chair recognized Senator Daniels for a question of Senator Bradley.)

SENATOR DANIELS: Thank you. I think our previous discussion with the Senator from District 9, I think we agreed that you can have varying viewpoints on the same issue. Is that a correct statement?

SENATOR BRADLEY: Yes.

SENATOR DANIELS: Okay. So, if you had a viewpoint in support of this and I had a viewpoint opposed to this, going down to line 10, it says a conversion therapy shall not include talk therapy or religious counseling that provides acceptance, support, or understanding of that individual. So explain to me how your viewpoint and basically your imposition of your position on this is acceptable, but it suppressed my constitutional right to give my viewpoint on the same subject.

SENATOR BRADLEY: I think the overarching criteria in the legislation in terms of a religious viewpoint is the non-infringement section at the end. I think our friend from Portsmouth just explained the differentiation of what a religious counselor would mean in the earlier part of the definition. If you were a counselor paying for, or advertising getting paid for, but you're also a religious lay person, or expressing religious beliefs. I think, as I tried to explain to our colleague from Senate District 9, having a viewpoint and imposing a viewpoint are two different things. And I don't believe that talking about viewpoints is imposing a viewpoint.

SENATOR DANIELS: If I am a certified doctor and I am talking to my minor child, how am I protected under this from losing my license?

SENATOR BRADLEY: There is nothing in this bill, and we've had this discussion now I think on three different occasions. There's nothing in this bill that interferes with parent child relationship. This is strictly about licensed counselors operating under a license.

SENATOR DANIELS: Just a final question. So I understand that if you support something it's not imposing, but if I oppose something that's imposing? If I'm supporting something that's not imposing, but if I'm opposing something, that's imposing?

SENATOR BRADLEY: I'm not sure I agree with that. I mean look, I go to the doctor. Doctor tells me Bradley, you got high blood pressure, you ought to take pills, and he further goes on to say, and you're fat, and you're ugly, and you probably snore. I might not be too happy, but I ought to listen to him on the blood pressure medication. I mean, there's no language that's perfect. This is the best language that we can have, I believe, in terms of trying to protect folks that are counseling kids from disciplinary action in front of their boards while preserving religious liberties. While at the same time not imposing a view against the individual's will. That's what we're trying to get at.

SENATOR DANIELS: Thank you, Mister President.

(The Chair recognized Senator Avard for a question of Senator Fuller Clark.)

SENATOR AVARD: Thank you, Senator for taking my question. The Senator from District 19 mentioned something about our committee hearings and about some professionals that were there. Medical doctors, psychologists, pediatricians, that came out and opposed the overarching understanding of this bill. We know, and we've established in our conversation today, that boards if discovered would pull the license, maybe one board or multiple boards, will pull your license to practice if it is discovered that you are practicing conversion therapy. One of the doctors that testified was very concerned that in his practice of the free thought it will actually pull back and make them think twice before they actually consider taking a case. Do you feel that if we enact this law, that there will be psychologists, counselors, many other people out there who can actually help through this process, pull back and say look, we don't want to leave this up to the lawyers to decide whether I was trying to intervene or help? Is that a possibility that that could happen, that this turns into litigation for false accusations?

SENATOR FULLER CLARK: I do not believe so and I'll tell you why. And we heard just as many people from the professions that you enumerated, who were in favor of making sure that we clarify that conversion therapy is not a medical practice that should be allowed to exist. If you look at the second half of this paragraph, and we've talked a lot about acceptance, support, and understanding to that individual, that you need to go to the next sentence which says, nor does it prohibit facilitating an individual's coping, social support systems, and identity exploration and development, including sexual-orientation neutral interventions to prevent or address unwanted contact or unsafe sexual practices. It is important it says, if such counseling does not seek to change an individual's sexual-orientation or gender identity. So as long as a practicing therapist makes it clear that they were not seeking to change that individual's sexual orientation or gender identity, they are not going to

be deprived of their license. And I believe for many of the people that we heard from, they failed to understand to what degree that language provides a safe boundary for them.

SENATOR AVARD: Thank you, Senator for answering the question, but one of the statements from one of the professionals that were opposed to this bill, was the fact of I believe he used the word perception. If one is perceived to violate this law, if it comes into pass, there will be litigation that not only then takes away this individual's license, but also now they have to pay for lawyer's fees. Could that same individual who feels as though, or the people involved, feel as though they were violated, go to the board and have a license revoked today? Is there anything stopping them from doing that today?

SENATOR FULLER CLARK: I don't believe that, to answer your question, that being called up before a board necessitates litigation, necessitates having a lawyer. It provides an opportunity for that individual to explain what was going on in relationship to the therapy that they were providing. And then it's up to the board, which is made up of a number of individuals, to decide whether or not that rises to the level of conversion therapy. So it doesn't end up in the courts until such time perhaps if the finding of the board was something that the individual disagreed with. But the whole purpose of the language in here saying that, you know the way this is handled is by going before the boards that grant you a license. So I find it hard to understand that the first step would be litigation. And I believe in most instances that a professional would have the opportunity to explain their practice and if they weren't trying to convert someone's gender identity, that they would be allowed to continue to practice.

SENATOR AVARD: One final follow-up if I may.

SENATOR FULLER CLARK: I'm finished, thank you.

(The Chair recognized Senator Birdsell for a question of Senator Fuller Clark.)

SENATOR BIRDSELL: I only have one. Are you aware that last year in the House, Doctor David Pickup, he practices out of Texas, he's a licensed psychologist, testified in the House that in California, and he used to practice in California, California passed similar legislation, I think it's more similar to the House Bill. But because of that many of the therapists in California chose not to deal with any more children who were having sexual orientation or gender identity issues? Are you aware of that?

SENATOR FULLER CLARK: I was not aware of that testimony. However, I know that, you know, there is a wide range of therapists that one can seek out so if a particular therapist decides not to practice it doesn't mean that there aren't other therapists that are available.

SENATOR BIRDSELL: Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise and ask that we overturn the committee report. You know we've been dealing with this issue again and again and again. I know it's uncomfortable for many on both sides and we want to be talking about things we can expand opportunity but we need to deal with this issue. And lots of discussion, lots of confusion, lots of questions, not a lot of people standing

up and defending conversion therapy, but hopefully we'll have the opportunity to hear that. That confusion is just a purpose to try to make this bill unsuccessful. And we have to recognize that this is not a difficult one, this is not a confusing one, this is something that we can do and we need to do. This practice, it's a backward, barbaric practice aimed to scare the gay away. That's what this is about, pure and simple. If we were writing it on a wall with spray paint it'd be a hate crime. This is what we're doing and we need to call it what it is. We need to move forward and we need to overturn this committee report, and go back to the bill that we dealt with a while ago, that Senator Fuller Clark is bringing and move this forward. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I just wanted to answer also, or respond, to some of the questions that we're being asked too. First of all let me just say that two very reasonable people can look at something like this and have a whole afternoon of testimony and remember different people who spoke. So I just want you to know that if you look at the hearing report, there were a lot of very sophisticated people who came to talk in support of the ban of conversion therapy. I also want to say that we got into quite a discussion about the fact that we might be opening up people to leaving the profession or fears of being reprimanded in some way by the professional association. Every single time my daughter, who's an OBGYN, walks into a room with a patient, who's mostly naked, she opens herself up to a lawsuit. Every time she does surgery, she opens herself up to a lawsuit. Every time I met with any child in my house, in my office, behind closed doors, I opened myself up to a lawsuit. That's why I have liability insurance. That's why every two years I have to take more ethics classes to be sure I understand what is ethical and what is not. We all open ourselves, unless you're in the Senate, you open yourselves up to liabilities. Anybody who has a hotel opens themselves up to a lawsuit. That's the nature of our U.S.A. and that's the way we live our lives. If, and I will say it again, I've said it before, if a psychologist, a licensed clinical psychologist, is not going to practice because they're afraid they're going to do something wrong, I worry about that psychologist. If a doctor is not going to see a naked baby in front of them because he's afraid he's going to do something wrong, I don't want that doctor for my children. So, you know that's all I have to say. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. You don't see anything in this bill that prohibits encouraging a conversion to confused child, towards a lesbian gay LGBT lifestyle. This is all one-sided. We're going to stop the discussion of anything that might challenge what you're thinking. We're not going to stop the discussion that it might advance what you might be thinking. That's not a good bill. I would prohibit anything pro or con, shut up and listen and don't say anything. That's really not therapy is it? I would take offense at the remarks of the Senator from District 1 who impugns the questions of the people in this body as being merely a political ploy. That is sheer nonsense and is disrespectful of the body and anyone who asks the question. Thank you for your indulgence, Mister President. There's nothing in this bill that is fair. It is all pushing towards one direction. And I'm very happy to put an amendment in at some point that says let's make this objective. Because there is conversion therapy that goes the other way. We have allowed a certain segment

to define conversion, but conversion goes both ways. If a confused teen sits in a doctor's office and says I'm not sure, we're saying we can't tell you, you shouldn't probably go that direction. But there's nothing wrong with telling you that you can. And for that reason I cannot support the bill. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Avard, seconded by Senator Feltes.

The following Senators voted Yes: Giuda, Bradley, Watters, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Morse.

The following Senators voted No: Woodburn, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis.

Roll Call, Yeas: 12 - Nays: 12. Failed.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Feltes for an introduction.)

SENATOR FELTES: Mister President, it's my great honor to welcome to the Senate Gallery the fourth grade class, one of the fourth grade class, of the Christa McAuliffe School here in Concord. Let's give them a round of applause.

Senator Fuller Clark offered a Floor Amendment.

Sen. Fuller Clark, Dist 21
April 19, 2018
2018-1654s
01/04

Floor Amendment to HB 587-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Prohibiting Conversion Therapy on Minors. Amend RSA by inserting after chapter 332-K the following new chapter:

CHAPTER 332-L
PROHIBITING CONVERSION THERAPY ON MINORS

332-L:1 Definition. In this chapter, "conversion therapy" means practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion therapy shall not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

332-L:2 Prohibition; Violations, and Enforcement.

I. A person who is licensed to provide professional counseling under RSA 326-B, RSA 328-D, RSA 329, RSA 329-B, RSA 330-A:16, RSA 330-A:18, RSA 330-A:19, RSA 330-A:20, RSA 330-A:21, or RSA 330-C, including, but not limited to, a nurse, physician assistant, physician, psychologist, clinical social worker, clinical mental health counselor, marriage and family therapist, or licensed alcohol and drug counselor,

or a person who performs counseling as part of the person's professional training for any of these professions, shall not engage in conversion therapy with a person under 18 years of age.

II. Any licensed professional, as listed in paragraph I, who proposes to engage or engages in conversion therapy on a patient under 18 years of age shall be considered to have engaged in unprofessional conduct and shall be subject to such discipline as the relevant licensing authority deems appropriate.

332-L:3 Non-Infringement. Nothing in this chapter shall be construed to infringe on any constitutional right, including the free exercise of religion.

2 Effective Date. This act shall take effect January 1, 2019.

SENATOR FULLER CLARK: This message is the identical language, or this amendment is the identical language to Senate Bill 224 which passed this body last year by a vote as I understand it of 15-7. I urge the Senate to reaffirm that vote by voting in favor of this amendment and sending this across to the House because it will have the greatest chance of passing. Thank you.

A roll call was requested by Senator Soucy, seconded by Senator Fuller Clark.

POINT OF ORDER

(The Chair recognized Senator Birdsell for a point of order.)

SENATOR BIRDSELL: Are we doing a vote now without even a discussion about the amendment?

PRESIDENT MORSE: That's up to you, Senator.

SENATOR BIRDSELL: Mister President, can we hear a little bit about the amendment?

PRESIDENT MORSE: That would be up to the body.

SENATOR BIRDSELL: Wow.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Alright so, let me try to outline the differences. If you have the calendar and the amendment after the words, means practices or treatments that seek to change an individual's sexual orientation, the words, which impose a viewpoint, are deleted. On line 10 of the amendment conversion therapy shall not include counseling that provides assistance to a person undergoing gender transition. So the phrase, talk therapy and religious counseling, are deleted and at the end of the definition on line 15 the amendment ends at the word, gender identity, and so deleted from the committee amendment are the words, against an individual's will. I believe everything else is the same as the Committee Amendment and Senate Bill 224. Those are the differences. It takes out religious counseling in the definition of conversion therapy on line 10.

(The Chair recognized Senator Sanborn for a question of Senator Bradley.)

SENATOR SANBORN: Senator, thank you for taking my question. So is it your opinion having chair of the committee, heard the testimony and had an opportunity to review your amendment, this amendment, everything, would voting in favor of this amendment strip away or diminish the protections for people to try and maintain some level of religious freedom in this discussion?

SENATOR BRADLEY: No. And the reason I say no is what's in line 28 through 30. That is an overarching section of what will be Chapter 332-L which will not prohibit any infringement on the exercise of free religion. In the Committee Amendment, in the definition religious counseling was more belt and suspenders.

SENATOR SANBORN: Thank you. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Bradley.)

SENATOR GIUDA: Lines 28 and 29, nothing in this chapter shall be construed to infringe on any constitutional right, including the free exercise of religion. So are not the licensing boards for these professionals government entities?

SENATOR BRADLEY: Yes, they are.

SENATOR GIUDA: And is not the function of the constitution to prevent, or to protect, individuals from over burdensome intrusion or infringement on the rights if they are engaged with government?

SENATOR BRADLEY: That's correct. The language says nothing shall be construed to infringe upon any constitutional right including the exercise of free religion. The definition in Section 1 and the prohibition in Section 2, talk about professionally licensed counselors, and so that's where the ban on conversion therapy, which is defined in the definition, would come from. For those counselors, but not a religious person operating as a pastor, or you know all of the various roles that a religious counselor might have. But not a professionally licensed one.

SENATOR GIUDA: Thank you, Mister President. So the first amendment guarantees the right of free speech and if we are seeking to truncate the first amendment with a law for someone that is engaged in a conflict with the government when it comes to the enforcement of that law, are we not then violating that constitutional amendment?

SENATOR BRADLEY: I don't believe we're violating that constitutional amendment. The scope of Sections 1 and 2 in Senator Fuller Clark's bill deal with licensed individuals. Nothing is prohibiting somebody from exercising either free speech of freedom of religion. It only becomes an issue when one is a professional counselor being paid, advertising, subject to the oversight of the boards that they receive their license from.

SENATOR GIUDA: Not to beat a dead horse Mister President, but if the licensing agency's a government entity, this then infringes on the first amendment rights of a counselor in dealing with an individual.

SENATOR BRADLEY: I guess I don't see it the same way you do.

SENATOR GIUDA: Thank you.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Soucy, seconded by Senator Fuller Clark.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators voted No: Giuda, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Morse.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

INTRODUCTION OF GUESTS

(The Chair recognized Senator D'Allesandro for an introduction.)

SENATOR D'ALLESANDRO: Thank you, Mister President. We have up in the gallery UNH Manchester professor, Steve Pimpare and his students. They're here observing the Senate for their class in New Hampshire Politics in Action. Rise and be recognized.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Avard, seconded by Senator Soucy.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators voted No: Giuda, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Morse.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 298, relative to licensing requirements for apprentice plumbers. Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Senate Executive Departments and Administration
April 11, 2018
2018-1470s
10/05

Amendment to HB 298

Amend the title of the bill by replacing it with the following:

AN ACT relative to the mechanical licensing board.

Amend the bill by replacing all after the enacting clause with the following:

1 Mechanical Licensing; Definitions. Amend RSA 153:27 to read as follows:

153:27 Definitions. In this subdivision:

I. "Board" means the mechanical licensing board established in RSA 153:27-a.

II. "Domestic appliance technician" means any person engaged in the installation, servicing, and repair of liquefied propane or natural gas domestic appliances designed specifically for residential use, limited to residential clothes dryers and their venting systems, domestic stove tops, cook stoves and ranges and their venting systems, or outdoor cooking equipment and pool heaters.

III. "Fuel gas fitter" means a hearth system installation and service technician, ***a domestic appliance technician,*** a fuel gas installation technician, a fuel gas service technician, or a fuel gas piping installer regulated by this subdivision.

IV. "Fuel gas fitting" means the installation, repair, alteration, service, demolition or removal of pipes, fixtures, fittings, appliances, ***equipment,*** or apparatus necessary for supplying natural gas or propane for residential or non-residential use from the point of delivery and all gas piping before connection to the combustion zone and including the applicable venting of flue gases to the outside atmosphere and the provisions for air for combustion and ventilation.

V. “Fuel gas installation technician” means any person engaged in the installation of inside and outside piping from the outlet of the gas meter or first stage regulator or residential and non-residential ***fuel gas appliances and equipment, including but not limited to*** heating equipment systems or water heating systems using liquefied propane gas or natural gas.

VI. “Fuel gas piping installer” means any person engaged in the installation of liquefied propane gas or natural gas piping or who is a New Hampshire licensed plumber, approved by the board through affidavit, experience, education or training in the use of NFPA 54, national fuel gas code as adopted pursuant to RSA 153:5 in the state fire code.

VII. “Fuel gas service technician” means any person engaged in the servicing and repair of inside and outside piping from the outlet of the gas meter or first stage regulator or residential and non-residential ***fuel gas appliances and equipment, including but not limited to*** heating equipment systems or water heating systems using liquefied propane gas or natural gas.

VIII. “Fuel gas trainee” means any person engaged in the process of meeting the licensing requirements of this subdivision, who shall work under the ***direct*** supervision of a licensed fuel gas fitter in the repair or installation of inside and outside piping from a gas meter or first stage regulator, and the repair or installation of residential and nonresidential ***fuel gas appliances and equipment, including but not limited to*** heating equipment systems, hot water heating systems, ***domestic appliances,*** or hearth equipment systems utilizing liquefied propane gas or natural gas.

IX. “Hearth system installation and service technician” means any person engaged in the installation, servicing, and repair of liquefied propane or natural gas hearth appliances and venting systems.

X. “Journeyman plumber” means any person who customarily performs the work of installing, maintaining, and repairing plumbing and drainage under the direction of a master plumber.

XI. “License” means any license issued pursuant to this subdivision.

XII. “Master plumber” means any person, firm, corporation, or limited liability company that, as a business, hires or employs a person or persons to do plumbing work, or, without hiring any person, does that work as a principal business or as auxiliary to a principal business for its own account.

XIII. “Person” means an individual, natural person.

XIV. “Plumbing” means the practice, materials, and fixtures used in the installing, maintenance, extension, and alteration of all piping, fixtures, plumbing appliances, and plumbing appurtenances within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; and public or private water systems. For the purposes of this subdivision, the term “plumbing” shall not apply beyond the first fitting beyond the foundation wall of the building or 5 feet of pipe from the building.

XV. “Plumbing apprentice” means any person who is engaged in learning and assisting in the installation of plumbing and drainage under an apprenticeship program that meets the requirements of the state apprenticeship advisory council established in RSA 278 ***or the rules of the board***.

XVI. “Water treatment system” means any apparatus for treating or processing water to modify, enhance, or improve its quality or to meet a specific water quality need, desire, or standard, and the pipes, fittings, and other components servicing such apparatus.

XVII. "Water treatment technician" means any person who installs, maintains, or repairs water treatment systems.

XVIII. "Water treatment trainee" means any person who is engaged in learning about and assisting in installing, maintaining, or repairing water treatment systems under the direct supervision of a water treatment technician certified under this subdivision.

2 Business Entities License. Amend RSA 153:29-a, I to read as follows:

I. The board may issue a business entity a license without examination or continuing education requirements to corporations, partnerships, or limited liability companies engaged in fuel gas fitting and/or plumbing, provided one or more officers of the corporation, or designee, or one or more members of the partnership, or designee, or one or more managing members of the limited liability company, or designee, hold an active and current license as a ***domestic appliance technician, hearth system installation and service technician, or*** fuel gas service technician or master plumber for the appropriate mechanical business entity license, or any combination thereof, provided that the licensee of record is properly licensed for each of the business entities listed by the applicant under this subdivision. Within 30 days after the death or withdrawal of the licensed person as a corporate officer, or designee, or member of the partnership, or designee, or one or more managing members of the limited liability company, or designee, the licensed person, corporation, partnership, or limited liability company shall give notice thereof to the board and, if no other officer, partner, manager or designee, is licensed as a ***domestic appliance technician, hearth system installation and service technician, or*** fuel gas service technician or master plumber, the corporation, or partnership, or limited liability company shall not act as a fuel gas fitter or plumber until some other officer, member, or designee, has obtained a license as a ***domestic appliance technician, hearth system installation and service technician, or*** fuel gas service technician or master plumber. Notwithstanding any other provision of law, the board shall not require a fee for a business entity engaged in fitting and/or plumbing where a licensed ***domestic appliance technician, hearth system installation and service technician, or*** fuel gas service technician or master plumber is the sole individual holding the license of the business entity.

3 New Paragraph; Business Entities; Good Standing; Insurance. Amend RSA 153:29-a by inserting after paragraph V the following new paragraph:

VI. All business entities shall provide proof of good standing with the secretary of state and proof of liability insurance prior to issuance and renewal of a business entity license.

4 Effective Date. This act shall take effect 60 days after its passage.

2018-1470s

AMENDED ANALYSIS

This bill clarifies the definitions of persons licensed by the mechanical licensing board and requires business entities to show proof of good standing and insurance.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 298 Ought to Pass with Amendment. This bill will make New Hampshire more competitive through, with other programs and trades and it will directly reduce the workforce shortage. This bill will clarify the definitions of persons licensed by the Mechanical Licensing Board and will require all business entities to show proof of good standing with the Secretary of State's Office and proof of liability insurance prior to issu-

ance and renewal of a business entity license. Currently the plumber apprentice program is controlled by the Federal Government and the Mechanical Licensing Board does not have a say. This legislation will allow the Mechanical Licensing Board to test out apprentice plumbers after the first or second year after which time their third and fourth year on the job will be with supervision, but not direct supervision. This is a four year program and they are seeing people drop out after the third year because of the time consuming education requirements. The Mechanical Licensing Board is trying to make it easier for plumbers to become licensed in their field. This will also give the Mechanical Licensing Board more control with the New Hampshire Apprentice Program within the state. The ED&A Committee voted favorably Ought to Pass with Amendment and asks for your support in its recommendation. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1104-FN, relative to dredge and fill permit time limits; relative to time limits under the administrative procedure act; and relative to online filing with the secretary of state's office.
Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Senate Executive Departments and Administration
April 11, 2018
2018-1467s
05/10

Amendment to HB 1104-FN

Amend the bill by replacing section 4 with the following:

4 Administrative Provisions; Extensions for Conservation Commission Action on Wetlands Applications. Amend RSA 482-A:11, III(a) to read as follows:

(a) Upon written notification to the department by a municipal conservation commission***, a local river management advisory committee, or the New Hampshire Rivers Council*** that it intends to investigate any notice received by it pursuant to RSA 482-A:3, the department shall not make its decision on the application that is the subject of the notice until it has received and acknowledged receipt of a written report from such commission***, local river management advisory committee, or the council***, or until 40 days from the date of filing with the municipal clerk of such notice, whichever occurs earlier, subject to an extension ***of up to 40 days,*** as permitted by the [~~department~~] ***commissioner, for good cause shown***. In connection with any local investigation, a conservation commission may hold a public informational meeting or a public hearing, the record of which shall be made a part of the record of the department. Where the [~~department~~] ***commissioner*** grants an extension, the time limits prescribed by RSA 482-A:3, XIV(b) shall be suspended [~~until a date~~] ***for up to 40 days as*** agreed to by the applicant and the department. If a conservation commission***, a local river management advisory committee, or the New Hampshire Rivers Council*** makes a recommendation to the department in its report, the department shall specifically consider such recommendation and shall make written findings with respect to each issue raised in such report which is contrary to the decision of the department. If notification by a local conservation

commission***, local river management advisory committee, or the New Hampshire Rivers Council*** pursuant to this paragraph is not received by the department within 14 days following the date the notice is filed with the municipal clerk, the department shall not suspend its normal action, but shall proceed as if no notification has been made.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1104 Ought to Pass with Amendment. House Bill 1104 shortens timelines related to dredge and fill printed applications, establishes time limits for recommendations on grants of right petitions, reduces time limits for agency actions on applications, provides that failure of an agency to act within a certain time, limits shall be treated as agency approval, requires the Secretary of State to allow online business and corporate filings, and establishes and clarifies time limits for agency action on applications, petitions, and requests by various departments. The bill as amended addresses notification and extension provisions for wetlands and includes not only conservation commissions, but also the Local River Management Advisory Committee or the New Hampshire River Councils. Please join the ED&A Committee in supporting the motion of Ought to Pass with Amendment on House Bill 1104. Thank you, Mister President.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Woodburn for a parliamentary inquiry.)

SENATOR WOODBURN: I received some concerns. Will this go to Finance with an opportunity to discuss it further?

PRESIDENT MORSE: Yes.

SENATOR WOODBURN: Okay. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

(The Chair recognized Senator Ward)

SENATOR WARD: Thank you, Mister President. I rise in opposition to House Bill 1104. I'm very concerned that the reduced application process time limits will weaken the ability of the Department of Environmental Services to adequately protect our wetlands. In RSA 482-A:1 in the finding of public purpose, to protect and preserve its submerged land under tidal and fresh waters and its wetlands and in other contents for despoliation and unregulated alteration. In our proposed bill here we have on page 6, may for just consideration grant to an owner of a shoreline on public waters the right to excavate, remove or dredge any bank, flat, marsh, swamp or lakebed before the owner's shoreline. That is what could happen, and we have a bill now that essentially guts the intent of the public purpose. In addition we have an automatic permit approval if the DES does not act within the shortened time frame, which further poses a lot of danger to the protection of our wetlands. In addition right now we should know that the DES is in the process of updating all its wetland rules, and I believe that maybe we should hold off on this bill until those wetland rules are published. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise in favor of the bill as amended. I think it's important that everyone understand that the Department of Environmental Services were actively involved in this process and they had agreed to these timelines. And we had testimony that one of the bigger problems here is that getting these permits are just taking way too long. That's why we have a section in there creat-

ing what is known as a certified planner. In order to take care of the smaller projects so they can concentrate on the bigger ones. But I think it's important, Mister President to emphasize the Department of Environmental Services were very involved in this process. They agreed on this language and to these deadlines and they testified to that in the public hearing. Thank you very much, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HB 1427-FN, relative to membership in the retirement system for certain officials.
Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration
April 11, 2018
2018-1472s
10/05

Amendment to HB 1427-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the reduction in the calculation of state retirement system annuities at age 65.

Amend the bill by replacing all after the enacting clause with the following:

1 Retirement System; Service Retirement Benefits; Reduction Age. Amend RSA 100-A:5, I(b) to read as follows:

(b) Upon service retirement, an employee member or teacher member of group I shall receive a service retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement, and a state annuity. Prior to the member's attainment of [~~age 65~~] ***the member's full retirement age for Social Security***, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation multiplied by the number of years of creditable service. After attainment of [~~age 65~~] ***the member's full retirement age for Social Security***, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation multiplied by the number of years of creditable service. Provided, however, that a group I member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 65; but may receive a reduced allowance after age 60 if the member has at least 30 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 65 years of age, by 1/4 of one percent.

2 Retirement System; Ordinary Disability Retirement Benefits; Reduction Age. Amend RSA 100-A:6, I(b)(1)(A) and (B) to read as follows:

(A) Prior to the member's attainment of [~~age 65~~] ***the member's full retirement age for Social Security***, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his ***or her*** ordinary disability retirement multiplied by the number of years of creditable service at the time of his ***or her*** ordinary disability retirement;

(B) After attainment of [~~age 65~~] ***the member's full retirement age for Social Security***, the state annuity, together with the member

annuity, shall be equal to 1/66 of the member's average final compensation at the time of his ***or her*** ordinary disability retirement multiplied by the number of years of creditable service at the time of his ***or her*** ordinary disability retirement;

3 Retirement System; Accidental Disability Retirement Benefits; Reduction Age. Amend RSA 100-A:6, I(d)(1)(A) and (B) to read as follows:

(A) Prior to the member's attainment of [~~age 65~~] ***the member's full retirement age for Social Security***, the state annuity, together with the member annuity, shall be equal to 1/60 of the member's average final compensation at the time of his ***or her*** accidental disability retirement multiplied by the number of years of creditable service at the time of his ***or her*** accidental disability retirement;

(B) After attainment of [~~age 65~~] ***the member's full retirement age for Social Security***, the state annuity, together with the member annuity, shall be equal to 1/66 of the member's average final compensation at the time of his ***or her*** accidental disability retirement multiplied by the number of years of creditable service at the time of his ***or her*** accidental disability retirement;

4 Effective Date. This act shall take effect 60 days after its passage.

2018-1472s

AMENDED ANALYSIS

This bill provides for the application of the reduction of a retiree's annuity at the member's full retirement age under the federal Social Security system.

SENATOR CARSON: Thank you, Mister President. I move House Bill 1427-FN Ought to Pass. House Bill 1427 will provide for the application of the reduction of a retiree's annuity at the members full retirement age under the federal social security system. Presently under the retirement system, upon service retirement an employee member shall receive a service retirement allowance consisting of the member's annuity at the time of retirement and a state annuity. This legislation asserts prior to a member's completion of full retirement age for social security, the state annuity together with the member annuity shall be equal to one-sixtieth of the member's average final compensation. After attainment of the member's full retirement age for social security, the state annuity, together with the member annuity, shall be equal to one-sixty-sixth of the member's average final compensation. This legislation was a recommendation which came out of the Decennial Retirement Commission. Please join the ED&A Committee in supporting the motion of Ought to Pass with Amendment on House Bill 1427. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HB 1506-FN, relative to regulation of graduate physicians.
Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration
March 28, 2018
2018-1275s
10/03

Amendment to HB 1506-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the commission on primary care workforce issues.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Commission on Primary Care Workforce Issues; Membership. Amend RSA 126-T:1 by inserting after paragraph XVIII the following new paragraphs:

XIX. A nurse with experience in primary care, appointed by the New Hampshire Nurses Association.

XX. A representative of the substance use disorder treatment community, appointed by the New Hampshire Alcohol and Drug Abuse Counselors Association.

2 Commission on Primary Care Workforce Issues; Reports. Amend RSA 126-T:4 to read as follows:

126-T:4 Reports. The commission shall make an interim report on November 1, [~~2015~~] ***2018 which shall focus on the status of the New Hampshire State Loan Repayment Program and the New Hampshire division of public health service's health professions survey***, and a final report on November 1, [~~2019~~] ***2020***, including its findings and any recommendations for proposed legislation, to the speaker of the house of representatives, the president of the senate, [~~and~~] the governor, ***the oversight committee on health and human services, and the chairpersons of the senate and house executive departments and administration committees.***

3 Commission on Primary Care Workforce Issues Extended. Amend 2010, 114:4, I as amended by 2015, 238:4 to read as follows:

I. Section 3 of this act shall take effect November 1, [~~2019~~] ***2020***.

4 Effective Date. This act shall take effect upon its passage.

2018-1275s

AMENDED ANALYSIS

This bill adds to the membership and extends the commission on primary care workforce issues.

SENATOR CARSON: Thank you, Mister President. I move House Bill 1506-FN Ought to Pass with Amendment. This bill will add two additional members to the Commission on Primary Care Workforce and will extend the commission's deadline dates. The additional requested members would include a nurse with experience in primary care who would be appointed by the New Hampshire Nurse Association and addition to a representative of the substance use disorder treatment community appointed by the New Hampshire Alcohol and Drug Abuse Counselors Association. An interim report with a reporting date of November 1st, 2018 will focus on the status of the New Hampshire State Loan Repayment Program and the New Hampshire Division of Public Health Profession Survey. A final report from the commission will be extended to November 1st, 2020. The ED&A Committee voted 4-0 Ought to Pass with Amendment and asks for your support in its recommendation. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. There are six words in the Committee Amendment that I take exception to, and that is, amend the bill by replacing all. There was a lot of work done on the underlying bill. It took an email that I got last summer about physicians or MDs, people who graduate from medical school, and are not allowed to practice because they didn't get a match, and if they wanted to practice as a nurse

practitioner or even a physician assistant, they would have to go back through school to do that. We worked hard. I contacted one of my physician friends in the House and it took, I think it was three maybe even four times, having a conversation with him to get him to see the benefits of that. In fact, it worked so well in the House that there was I think four or five physicians that have testified on the bill to its advantages. I understand if the Senate is going to take a little time to be convinced. So without further ado I will say that if, whether, the amendment passes or not I have a piece of legislation that at least would change it into a study committee and I'll speak to that at the proper moment.

POINT OF ORDER

(The Chair recognized Senator Carson for a point of order.)

SENATOR CARSON: Thank you, Mister President. Point of, I don't know, order? I don't know what you want to call it. But I just have a question because we were speaking of the amendment and the good Senator from District 6 was speaking of the bill.

PRESIDENT MORSE: I think he spoke of six words in the amendment.

SENATOR CARSON: Okay, alright. So I want to make sure I speak to the amendment and I guess to the bill as we started talking about it. We had the public hearing, well-attended, only four people spoke in favor of this bill. And I would ask all of you to take a look at the hearing report. There are a lot of problems with this bill. A tremendous amount of problems. In fact in speaking to one of the sponsors of the bill, a House member, he told me he was shocked that it even passed the House. This bill is not ready for prime time and I look forward to the discussion when the good Senator from District 6 brings his amendment forward. Thank you very much.

The question is on the adoption of the Committee Amendment.

A division vote was requested.

Yeas: 10 - Nays: 8. Adopted.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6
April 13, 2018
2018-1504s
10/04

Floor Amendment to HB 1506-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the commission on primary care workforce issues, and establishing a committee to study allowing medical school graduates who have not completed residency requirements to work in underserved areas of the state.

Amend the bill by replacing section 4 with the following:

4 Committee Established. There is established a committee to study allowing medical school graduates who have not completed residency requirements to work in underserved areas of the state.

I. The members of the committee shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee's study shall include, but not be limited to:

(a) Studying the issue of allowing medical school graduates who have not completed residency programs (graduate physicians) to work under supervision as physician assistant equivalents or as interns in hospitals in medically underserved areas of the state; including whether the Educational Commission for Foreign Medical Graduates (ECFMG) criteria is sufficient to consider international medical graduates eligible to practice under supervision; whether additional screening is appropriate or whether hospitals and medical groups would sufficiently vet their qualifications; and comparing their clinical training with that of other mid-level providers such as APRNs and physician assistants currently eligible to be licensed in this state.

(b) Oversight of graduate physicians through collaborative practice arrangements with physicians, to include any limitations on the scope of such arrangements and the method and degree of review of the graduate physician's delivery of health care services, including the use of telemedicine and similar measures to provide such review.

(c) The feasibility of providing educational opportunities to these individuals, including the use of distance learning techniques and online interactive conferencing to bring these opportunities to rural areas.

(d) The results of similar efforts in the state of Missouri in 2014, including successes and challenges.

(e) The degree to which services provided by graduate physicians might be eligible for federal reimbursement under Medicare, Medicaid, and other programs.

(f) The cost and potential availability of malpractice insurance for graduate physicians.

(g) Licensure required for graduate physicians, including whether it is reasonable to create a path to licensure as a physician and what period of time, education, testing, or other requirements should be considered for such an alternative path to licensure.

IV. The committee may solicit information from any person or entity the committee deems relevant to its study.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2018.

5 Effective Date. This act shall take effect upon its passage.

2018-1504s

AMENDED ANALYSIS

This bill adds to the membership and extends the commission on primary care workforce issues. This bill also establishes a committee to study allowing medical school graduates who have not completed residency requirements to work in underserved areas of the state

SENATOR GRAY: Thank you, Mister President. This bill, recognizes that there are those Senators who believe that this issue of graduate physicians needs additional work. And so instead of just throwing all the work that

we did away, we would like to have a study committee, one member of the Senate, three members of the House, etcetera, you can read it. It's pretty much a standard bill. There is a number of things that were brought up in both the House hearings and the Senate hearings, for things that they would like to see improved from various stakeholders who had input. Understand that due to the exigencies of other things going on there was not a large amount of support at the committee hearing for the bill. But I can say that about many of the bills that we've been hearing today. Right now, I've heard one of the Senators say that the things that this bill would say that we should go study are not the right things to study. Well, I'm surprised at that because those are the things that the people who testified against the bill said need to be resolved. And since I would imagine that the Senate President might pick that one member of this committee and it might fall into my workload that the other Senators wouldn't have to be bothered by the inconvenience of going to these meetings. So with that, I would ask you to support the amendment establishing the study committee. Thank you, Mister President.

PRESIDENT MORSE: Thank you, Senator Gray. I just was made aware of something, and I think you should know that as everyone's in and out of the room. you barely passed the Committee Amendment because under Senate rules, ten people have to vote in favor of anything. So, it's in the Constitution. So, the reality of going in and out of the room could have been a different vote.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I rise to speak against this amendment. In looking it over, I find it very troublesome in a number of different areas and I would like to applaud the good Senator from District 6 for his attempt. But I think the first problem right away is you're having legislators do this. This needs to be done by the professionals. And again, I draw your attention to the hearing report. Almost every single entity that deals with medicine came in to testify against this bill. So now you're going to have, you have one member of the Senate and three members of the House working on this without having the medical professionals at the table. Yes, they can call on them, you can come in, you can give testimony. But this really needs to be a commission and not a committee.

I would like to bring your attention to line 20 on page 1. They're looking, they're talking about folks that did not complete residency programs, and they're calling the graduate physicians, to work under the supervision as a physician assistant equivalent, or interns. We already have physician's assistants. We already have interns. So this was part of the problem with the bill. This is something that's completely new and it hasn't really been defined here. So what are these folks going to be? In the bill, the original bill, they were referred to as assistant physician's assistants. Well, that's confusing because we already have physician's assistants, we already have qualifications for their education. So how are these folks going to fit in? I'd also like to draw your attention on the second page. It begins on line 1, the similar efforts, the results of similar efforts in the state of Missouri. We already know what those are, because they were testified to during the public hearing. They passed it but no one has taken advantage of it since 2014. The third line, the degree to which services provided by graduate physicians might be eligible for federal reimbursement. We already had testimony that they're not

eligible. So if we get these folks up and running, how are they going to get reimbursed for their services? Well the one that I find really interesting is on line 6. Licensure required for graduate physicians including whether it is reasonable to create a path to licensure as a physician. So the state is now going to be providing a separate license for someone who went through medical school, but for whatever reason never did a residency or internship, and we're going to certify them as physicians? How is that going to work, ladies and gentlemen? And furthermore, what period of time, education, testing, or other requirements as an alternative path to licensure. These are people that are going to be out there treating our citizens. There has to be a degree of safety involved here. This is why I just don't think this is ready for prime time. And the committee believed that it wasn't ready for prime time and when I spoke to the bill's sponsor, I talked to him, and we discussed the fact that this was not ready for prime time.

If you're going to do this, it needs a commission and you need to get everybody to the table, not legislators. We are not physicians, although we do have physicians over in the House, who think this is a great idea. But I just think it's interesting everybody else within their industry thinks it's a terrible idea. I have some difficulty with saying we're going to put these quasi-physicians in our state's rural areas. I, don't the people that live in our rural areas deserve the very best care? I believe they do, and that is one reason why I brought the amendment forward with the workforce commission that's doing all of this work. They are actively working on getting physicians to come to the state of New Hampshire, and we need to continue to do that. But I think this is a step in the wrong direction. I think it's opening us up to a lot of problems. Yes, Missouri did this, but nobody's taken advantage of it. So we need to proceed very carefully.If the Senator from District 6 would like to amend this to make this a big commission, I would support that. Because then you do have the professionals at the table. Having and being a part of the discussion. But as it is right now, I don't believe this accomplishes what the good Senator from District 6 would like to do. Thank you very much, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of this amendment. You know, you're worried about maybe getting substandard treatment, we don't have any treatment up in the North Country. We're desperate for doctors and nurses, okay? And I don't think that a study impinges any negativity on safety. I think that a committee is perfectly capable of inviting the Board of Licensure who would set the standards for this. This is an exploration, this isn't establishing it, this is exploring it. And we are in such desperate need of doctors in the North Country that while you may enjoy them down in the southern third of the state, the northern two-thirds of New Hampshire needs doctors, and nurses, and physician's assistant's etcetera. So I support this because I think that legislators are capable of framing the questions and of inviting to the table the agencies and the medical societies and so forth who will be involved in shaping whatever might come out of this. And for that reason, Mister President, because of the desperate shortage of physicians in the North Country, I support this bill. Thank you.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Hennessey for an introduction.)

SENATOR HENNESSEY: Thank you, Mister President. I rise to introduce a remarkable community of citizens from my district who are here visiting today from Woodlands Independent Living Retirement Community, a beautiful, wonderful place to live. Welcome.

(The Chair recognized Senator Gannon for a question of Senator Carson.)

SENATOR GANNON: Did we not hear, if you can help my recollection, I'm getting old. Did we not hear in testimony from the hospitals up north that there was no desperate need that they were fine at the moment and the desperation was an illusion? Did we not hear that?

SENATOR CARSON: Senator, yes, we did. Thank you very much.

SENATOR GANNON: Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise in support of the amendment and for those who have not been here for a long period of time, I can't remember a year, except maybe this year, where we didn't have an initiative to try and bring more medical staff to the North Country. We spent four years talking about the need for dentists, we've spent I think it was $20 million from the Charitable Pew Foundation about four years ago in an offer to try and set up rural dentists up north. For any of you who have not had that opportunity to drive up north and get in a car accident or a snowmobile accident or get hurt hiking in the woods, I encourage you go do that. And maybe when you're lying in the woods, like a bunch of people are with no medical care, you too might say to yourself, boy it'd be nice to have a doctor within a couple three hours. As I read this, this is a commission, this is a committee, my apologies it's a relative to a commission but it's a committee, to ask the question, to bring way too many Senators and probably not enough House Reps, so we probably need a Floor Amendment Mister President, and move that down to one, because I do not want to serve on it, to ask the question, what's more important, some medical care or no medical care? Today we have volunteer people volunteers, volunteers manning the ambulances and first responders in the North Country with people with an EMT card going out into the woods to haul people off who have had heart attacks and truly traumatic injuries. Isn't some care better than no care? Shouldn't we ask the question? So for all of you who go to the North Country, for those of you who do not go the North Country, but send your constituents up there, I would recommend you might want to support at least asking questions, should there be some care and if so, what do we need for a minimum standard? I think it's a very reasonable question. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: I have an answer for you. The answer is, saying it does not make it so. There is not a shortage. I have actually talked to probably twenty, I was so appalled by this, I talked to about twenty different physicians about what they thought about it. I happen to have some people in my family who have been through the educational process to become doctors. People do not match. But I'll tell you almost every medical school in the country finds a way to get them into an internship program somewhere. There's something called scramble, where they, people are, the opportunities around the state, around the country where people did not match the hospitals didn't match, didn't get a student. They open themselves up and you find a place for them. The other answer to the

question, well first of all the answer to the question from my perspective is, if you don't match there's a reason, and there are things to do for a year. Granted it may be the first time these particular people have failed at anything in their lives, but it's not bad for them to do that. They go out, they get a masters is public health, they work in a lab. But here's the other thing, I don't want just anybody as a physician, I mean when you say is just a volunteer better than, or just somebody with no training better than the doctor? No. I mean, no it's not. Thank you, Mister President.

(The Chair recognized Senator Ward.)

SENATOR WARD: Thank you, Mister President. I agree with the Senator from District 14. I have worked with medical students, interns, residents and I have to say that most of them have a lot to learn. They have some academic understanding, but that doesn't mean that they can go out and actually practice. And I think what we need to be very concerned about is that, yes, they can do something but are you sure that they're going to do the right thing. I mean the mottos is, above all, do no harm. And I think some of them might do more harm so I would think that we should have a group of professionals really looking into this issue, and it's probably not the best thing for legislators. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. With all due respect to the hospitals and the physicians, they have a vested interest in the failure of this bill. It's called money. This represents a challenge to the level of services; they don't want to expand or even consider the possibility that maybe there is a better differently. Nurses have gone through this for decades. Registered nurse now LPNs and RNs and RNA all manner of nursing and the doctors have fought like crazy to stop it. But it makes our health care system better, okay? So this bill doesn't put anybody in a clinic, it doesn't put anybody in a hospital, it doesn't establish a practice, it merely says, let's look at it, let's study it. And for this body to say no, we don't want to even study it, I think betrays the interests of the people we serve particularly in rural areas. And I think as well, that I would challenge the assertion of the Hospital Association and the doctors whose vested interests are gored by this bill, potentially. In saying there's not a shortage of doctors in the North Country where I live because there's most definitely is. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. This is certainly sympathetic to medical school graduates who have not yet completed their residency, looking for work and certainly sympathetic to the issues about finding folks perhaps in under-served areas to help deliver health care services. The reality Mister President, is we have a commission. It's the Commission on Primary Workforce Issues. And this commission has looked at these issues among other issues. And certainly you can tee it up, it's a broad based commission, it's not legislator only. So instead of forming as my friend from Bedford always warrants, let's not create too many of these committees and commissions. Let's focus in on the ones that are doing the work. Well, I use that argument here. The one that's doing the work is the Commission on Primary Care Workforce. And let's respect the work they're doing, it's a broad based commission. And certainly anybody in this chamber can tee it up for that commission to start having these conversations. It's a broad based commission with

stakeholders, and people on different points of view on that commission, and certainly that's the avenue to do it rather than creating another committee and this time only with legislators. So I would encourage us to votes this down. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I look at this debate as a good thing, okay? And when I looked at the comments from the good Senator from Senate District 14, I think there was a lot of positive comments also. They would be difficult to answer if I were trying to pass the bill. I don't have all those answers to the things that she asked about. But I do know that we can study this stuff, that those are the things that we need to go look at. I have gotten a call from the Commission on Primary Care saying we're going to start looking at some of these things anyway so help us, okay? Whether this committee gets passed or not, we will try to push this forward because we believe in it. We believe in it. But the prime sponsor of this bill is a medical doctor. And I am sure that we will try to recruit from those House members other physicians who testified both in the committee and on the floor of the House in favor of this, to give us some of that, and to weigh that and talk to the commission I should say on primary care to do that. The only thing I'm missing right now is thirteen yes votes. Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd just like to bring to everyone's attention the testimony of a physician who is a retired medical oncologist. He moved to the Dean's office at Dartmouth Medical School in 1985. And what he said I think is something that we really need to consider. Because we're talking about individuals who have graduated from medical school and who perhaps for whatever reason didn't get matched with a residency. And he said, medical school is not so good in training people in primary care, but what they are good at is training for in hospital care. They are also not good at training people to be out in the community and take good care of patients. And I want you to think about that for a second and think about the discussion that we have had on the floor this morning. I would agree with, or this afternoon, my good friend from Senate District 6. I do think that there is some merit, and I do think there might be a path here. But this is very premature. We really need to sit down in a commission with members of the medical field and work through this problem and you might not be able to get there. But I don't believe that a group of five legislators are going to be able to solve this problem. It really needs to be the individuals that are in the medical field. Thank you very much, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Sanborn, seconded by Senator Giuda.

The following Senators voted Yes: Woodburn, Giuda, Gray, French, Sanborn, Daniels, Avard, Cavanaugh.

The following Senators voted No: Bradley, Watters, Hennessey, Ward, Lasky, Carson, Feltes, Reagan, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators were excused: Kahn, Soucy.

Roll Call, Yeas: 8 - Nays: 14. Failed.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1623, relative to criteria for debarment of vendors.
Ought to Pass, Vote 4-0. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 1623 Ought to Pass. This bill adds additional criteria for debarment of vendors, which includes wage theft, violations of felony level safe workplace practices, and misclassification of employees as grounds for debarment of a vendor on a state contract. If the contractor were found in violation of any of the aforementioned criteria over a two year look back period it would prohibit the state of New Hampshire from acceptance of a bid from that particular contractor. The ED&A Committee voted Ought to Pass and asks for your support in their recommendation. Thank you very much, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator Carson.)

SENATOR SANBORN: Senator, thank you for taking my question. I'm with you on some of the bad stuff, but I'm struggling with this concept that just because someone has been misclassified, that they should be banned, so if I'm not sure if the language in the legislation means something else or could you enlighten me to what the misclassification leading to disbarment for two years really means?

SENATOR CARSON: Thank you for your question, Senator. We talked about the misclassification of employees. Usually it has to do with subcontractors where instead of having the employees that actually work for them that they're bringing in other people to work as subcontractors and I think you know that there have been instances here in the state of New Hampshire with the state as the employer and putting bids out for RFDs, RIPs or whatever they're called, that they bring in folks that quite frankly should not be working here, that are not citizens I should say. And this would be a reason to disbar them.

SENATOR SANBORN: So you're suggesting that misclassification is specifically about organizations that are hiring workers who are not legally allowed to work here?

SENATOR CARSON: That would be a big part of it, yes.

SENATOR SANBORN: Thank you.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1624, relative to state procurement practices and criteria for acceptance of bids.
Inexpedient to Legislate, Vote 4-0. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. I may or may not have a conflict, but I am going to participate as I am a subcontractor in New Hampshire, who bids on New Hampshire jobs. I move House Bill 1624 Inexpedient to Legislate. This bill would require the state to consider the wages and benefits paid by the vendor when evaluation qualified lowest bids from vendors located in New Hampshire. When qualified lowest bids, proposals, or quotations are received at the same price for more than one vendor with a principal place of business in New Hampshire, selection would be made by comparison of employee wages, benefits of the qualified vendors, with preference given to a vendor who pays the higher wages and more benefits. After hearing testimony the

ED&A Committee, members felt the selection process should and is presently much simpler having this requested from a business presenting a bid to the state. We are asking businesses to open up their payroll books and possibly anything else which may not have been required at the time of the bid. The ED&A Committee voted Inexpedient to Legislate and asks for your support in their recommendation. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President I rise respectfully in opposition to the committee recommendation. This deals with a fairly limited situation where there's identical qualified low bids and all it does, is what's the tie breaker. Rather that drawing lots, which is the existing law, let's create some preference here in that tie breaker when there's identical low bids for a job. For the tie breaker here in terms of granting a preference is if the vendor has higher wages or benefits. This is state money, it's our contracting, it's the state's money contracting going out to these vendors. If it's the same bid all else being equal, and one vendor pays higher wages or benefits, it makes good sense to grant that as a preference. It makes good sense for the state of New Hampshire especially when both businesses as required by this provision are located in New Hampshire if they're paying higher wages or benefits, those employees are spending more wages in our community. That's state money, more wages in our community, more money in the state kept in the state, state taxpayer dollars. So I'd encourage us to vote down the committee recommendation of ITL. Thank you, Mister President.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. In the committee hearing I did support the ITL but I ask you to overturn that. The reason I had questions in the committee, my brother-in-law who is a contractor, we have lively discussions all the time because he's also a Republican, he had questions about it so I supported the ITL. But I went back and I asked him what he thought about it and specifically the wages and benefits and his response to me was I'm proud of what I pay my people and the benefits I offer. So that's the reason I'm asking to overturn the ITL and support this bill. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the ITL. This is a union bill, let's put it right where it is. They negotiates contracts with benefits that private contractors who are startups generally can't afford. Okay? So in the interest of promoting new and upcoming businesses, I think we draw lots and leave it to chance because the product at the end of the day will be less costly perhaps, and will actually foster more competition in the state from private businesses that choose not to be union. Thank you.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 1684, relative to criminal background checks for emergency medical services license applicants.
Ought to Pass, Vote 4-0. Senator Cavanaugh for the committee.

SENATOR CAVANAUGH: Thank you, Mister President. I move House Bill 1684 Ought to Pass. This legislation modifies the requirement for a criminal history background check for applicants for emergency medi-

cal services, licensure or re-licensure by removing certain procedural requirements and exempting persons employed of law enforcement officers. In 2016 the legislature passed House Bill 1594 instituting federal background checks for EMS providers. This legislation takes out specific language which was initially placed within the bill after working with customers on making the process more efficient, they found specific procedural steps and a lot as cumbersome and inefficient. Therefore they are requesting to remove some very specific steps while maintaining their purpose and goals. The bill additionally exempts certified law enforcement officers of having a duplicate federal background check to be licensed by the Division of Fire Standards and Training and Emergency Medical Services. In creating a naloxone license, certified law enforcement officers were required to undergo a federal background check as a condition of certification and employment. This check was already completed and therefore is redundant. The ED&A Committee voted Ought to Pass and asks for your support in their recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1738, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs.
Ought to Pass with Amendment, Vote 4-0. Senator Gannon for the committee.

Senate Executive Departments and Administration
April 11, 2018
2018-1468s
05/10

Amendment to HB 1738

Amend the bill by replacing section 8 with the following:

8 Transfer of Funding for the Position of Director of Film and Digital Media. Upon transfer of the accounting unit to the department of business and economic affairs, the budget appropriations shall be transferred from class 11 to class 10.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1738 Ought to Pass with Amendment. If we say, "action," this bill is amended to transfer the Division of Film and Digital Media from the Department of Natural and Cultural Resources to the Department of Business and Economic Affairs Division of Travel and Tourism Development. And we will say, "Roll 'Em" to increase tourism and development. I'm on a roll. The Division of Film and Digital Media primary function is an industry liaison promoting the state as a destination. The division would best be aligned as a bureau within the Division of Travel and Tourism Development. Upon examination of best practices across the country, 90 percent of state film offices are now located within the Department of Economic Development or Tourism. The Department of Administrative Services recommended amendment language to assure the smooth transition of transfer of budget appropriations. The ED&A Committee voted Ought to Pass with Amendment and asks you to say, "Roll Em" in your support for their recommendations. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

FINANCE
HB 1315, prohibiting the university system funds from being spent to oppose the formation of unions and collective bargaining units.
Inexpedient to Legislate, Vote 4-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1315 Inexpedient to Legislate. This bill sought to protect the University System of New Hampshire from using university funds to discourage an employee from becoming a member of any group or organization which already exists in law. Their expanding to exercise to expand this to their right of association by joining a labor union. As RSA 275:1 of the labor statutes already prohibits the coercion or attempted coercion of any individual not to join or become a member of any labor organization as a condition of securing or continuing employment, the committee deemed this bill unnecessary. The Senate Finance Committee recommends House Bill 1315 be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. While I disagree with my Senator from District 2 about the previous bill being a union bill, well this one is, I have to admit that. But the question I ask is that the coercion I do understand is in law, we're just asking the university system, the funds that we send to them not be used that way, and if people choose to join a union do that but don't use the funds we send the university system to anything but help educate the children. Thank you.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Fuller Clark, seconded by Senator Birdsell.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Lasky, Feltes, Cavanaugh, D'Allesandro, Fuller Clark.

The following Senators were excused: Kahn, Soucy.

Roll Call, Yeas: 14 - Nays: 8. Adopted.

HB 1354, adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees.
Ought to Pass with Amendment, Vote 4-2. Senator D'Allesandro for the committee.

Senate Finance
April 10, 2018
2018-1441s
04/01

Amendment to HB 1354

Amend the title of the bill by replacing it with the following:

AN ACT relative to the speaker of the house of representatives and senate president as members of the university system board of trustees.

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

2018-1441s

AMENDED ANALYSIS

This bill makes the speaker of the house of representatives and senate president permanent members of the university system board of trustees.

SENATOR D'ALLESANDRO: Thank you, Mister President. I move House Bill 1354 Ought to Pass with Amendment. This bill would make the Speaker of the House of Representatives and the Senate President permanent, this is wrong, permanent non-voting members of the University System Board of Trustees. Committee members felt that giving these two members, I think the amendment changed that. I felt that giving these two members responsibilities would give rise to an inherent conflict of interest between the role of an elected public official and member of the board of trustees. The committee amended the bill, excuse me, the committee amended the bill to keep these two members as non-voting members and to continue their positions on the board of trustees which has assisted in establishing a solid relationship between the university and the legislature. The Senate Finance Committee recommends passage of HB 1354 as amended and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1401, relative to the New Hampshire accountancy act.
Ought to Pass, Vote 6-0. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1401 Ought to Pass. The bill makes various changes to the regulation of accountants by the Board of Accountancy related to the update of the Uniform Accountancy Act. The Senate Finance Committee recommends passage of HB 1401, and asks for your support. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill is special ordered to the next session. Adopted.

HEALTH AND HUMAN SERVICES
HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Fuller Clark for an introduction.)

SENATOR FULLER CLARK: Yes, thank you very much, Mister President. I'd like to welcome this afternoon, the UNH Business and Economics students. We're delighted to have you here and glad to have you observing the Senate. Welcome.

JUDICIARY
HB 134-FN, relative to causes for divorce.
Ought to Pass, Vote 4-0. Senator French for the committee.

Senator Bradley moved to Lay on the Table HB 134-FN. Adopted.

HB 1283, prohibiting sobriety checkpoints.
Inexpedient to Legislate, Vote 4-1. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1283 Inexpedient to Legislate. This bill would prohibit law enforcement agencies from conducting sobriety checkpoints in New Hampshire. Over the past nine years, there have been 399 deaths in New Hampshire alone, 399 that are the result of an impaired driving accident. Many of these deaths are not just the result of alcohol induced impairment, but drug induced impairment as well. Sobriety checkpoints are an important tool in the bag for law enforcement to not only catch drunk drivers or impaired drivers, but more importantly, and this is the main thing, Sir, it is used as a deterrent. Sobriety checkpoints involve significant media messaging throughout the community, which highlight the importance of safe driving and lets the public know that law enforcement is out tonight and they are actively seeking impaired drivers. Most importantly these checkpoints, they only take thirty seconds on average in New Hampshire, after the law enforcement receives, first they receive approval from a judge, prior to receiving approval, the agency must provide the judge with the location, the date and time of the checkpoint. The pattern of cars they'll stop and an operations plan. These are great safeguards. They ensure the constitutional rights of all are protected and that profiling does not take place at these checkpoints. As New Hampshire continues to struggle with the opioid crisis, and impaired driving remains a concern it is important to not only focus on the number of arrests that take place at these checkpoints, but to recognize their true intent again deterrents, deterrents, deterrents. Therefore the majority of Judiciary asks for your support in the motion of Inexpedient to Legislate on 1283. Thank you, Mister President.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I'm asking this body to overturn that recommendation of ITL so I can bring forward a motion of Ought to Pass. This is a very simple bill. Either you believe needing probable cause is a good protection for the citizens of the state, or you don't. Thank you, Mister President.

PRESIDENT MORSE: That was short.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: I won't be quite as short. Thank you, Mister President. I met Pauline and Bill Church about three or four weeks ago. Miss Church is the head of Mothers Against Drunk Driving. She has met hundreds and hundreds of other mothers who've been through this horrible ordeal of losing a child and it's all for a thirty second checkpoint. I don't mind giving thirty seconds. I've been probably in two checkpoints I think in my life. I don't mind the thirty seconds if it saves one life. And you don't know, that's the problem with this. Mister French is going to come, Senator French, will come forward and say, that it's only stopped 1 percent of the drivers are drunk, but it's a deterrent, it's the good Senator from District I believe he's 9, he runs a business, we talked yesterday he said the days that they do these road blocks, my business dies. He runs a bar establishment, so people are not driving out on the road. The cost will be brought up; there is no cost, there were six roadblocks in New Hampshire run by the state police last year. No local money, no state money was spent. It's federal money, so it costs nothing to you.

Again, I met that Mrs. Church and she said, Senator Gannon if only a roadblock had been out that night, I could have my son back, possibly. Or another son and maybe it was my son that would have died if there wasn't a roadblock at another night or someone else's family member. It's a very small, small thirty seconds of your life. And the police are not looking to get you, the police are looking to help us. Let's help the police. They all came in, the state police, they said this is one tool we use. There are other ways, there are other things to do but this is a tool they feel it works for them, let's not deprive our good officers from what they say helps them. Thank you very much.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd just like to echo the words of my colleague from Senate District 23. These sobriety checkpoints do, do a good job. It might inconvenience you for a few moments, but is that better than a random stop? The sobriety checkpoints are made by law have to be noticed. You have to tell people that there's going to be a sobriety checkpoint at point, you know, at this particular location. So if you don't want to be stopped, guess what, don't go through that area. The other thing too to remember is, it is a tool and the other tool that they have is something that's called saturation, where the police will saturate one particular area. That is extremely expensive to do. So who here wants to pay for more police officers and more police cars in order for that to happen? I know I don't. So please join with me and join with the committee in voting Inexpedient to Legislate on House Bill 1283. Thank you very much, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Gannon.)

SENATOR GIUDA: Six roadblocks, how many DUIs were caught from those, do you know?

SENATOR GANNON. It may be twenty but again the main use of this is deterrence, and so my son knows when I tell him there's roadblocks out tonight, when the people at Hampton know there's roadblocks, they're much less apt to drive impaired.

SENATOR GIUDA: Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise against the motion of ITL and ask this body how many of you read the Seacoast Online this morning? Show of hands? One, maybe two, maybe three. So there's a roadblock in Portsmouth, and they post it on Seacoast Online, but three out of twenty-four read it, and we are supposed to be the informed part of the state. We're supposed to read all the newspapers every day so we know what's going on. Just because it shows up in a newspaper does not mean that the community knows about it. And quite frankly, just because they have to report it to the newspaper should tell us something. I mean at this point less than 1 percent, to answer your question Senator Giuda, less than 1 percent of the traffic stops result in anything. Less than 1 percent. We know in testimony, we know in statements, we know in articles all across the land, and I apologize because I built a nice little folder which I forgot to bring, with statements from state police, saying it would be so much better for us to take this money and use it to do actual patrols, and get out and do what we're supposed to do. As opposed to putting an ad in the paper, setting up a bunch of people, blocking off one road. My good friend from District number 23, when

he tells his kids, I know you're out there drinking and driving, which he just said but be careful, there's a roadblock tonight. When you're out drinking and driving young man, or young woman, there will be a roadblock tonight but don't drive on that road, that road. Well how about all the other roads? How about all the circumvential roads that go in every single community because we are no longer a horse and buggy town, that these roads, lots of roads in every single town. And for someone to sit there and suggest this is a deterrent, that we're going to close down one road in a community, one of 237 or 38 whatever the number is, and that all by itself is going to dissuade people from drinking and driving. Look, we have a lot of programs in this state, Mister President that you hear me say on a regular basis, seem to spend a lot of money and don't produce a lot of results, but today seems to be one of them. So we have an opportunity here to actually join our friends on the other side of the wall, maybe get a little bit of good will since we're killing everything else we've done all year, and come to this conclusion that this is not money that's well spent. And if we're hearing specifically from men and women in blue, green, and gray that they could better utilize the money in other programs, we should probably support that. So I ask people to overturn the ITL and let America be free. Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I just would like to reiterate, the testimony that we have from the men and women in blue, they did not support prohibiting checkpoints. So I want to make that very clear that the folks that came in and spoke with us. We also heard about less than 1 percent of people get caught. But how many lives were saved within that less than 1 percent? And I think that's what we need to think about. There has been an ongoing campaign for many years by the Mothers Against Drunk Driving to bring awareness to this issue. I remember when I was a child, seeing adults driving with an open container. And it was fine, nobody said anything about it, it was pretty common. People would go driving down the road with a beer in their hand. But we've realized over time that that was inappropriate and people should not be driving impaired. So again, people, we've heard testimony that we can spend the money a better way. Well what better way? And I've already brought up the other tool that's used by police; saturation patrols. Where you concentrate them all in one area. But that is expensive. If we get rid of sobriety checkpoints, we're going to lose federal money. So let me ask you, who's going to pay for this? Who's going to pay for it? I don't see anybody in this room volunteering. So Mister President, thank you very much. I will just ask the body to please vote with the committee and Inexpedient to Legislate. Thank you very much.

Senator Bradley presiding.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, I'll be brief as I've already spoken. The good Senator from 14 did bring out again, the Senator from 10 did not realize again, the Office of Highway Safety is paying for this. We don't take that money for roadblocks, we don't get the money, so it's not like you it's having state money to go to somewhere else. That money will not come to the state of New Hampshire. Three other points; the Center for Disease Control reviewed eleven studies and they found checkpoints reduce the alcohol related fatalities, injuries and property damage by 20 percent with the use of roadblocks. Each year one million people are

arrested for drunk driving. This costs the country $132 billion. Each crash and arrest costs approximately $132,000 taking into account law enforcement, fire department, ambulances, investigations, prosecutions, courts, incarcerations, damages, hospitals, and funerals, and again it's a thirty second inconvenience that could save someone's life. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Speak for a second time, just for the record, Mister President. If it wasn't brought up before, if I missed the conversations from my good friend from District 1 or 2 or others. We know that fourteen states in America don't require this. It's not like we're going to be the only ones. Fourteen other states in America do not use DWI stops. And although I do not support it, I must say for the record that having an open container doesn't make you impaired. Being impaired is being impaired, because we know that the state that my good friend from District number 19 drives through on a regular basis, Virginia, I think has an open container law that allows it and I think Texas does as well, not suggesting she's actually driving through Virginia with an open container. I'd never make that suggestion. But at the end of the day, look, this a program which in full disclosure, I guess, I must have to say at this point Mister President, that I am a licensee so I think I probably have a little more experience than frankly everyone in the room combined when it comes to staying up late and watching people drive. And I have personally had direct conversations with men and women in blue that, fact I can't remember a single one of them actually ever saying it was a good use of their time, that they could be doing many other things. But look ladies and gentlemen, at the end of the day, spending money to close off one road, to funnel everyone in that can take a half hour, forty minutes doesn't solve our problem. It may have been a great attempt, just like Nancy Reagan's Just Say No campaign, and I hope to God that it worked, but the proof's not in the pudding in this case. Less than 1 percent. Less than 1 percent. That should tell us something. Thank you, Mister President.

(The Chair recognized Senator Woodburn for a question of Senator Sanborn.)

SENATOR WOODBURN: Thank you Senator, for taking the question. Do these checkpoints do you believe create a situation where our most vulnerable, particularly, I don't know immigrants, people that may not look like all of us, may not have the skills, the resources, the language, would they be more susceptible to these kinds of attacks with their other activities, whether it be you know immigration papers, you know minor possession of marijuana, other types of you know car inspections, things like that? Would this open that up to more scrutiny in our society?

SENATOR SANBORN: Senator, thank you so much for the question. Well at the top line level I would personally say that I do not believe that any of our men and women in our state do any profiling whatsoever. So I would not believe that it would disadvantage those who might not have significant means or different types of background, so respectfully I would reject that premise. And number two, it is my understanding in the research that I have done, that in many states, there is a specific prohibition of what some would suggest to be fishing for other potential violations to give out. Now that's not to say that it happens or it doesn't happen, but in general I think these traffic stops are not there to catch people without registrations, they're not there to catch people with bald

tires, they're not there to catch people who may have a visa or not have a visa. It is supposed to be solely and specifically for driving impaired. Now whether or not that happens or not, we can all guess on that, few of us having been through one. Which is why I feel again so strongly that if this is solely happening for, you know, try to dissuade people to drink and drive, that unless we put a roadblock on every single road in every single community, every single night it's not going, as I say, the juice is not worth the squeeze.

SENATOR WOODBURN: Thank you.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Sanborn, seconded by Senator Carson.

The following Senators voted Yes: Watters, Hennessey, Gray, Ward, Lasky, Carson, Feltes, Cavanaugh, Birdsell, D'Allesandro, Fuller Clark, Morse, Gannon, Innis, Bradley.

The following Senators voted No: Woodburn, Giuda, French, Sanborn, Daniels, Avard, Reagan.

The following Senators were excused: Kahn, Soucy.

Roll Call, Yeas: 15 - Nays: 7. Adopted.

President Morse presiding.

HB 1316-FN, relative to revenue collected from concealed carry licenses. Ought to Pass, Vote 4-0. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1316-FN Ought to Pass. This bill requires a portion of revenues collected from concealed carry permits to be credited to the Permits and Licensing Unit. Presently, the Permits and Licensing Unit and the Criminal Record Units are both funded from fees collected from criminal records requests. As the demands for these checks have increased, the current funding scheme has become insufficient. Therefore, this bill addresses that issue by requesting 400,000 from the fees collected from concealed carry permits for out-of-state individuals to be reallocated to Permits and Licensing, allowing Criminal Records to fund Criminal Records and Permits and Licensing to fund Permits and Licensing. These funds collected for those permits generally total over $1 million annually and are placed in the General Revenue. Allocating these funds will not only assist in diminishing the amount of time it takes to get a background check, but it will also allow the Criminal Records Unit to maintain their software and equipment at levels necessary for solvency in the terms of technology and security. For these reasons, please join the majority of the Judiciary Committee in support of the motion of Ought to Pass on House Bill 1316-FN. Thank you.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HB 1357, relative to the delivery of articles to a prisoner in a state or county correctional facility.
Ought to Pass, Vote 3-0. Senator Hennessey for the committee.

SENATOR HENNESSEY: Thank you, Mister President. I move House Bill 1357 Ought to Pass. This bill permits the Commissioner of the Department of Corrections and the superintendent of a county correctional facility to appoint a designee to manage issues relating to the delivery of prohibited articles to prisoners. By providing for the opportunity for a designee to appear on behalf of the commissioner or a superintendent

in court and state that something is contraband, it frees up the commissioner and superintendents to attend to more critical duties. Therefore, please support the majority of the Judiciary Committee in the motion of Ought to Pass on House Bill 1357. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1477-FN, relative to annulment of arrests or convictions for possession of 3/4 of an ounce of marijuana, or less.
Ought to Pass, Vote 3-2. Senator Lasky for the committee.

Senator Bradley moved to Lay on the Table HB 1477-FN. Adopted.

HB 1661, relative to a marriage petition by a party under age.
Ought to Pass with Amendment, Vote 4-0. Senator French for the committee.

Senate Judiciary
April 9, 2018
2018-1403s
05/06

Amendment to HB 1661

Amend RSA 457:6, III as inserted by section 1 of the bill by replacing it with the following:

III. As part of the decision making process, the court may conduct an in camera interview of each person under the age of consent, without that person's parent or guardian or the other party to the marriage present.

SENATOR FRENCH: Thank you, Mister President. I move House Bill 1661 Ought to Pass with Amendment. This bill provides that the court shall not grant permission for a person under the age of consent to marry unless the court finds by clear and convincing evidence that the marriage is in his or her best interest and enshrines criteria by which to make that determination. The criteria provided to judges within this bill include, ensuring the marriage is not going to be used as an escape from the troubled family, allowing judges the discretion to have each person seeking to be married to sit alone with the judge for an interview to ensure that coercive action is not being used, and requires that the marriage be in the minor's best interest. In the instances of these marriages it is necessary to take extra precautions to ensure that coercion is not taking place and that the marriage will truly be in the best interest of the minor due to the young and impressionable ages of those involved. Therefore, the Judiciary Committee asks you to support the motion of Ought to Pass with Amendment of this bill. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1672-FN, prohibiting release of certain information relative to users of therapeutic cannabis to federal agencies.
Ought to Pass, Vote 3-2. Senator Lasky for the committee.

Senator Bradley moved to Lay on the Table HB 1672-FN. Adopted.

HB 1753-FN, relative to transportation of alcoholic beverages by a minor.
Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Judiciary
April 10, 2018
2018-1426s
08/03

Amendment to HB 1753-FN

Amend RSA 265-A:45, I-II as inserted by section 1 of the bill by replacing them with the following:

I. Notwithstanding RSA 265-A:44, II, no driver under the age of 21 shall, except when accompanied by a parent, ***stepparent,*** legal guardian, ***grandparent,*** or legal age spouse***, domestic partner, or sibling***, transport any liquor or beverage in any part of a vehicle. A driver violating this section may have his or her license or privilege to drive suspended for 60 days.

II. No person operating a boat while under the age of 21 shall, except when accompanied by a parent, ***stepparent,*** legal guardian, ***grandparent,*** or legal age spouse***, domestic partner, or sibling***, transport any liquor or beverage in any part of a boat with an intent to consume such liquor or beverage. Anyone violating this paragraph may, following a hearing, have his or her privilege to operate a boat on the waters of the state suspended for 90 days and may additionally have his or her license or privilege to drive suspended for 90 days.

SENATOR CARSON: Thank you, Mister President. I move House Bill 1753-FN Ought to Pass with Amendment. This bill allows minors to transport alcoholic beverages in a vehicle or boat when accompanied by certain family members. Currently, minors are able to transport alcohol if their parent, legal guardian, or legal age spouse is also in the vehicle. This bill will also add stepparents, grandparents, legal age domestic partners, and siblings of a legal age to the acceptable and legal chaperones to a person under 21 years of age who is transporting alcoholic beverages by car or boat. This is a simple and common sense bill that retains protections from abuse while appropriately expanding the reasonable exemption for family members. Therefore, the majority of the Judiciary Committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 1753-FN. Thank you very much, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1788-FN-L, relative to costs charged under the right-to-know law. Ought to Pass with Amendment, Vote 3-2. Senator French for the committee.

Senate Judiciary
April 9, 2018
2018-1406s
01/04

Amendment to HB 1788-FN-LOCAL

Amend RSA 91-A:4, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Each public body or agency shall, upon request for any governmental record reasonably described, make available for inspection and copying any such governmental record within its files when such records are immediately available for such release. If a public body or agency is unable to make a governmental record available for immediate inspec-

tion and copying, it shall, within 5 business days of request, make such record available, deny the request in writing with reasons, or furnish written acknowledgment of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied. If a computer, photocopying machine, or other device maintained for use by a public body or agency is used by the public body or agency to copy the governmental record requested, the person requesting the copy may be charged the actual cost of providing the copy ***of a standard page, not to exceed 10 cents per page***, which cost may be collected by the public body or agency. No fee shall be charged for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of governmental records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

Senator Bradley moved to Lay on the Table HB 1788-FN-L. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS
HB 1247, relative to administering oaths to certain state officers.
Ought to Pass, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move House Bill 1247 Ought to Pass. This bill adds two notary publics to the list of individuals authorized to administer oaths to certain state officers in RSA 92:5. Currently one notary may administer an oath with a justice of the peace. Passage of the bill will allow 2 notaries to administer the oath independent of another official. This change will provide expediency when needed in the administration of an oath. I ask that you please support the committee recommendation of Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1473-FN, relative to the timber yield tax.
Ought to Pass with Amendment, Vote 4-0. Senator Gray for the committee.

Public and Municipal Affairs
April 11, 2018
2018-1462s
05/10

Amendment to HB 1473-FN

Amend RSA 79:10, I(a) as inserted by section 2 of the bill by replacing it with the following:

I.(a) Every owner, as defined in RSA 79:1, II, shall, prior to commencing each cutting operation and at the beginning of each new tax year into which the cutting operation shall continue, file with the proper assessing officials in the city, town, or unincorporated place where such cutting is to take place a notice of intent to cut provided by the commissioner of revenue administration, stating the owner's name, residence, an estimate of the volume of each species to be cut, and such other information as may be required. ***Except when a bond is required pursuant to RSA 79:3-a or RSA 79:10-a, II,*** a supplemental notice of intent ***shall not be required when the total volume of the cut exceeds the total volume reported in the intent to cut by less than 25 percent. When required, the supplemental notice*** shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year.

2018-1462s

AMENDED ANALYSIS

This bill:

I. Permits a municipality to waive the yield tax on land owned by the municipality.

II. Provides that, unless a bond has been required, a supplemental notice to cut shall not be required when the total volume of the cut is not more than 25 percent of the volume reported in the notice of intent to cut.

III. Requires the municipality to provide public notice of an intent to cut before it is signed by assessing officials.

SENATOR GRAY: Thank you very much, Mister President. I move House Bill 1473-FN Ought to Pass with Amendment. This bill as amended allows municipalities to waive the Timber Yield Tax on land owned by the municipalities. Currently, loggers must submit a supplemental notice when the volume reported in the notice of intent to cut is exceeded. This legislation provides that a notice shall not be required if the cut does not exceed 25 percent of the predetermined volume. Additionally, this bill will require municipalities to provide public notice of intent to cut without having to wait for an assessing official to sign the notice. The committee felt that these adjustments provided a smoother process between the municipalities and the logging industry, as well as greater transparency to the public. I ask you to accept the committee recommendation of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1484, relative to late fees in manufactured housing parks.
Ought to Pass, Vote 4-0. Senator Gray for the committee.

SENATOR GRAY: Thank you, Mister President. I move House Bill 1484 Ought to Pass. This bill prohibits manufactured housing parks from charging a late fee for payments made within seven days of the due date. Many homeowners in these parks are seniors living on a fixed social security income which means a $25 late fee can have a huge impact. This grace period would allow the flexibility needed for recipients of that income which for many does not arrive until after the 3rd of the month. The homeowners in these parks are renting the land where their homes are located. Many of these homes have attached garages and porches, making it difficult for them to move their homes if expenses become too restrictive. The committee found that this bill is an added protection for seniors and low income residents in New Hampshire. I ask that you please support the committee recommendation of Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator French for a question of Senator Gray.)

SENATOR FRENCH: Thank you, Mister President. Thank you for taking my question. I always say either everyone's on the bus, or no one's on the bus. So I ask you why isn't this extended to all apartments throughout the state and not just mobile homes?

SENATOR GRAY: Thank you for the question. The committee had testimony that in these situations in the mobile home parks, many of these individuals actually own the home that they're living in and have made improvements to that property and therefore it's different than just renting an apartment which the landlord owns.

SENATOR FRENCH: Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise based on our current ethics laws, have interests in mobile home parks, but I'm clearly still participating and I second what my friend from Laconia asked, this doesn't have anything to do with whether or not you rent a mobile home on owned land or on your own land. What happens if you have a mortgage on your property? We're not sitting here trying to pass a law that says if you have a mortgage on your home property that we're going to prohibit the bank from charging you a late fee. We're not sitting here talking about car loans, we're not sitting talking about student loans, we're not talking about anything except this one universe.

Why can't we let the business community be the business community ladies and gentlemen? Why is it every single week, every single week, we're in here trying to tell the business community that they're failures, we just try to tell them how to live their lives, we've got to tell them how to run their companies. There's this little thing called you know, contracting. Last time I checked there were even attorneys in the room. That you're two willing people who enter into a contract. They enter into a contract that says you will perform and if you don't there will be penalties. And yet we think you want to stand here today and change that deal, that we want to circumvent every contract we have out there, that the two people that entered into this agreement to pay on time, that the state legislature wants to come in and say, we're not going to respect the opinion, we're not going to respect the arrangement, we're not going to respect the contract, we're not going to respect landlords and property owners, but we'll respect the banks, we'll respect installment loan companies. Several of us say, Mister President, seems like every single week that we're in here asking why are we, why is this body telling the business community how to run? What do you think the business community's saying about us? I would implore this body to start really thinking about how far we want to be wedging into telling people how to live their life every day. This isn't freedom, this isn't the right for two people with contract. This is ridiculous. I hope you vote against it. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Sanborn, seconded by Senator French.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Lasky, Carson, Feltes, Cavanaugh, Reagan, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators voted No: Giuda, French, Sanborn, Daniels, Avard, Morse.

The following Senators were excused: Kahn, Soucy.

Roll Call, Yeas: 16 - Nays: 6. Adopted, bill ordered to Third Reading.

HB 1579-FN, requiring records to be kept for certain exempt convenings under the right-to-know law.
Inexpedient to Legislate, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move House Bill 1579-FN Inexpedient to Legislate. This bill would require municipalities to keep records for certain exempt non-meetings under the right-to-know law. These meetings would include collective bargaining negotiations, consulta-

tions with legal counsel, or political party caucuses. The original purpose of exempting these non-meetings from right-to-know is the confidential nature of the discussions. Allowing the public to know certain details of these discussions may have unintended consequences. For instance, the municipality's strategy on collective bargaining would be eligible to the right-to-know and the other parties' strategies would not. Therefore, giving the municipality a disadvantage in negotiations. The committee also found that the additional administrative costs for the municipalities would create an unfunded mandate should this bill pass. I ask that you please support the committee recommendation of Inexpedient to Legislate. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Carson: HB 1761
Senator Cavanaugh: HB 1761
Senator Gannon: HB 1624
Senator Sanborn: HB 134-FN, HB 298, HB 523, HB 587-FN, HB 1102-FN, HB 1104-FN, HB 1247, HB 1265, HB 1283, HB 1285, HB 1289, HB 1315, HB 1316-FN, HB 1322, HB 1354, HB 1356, HB 1357, HB 1401, HB 1402, HB 1407, HB 1427-FN, HB 1473-FN, HB 1477-FN, HB 14884, HB 1495, HB 1496, HB 1497, HB 1498, HB 1499, HB 1506-FN, HB 1577, HB 1579-FN, HB 1592-FN, HB 1612, HB 1623, HB 1624, HB 1627, HB 1636, HB 1637, HB 1660, HB 1661, HB 1672-FN, HB 1684, HB 1689-FN, HB 1690-FN, HB 1692-FN, HB 1698-FN-L, HB 1719-FN, HB 1720-FN, HB 1725-FN, HB 1738, HB 1744, HB 1746-FN, HB 1753-FN, HB 1761, HB 1769-FN, HB 1777-FN, HB 1782-FN, HB 1788-FN-L, HB 1807-FN, HB 1810, HB 1822-FN

ANNOUNCEMENTS

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I ask for unanimous consent, and I just wanted to rise to say to my colleagues that it's great to be back, I think, and I just want to thank you all for your good wishes, your cards, the beautiful flowers from Senate Transportation, and particularly for your prayers. So, thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise to honor a distinguished statesman in our state who passed recently, and was a constituent of mine. I did not know him, but I would ask the President's indulgence in allowing the Dean of the Senate, who did know and worked with him, to honor him with his remarks.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. The President and I attended Stewart Lamprey's services that were held in Meredith. And, out of courtesy of the Senate President, also sent flowers on behalf of the Senate, and very graciously appeared, and I thank him for that. You've all heard me talk about Stewart, but let me just say one thing: if in your lifetime it can be said of you that you were a good person, then you've achieved a tremendous goal. Stewart Lamprey was a good person. He was a good human being. We've had some giants work in this building, Walter Peterson was one, Stewart Lamprey was another. I have had the opportunity to work with both. They were great men. They left an impact on our state and, really, on those who worked with them. So, thank you, Mister President. Thank you, Senator. And his family, I think, was very appreciative of the fact that you were there. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise for unanimous consent to acknowledge the great work of the many town employees that got through town meeting. And in one particular town I visited it read in their annual report, and you all may remember in Lisbon the night before town meeting all the Board of Selectmen quit and left the town clerk, tax collector, Jennifer Trelfa, with really the only person to put it all together, and they dedicated their report to her. And I think it's good to recognize people who stand up and fill in the holes when they're needed, and I just want to read a few lines from this dedication of the Lisbon Annual Town Report: "During the past year, with a new select board, Jenny was the 'go to person.' Her first commitment was always working for the good of the town and its taxpayers. Jenny stepped in during a difficult task of bridging the administrative void that occurred during town meeting. She spearheaded the legal and practical arrangements needed to have the annual meeting proceed, along with the gracious help of the Lisbon citizens, and made the meeting a reality and insured the continuation of town government." So, thank you, Mister President.

PRESIDENT MORSE: Barbara Bush, a good person, Senator. I met her several times. She is all of the powerful and positive things people have said about her. And she was a woman of integrity and spirit. I will never forget her incredible energy, her compassion for people and her unending devotion to her family and our country. She was not only the matriarch of the Bush family, but a strong, compassionate leader in her own rite. She will surely be missed for all of the contributions she has made throughout her lifetime, but especially for her work improving the literacy for our nation's children.

In the past two days we've seen individuals with differing beliefs recognize the contributions First Lady Barbara Bush brought to this country. The statements made from all political spectrums are a testament to the great woman's legacy. In particular, her son's statements give us a glimpse into the lives of this family and how Mrs. Bush inspired them. Governor Jeb Bush said, "I am exceptionally privileged to be the son of George Bush and the exceptionally gracious, gregarious, fun, funny, loving, tough, smart, graceful woman who was the force of nature known as Barbara Bush." And President George W. Bush recalled his mother, saying, "Barbara Bush was a fabulous First Lady and a woman unlike any other who brought levity, love, and literacy to millions. To us she was much more. Mom kept us on our toes and kept us laughing until the end. I'm a lucky man that Barbara Bush was my mother."

I hope that recognizing this loss for our country, and reflecting on all the things she gave will help inspire us to recommit ourselves to the work that we have been asked to do in this chamber. And to help us embody all of the positive qualities that a leader of her magnitude has shown. We will surely miss First Lady Barbara Bush, and I want you to all know that Susan and I share our thoughts and prayers with the entire Bush family during this difficult time.

Now, for some happier news: on behalf of the Senate I want to extend big congratulations to Patrick Murphy and his wife Liz on their newest addition–a baby girl, Isabelle Rose Murphy, who was born on April 4th. All of us who have been fortunate to raise children know how exciting this time is in your life. I just want to congratulate them.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 298, relative to the mechanical licensing board.
HB 523, establishing a committee to study the use and regulation of biometric information.
HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation.
HB 1247, relative to administering oaths to certain state officers.
HB 1265, relative to the release of criminal conviction records.
HB 1289, relative to trespassing domestic fowl.
HB 1322, relative to risk-based capital for health maintenance organizations.
HB 1354, relative to the speaker of the house of representatives and senate president as members of the university system board of trustees.
HB 1357, relative to the delivery of articles to a prisoner in a state or county correctional facility.
HB 1401, relative to the New Hampshire accountancy act.
HB 1407, repealing the prohibition on the use of milk containers.
HB 1473-FN, relative to the timber yield tax.
HB 1484, relative to late fees in manufactured housing parks.
HB 1495, relative to standards for determining an adequate education.
HB 1496, relative to requirements for performance based accountability for an adequate education and relative to reporting requirements for the civics competency assessment.
HB 1497, relative to accountability for school performance.
HB 1499, relative to the focus and components of New Hampshire kindergartens.
HB 1506-FN, relative to the commission on primary care workforce issues.
HB 1577, relative to the administration of anesthesia by dentists.
HB 1612, relative to data security in schools.
HB 1623, relative to criteria for debarment of vendors.
HB 1637, requiring school districts to establish policies relating to suspensions and expulsions.
HB 1660, relative to delinquent accounts of liquor licensees.
HB 1661, relative to a marriage petition by a party under age.
HB 1684, relative to criminal background checks for emergency medical services license applicants.

HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services.
HB 1692-FN, allowing liquor licensees to select an anniversary for renewal.
HB 1698-FN-LOCAL, relative to the cost of special education services for foster children.
HB 1719-FN, relative to donations of liquor to nonprofits.
HB 1720-FN, relative to the storage of beverages produced by contract brewers.
HB 1738, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs.
HB 1744, authorizing a parent to exempt his or her child from participating in the statewide assessment program.
HB 1746-FN, relative to the practices of pharmacy benefit managers.
HB 1753-FN, relative to transportation of alcoholic beverages by a minor.
HB 1761, relative to the math learning communities program in secondary schools.
HB 1777-FN, relative to energy infrastructure corridor revenue.
HB 1782-FN, establishing a committee to study insurance payments to ambulance providers and balance billing by ambulance providers.
HB 1810, establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 119, relative to the length of docks on a water body and boat slips

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Christensen, Renzullo, Gould and Grassie

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 165-FN, authorizing periodic payments as security after a motor vehicle accident.
SB 170, relative to the authority of towns to issue bonds for the expansion of broadband infrastructure.
SB 310-FN, establishing a committee to study the feasibility of establishing community-based services pilot programs.
SB 316, relative to the regulation of online auctions.
SB 319, relative to exempt securities.
SB 320, relative to checklists used at elections.
SB 321, relative to group host net energy metering.

SB 327, relative to the medical review subcommittee of the board of medicine and time limits for allegations of professional misconduct before the board.
SB 332, relative to medication synchronization.
SB 341, relative to the veterans' property tax credit for service-connected disability.
SB 348, relative to senior-specific certifications or designations for securities broker-dealers.
SB 356, adding a representative from the community college system to the apprenticeship advisory council.
SB 363, prohibiting political expenditures by foreign nationals.
SB 367, relative to public utilities commission review of group host agreements.
SB 372-FN-A, establishing positions in the office of professional licensure and certification and making an appropriation therefor.
SB 389, relative to administrative fees on restitution.
SB 396-FN, relative to gold star number plates.
SB 412, relative to agritourism.
SB 417, relative to days of rest for employees of recreation camps and youth skill camps.
SB 428, relative to the payment of weekly and biweekly wages.
SB 429-FN, establishing a consumer services program within the insurance department.
SB 455, relative to state employees injured in the line of duty.
SB 458, authorizing the purchase of retirement system creditable service by a certain surviving spouse.
SB 474, establishing a committee to study group home rate parity.
SB 482-FN, relative to confidential emergency medical and trauma services data.
SB 503, relative to increasing the maximum amount of the optional veterans' tax credit.
SB 504-FN, relative to sales of tax-deeded property.
SB 505, requiring abutter notice of the construction of a crematory.
SB 511, establishing an optional tax credit for combat service.
SB 515, relative to commemorative license plates.
SB 519, relative to the purchase of property for the construction of roads.
SB 533-FN, relative to the composition and compensation of the personnel appeals board.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 326, relative to the functions of the division of historical resources.
SB 395, relative to access to records under the right-to-know law.
SB 400, relative to traveler information signs on highways.
SB 403-LOCAL, relative to the exemption for recreational vehicles from property taxation.
SB 448, establishing a commission to study the establishment of a state department of energy.
SB 499, relative to the applicability of certain DWI prohibitions.
SB 576-FN, relative to home health services rate setting.
SB 582-FN, authorizing an assessment to determine appropriate caseload and workload standards for the division for children, youth and families; establishing additional child protection services positions in the division for children, youth and families; relative to foster care and adoption programs and services; and making appropriations therefor.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

SB 378-FN, relative to an exemption from the board of registration of medical technicians.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 464, relative to the procedure for driveway permits.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 151, establishing a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers.
HB 1331, relative to incidental uses for agricultural plates.
HB 1352-FN, eliminating the nonresident freshwater bait dealers license and relative to hunting adventure permits.
HB 1564-FN, relative to sexual assault of a victim who is incarcerated in a correctional institution by a person with supervisory or disciplinary authority over the victim.
HB 1638, declaring April 28, 2018 as tabletop gaming day in New Hampshire.
HB 1651, establishing a committee to study the use of liquid de-icers and solid salt on roads.
HB 1739-FN, prohibiting female genital mutilation.

April 18, 2018
2018-1655-EBA
06/10

Enrolled Bill Amendment to HB 1335

The Committee on Enrolled Bills to which was referred HB 1335

AN ACT relative to the cybersecurity software used by the state of New Hampshire.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1335

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1335

Amend section 1 of the bill by replacing line 1 with the following:

1 New Subdivision; Cybersecurity Software. Amend RSA 21-R by inserting after section 14 the

Amend section 1 of the bill by replacing line 3 with the following:

Cybersecurity Software

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 18, 2018
2018-1641-EBA
03/01

Enrolled Bill Amendment to HB 1606

The Committee on Enrolled Bills to which was referred HB 1606

AN ACT relative to naturopathic health care practice.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1606

This enrolled bill amendment corrects a reference in the bill and makes a grammatical correction.

Enrolled Bill Amendment to HB 1606

Amend RSA 328-E:14-a, II(a) as inserted by section 9 of the bill by replacing line 2 with the following:

testimony, subpoena witnesses, and compel, by subpoena duces tecum, the production of all

Amend RSA 318-B:38, I(n) as inserted by section 12 of the bill by replacing line 1 with the following:

(n) A representative of the New Hampshire naturopathic board of examiners, appointed

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 19, 2018
2018-1660-EBA
04/05

Enrolled Bill Amendment to HB 1665

The Committee on Enrolled Bills to which was referred HB 1665

AN ACT relative to the authority of the governing boards of allied health professionals.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1665

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1665

Amend RSA 328-F:11, I as inserted by section 4 of the bill by replacing lines 24-26 with the following:

[~~(g)~~] ***(h)*** Application procedures.

[~~(h)~~] ***(i)*** The allocation of disciplinary sanctions in cases of misconduct by licensees ***and by certified individuals***.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

April 26, 2018

The Senate reconvened at 9:00 a.m., a quorum being present.

The Reverend Jon Hopkins, chaplain to the Senate, offered the following prayer:

Let us pray.

Dear God, we gather to make decisions for our state. May we use only our best skills in judgment, keeping ourselves impartial and neutral as we consider the merits and pitfalls of each matter that is placed before us, and always act in accordance with what is best for our state, and our community, and our fellow citizens. We seek blessings on the task before us. Bless our efforts with clear insight, our deliberations with wisdom, our work with clarity and accuracy, and our decisions with impartiality. We meet to serve our state, to use our resources wisely and well, to represent all members of our community fairly, to make good decisions that promote the common good. We recognize our responsibility to the past and the future, and the rights and needs of both individuals and communities. As trusted servants we seek blessings on our deliberations and our efforts here today; may we act wisely and well. Amen.

Senator Carson led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

PRESIDENT MORSE: I have one, maybe two. Representative DeSimone is in the back and her granddaughter Isabella is with her.

(The Chair recognized Senator Feltes for an introduction.)

SENATOR FELTES: Thank you, Mister President. In the gallery is a dear friend of mine and many in this chamber, who many of you know. She served as director of Planned Parenthood New Hampshire and has done great work in our community throughout her career. A great friend, a great colleague, great community advocate. Let's give a round of applause to Jennifer Frizzell.

INTRODUCTION OF PAGES

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Evan Crandelmire, Jennifer's son is here as a page today. Evan is age thirteen, you can stand up, Evan is age thirteen, he's in grade seven, lives in Concord, goes to Shaker Road School, his favorite subject is math, he's vice-president of student government, plays ice hockey and tennis and he also plays ping pong, he's very good at ping pong, he beats me at ping pong. Put that in the record. Member of the math counts team, he was recently competed in the state geography bee. He enjoys hiking, spending time outdoors and he's a very avid Boston sports fan. In the future he plans to attend college, major in business and computer science and hopefully create a medical technology start-up. Let's give a round of applause to Evan.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. It is my honor to introduce our page, Peter Reid. Peter's thirteen, is in the seventh grade at Shaker Road School, his hometown is Epsom and his favorite subject is history, but he next year will be a Latin I student. He is a football running back and linebacker. In baseball he catches and plays first base, skis and has a passion for politics, he's attended presidential debates and been to see numerous candidates. He is a two-term representative in his school student government and he's job shadow at the New Hampshire Institute of Politics and the New Hampshire Fisher Cats. He's been here to watch the House and Senate debate the state budget and policy bills. He plans to attend law school and enter business school and perhaps go into politics or business or sports business. So welcome Peter Reid.

CONSENT CALENDAR REPORTS REMOVED

HEALTH AND HUMAN SERVICES
HB 1791-FN, by Senator Bradley

PUBLIC AND MUNICIPAL AFFAIRS
HB 1307, by Senator Gray

TRANSPORTATION
HB 314, by Senator Birdsell
HB 500, by Senator Birdsell
HB 1549, by Senator Birdsell
HB 1595, by Senator Birdsell
HB 1614, by Senator Feltes

SPECIAL ORDER

Without objection, the following bills that were previously scheduled for Thursday, May 3, 2018 will be taken up on Wednesday, May 2, 2018. Adopted.

COMMERCE
HB 1285, relative to dancers and entertainers in premises serving alcoholic beverages.
HB 1690-FN, relative to liquor licenses.

EDUCATION
HB 1498, relative to alternate certification pathways for career and technical education instructors.

ENERGY AND NATURAL RESOURCES
HB 1402, relative to ordinances regarding forestry activities.

HEALTH AND HUMAN SERVICES
HB 1822-FN, making hormonal contraceptives available directly from pharmacists by means of a standing order.

JUDICIARY
HB 1627-FN, prohibiting the transmission of images or sounds of another person who is on private property or to conduct surveillance activity.

SPECIAL ORDER

Without objection, the following bills are special ordered to Wednesday, May 2, 2018. Adopted.

ENERGY AND NATURAL RESOURCES
HB 317, relative to changes in the system benefits charge.
HB 1458, relative to exempting certain rules governing marine species from the administrative procedures act.

HEALTH AND HUMAN SERVICES
HB 1791-FN, allowing pharmacists to disclose information relative to lower cost drugs under the managed care law.
HB 1809-FN, relative to balance billing under the managed care law.

TRANSPORTATION
HB 314, relative to autonomous vehicles.
HB 500, relative to organizations that are authorized to issue decals.

WAYS AND MEANS
HB 1251, relative to indicia for payment of taxes on the transfer of real property.

SENATE CLERK'S NOTE

The FN report was inadvertently in the wrong order in the Daily Journal and has been corrected in the Permanent Journal.

FN REPORT FOR APRIL 26, 2018

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with a fiscal note or an appropriation of funds:

CONSENT CALENDAR:

HEALTH AND HUMAN SERVICES
HB 1791-FN, allowing pharmacists to disclose information relative to lower cost drugs under the managed care law.

PUBLIC AND MUNICIPAL AFFAIRS
HB 1307, relative to the first session of annual meetings.

REGULAR CALENDAR:

COMMERCE
HB 1416-FN, repealing the prohibition on bottle rockets.
HB 1715-FN, establishing a committee to study options for tenants to dispute a rent increase in a manufactured housing park if such increase was arbitrary and unreasonable—if Inexpedient to Legislate recommendation is overturned.

ENERGY AND NATURAL RESOURCES
HB 1766-FN, relative to remediating the Coakley Landfill in Greenland.

HEALTH AND HUMAN SERVICES
HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs.
HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.
HB 1809-FN, relative to balance billing under the managed care law.

TRANSPORTATION
HB 1428-FN, relative to removal of roadside memorials.
HB 1718-FN, relative to surveillance on the public ways of the state—if Interim Study recommendation is overturned.

WAYS AND MEANS
HB 124-FN, relative to certain aircraft registration fees and airways tolls.
HB 1251, relative to indicia for payment of taxes on the transfer of real property.
HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7.

HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes.

HB 1819-FN, relative to administration of the education tax credit.

Senator Daniels recommends the following bills be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

CONSENT CALENDAR:

TRANSPORTATION
HB 388, relative to special number plates for veterans—if Inexpedient to Legislate recommendation is overturned.
HB 1614, relative to the international registration plan.
HB 1763-FN-A, establishing a road usage fee and making an appropriation therefor—if Interim Study recommendation is overturned.

REGULAR CALENDAR:

COMMERCE
HB 407-FN, requiring workers' compensation to cover prophylactic treatment for exposure.

ENERGY AND NATURAL RESOURCES
HB 101-FN, relative to certification for solid waste operators—if Interim Study recommendation is overturned.
HB 141, relative to electric renewable energy classes—if Interim Study recommendation is overturned.
HB 485, relative to standards for emerging contaminants in drinking water.
HB 1101-FN, regulating groundwater pollution caused by polluting emissions in the air.

HEALTH AND HUMAN SERVICES
HB 1103-FN, relative to financial responsibility for voluntary services provided pursuant to a report of abuse or neglect that is "unfounded but with reasonable concern."
HB 1565-FN, relative to requiring the secure psychiatric unit to be accredited as a psychiatric hospital and making an appropriation therefor.

JUDICIARY
HB 476, relative to the duties of registers of probate—if Interim Study recommendation is overturned.
HB 1775, relative to the appointment of guardians ad litem in parenting cases.

WAYS AND MEANS
HB 169-FN, relative to limits on wagers in charitable games of chance.
HB 1673-FN-L, relative to the interest charged on late and delinquent property tax payments.
HB 1686-FN, relative to applications for and the use of education tax credits.

Without objection, the FN Report is adopted.

CONSENT CALENDAR

Senator Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

HB 1216, relative to liability for deferred property taxes and relative to applications for abatement of property taxes.

Inexpedient to Legislate, Vote 5-0. Senator Ward for the committee.

This bill would have allowed mortgage holders to be held responsible for deferred property tax on a foreclosed property. The committee felt that this would change the priority lien status for mortgage holders and have a negative impact on the tax deferral program.

HB 1237, relative to the definition of "public at large."

Inexpedient to Legislate, Vote 5-0. Senator Kahn for the committee.

This bill would insert a statutory definition of "public at large" and aims to prevent elected officials from being appointed to committees as member of the public at large. The committee was concerned that the bill would prevent elected local officials from serving on state committees or commissions. Municipalities are able to define "public at large" in their codes or ordinances which makes this bill unnecessary.

HB 1307, relative to the presentation of a default budget.

Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

This bill would require the presentation of the default budget at the deliberative session to include individual line items. The committee was concerned with the amount of detail being provided and the impact it would have on longer term contracts. In addition, SB 342 was already passed by the Senate and deals with this issue in a less burdensome way and with more clarity.

HB 1332, allowing warrant articles to be split by the deliberative session.

Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

This bill would allow warrant articles to be split at the deliberative session. The committee heard testimony that this is already allowed and this bill would only affect SB2 towns. The committee felt the motion of inexpedient to legislate is appropriate given that this bill will just add confusion to what is already allowed.

HB 1340, relative to absences among officers required to be present at school district elections.

Ought to Pass, Vote 5-0. Senator Gray for the committee.

This bill will authorize a school board member to appoint a school board member pro tem to perform his or her duties at a school board election in the instance he/she is unable to perform his or her duties. This is currently allowed for town select board members and this bill will bring the law consistent for the school board members.

HB 1361, relative to county audits.

Inexpedient to Legislate, Vote 5-0. Senator Kahn for the committee.

This bill would modify the time frame for the completion of a county audit and requires the executive committee of the county convention to review the audit report. The committee heard testimony that this bill included old language which does not reflect changes made to the statute last year. Testimony was also presented that requiring the executive committee to review the audit report for compliance with all state and federal laws is unworkable due to the number of rules.

HB 1450, relative to retention of job applications and personnel files.
Ought to Pass with Amendment, Vote 5-0. Senator Woodburn for the committee.

This bill as amended decreases the time municipal employee records are required to be retained from 50 years to 20 years. The committee felt that 20 years would allow plenty of time for anyone needing access to employee information for retirement, referral or other purposes to obtain it.

Public and Municipal Affairs
April 18, 2018
2018-1633s
06/05

Amendment to HB 1450

Amend RSA 33-A:3-a, LX as inserted by section 1 of the bill by replacing it with the following:

LX. Job applications-successful: retirement or termination plus [~~50~~] ***20*** years.

Amend RSA 33-A:3-a, XCVI as inserted by section 2 of the bill by replacing it with the following:

XCVI. Personnel files: retirement or termination plus [~~50~~] ***20*** years.

TRANSPORTATION

HB 388, relative to special number plates for veterans.
Inexpedient to Legislate, Vote 5-0. Senator Gannon for the committee.

This bill would modify the availability of special number plates for veterans by allowing veterans to obtain trailer plates. The Transportation Committee feels as though this legislation is largely unnecessary and that its $30,000 fiscal impact is excessive.

HB 1262-L, relative to online driver education.
Interim Study, Vote 5-0. Senator Watters for the committee.

This bill would allow the classroom portion of driver education to be fulfilled by the completion of certain online driver education courses. While the Transportation Committee agrees that alternative methods of learning are important for students who may have various constraints, further study is needed to determine the merits of online driver education here in New Hampshire.

HB 1613, relative to operation of uninspected vehicles.
Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

This bill allows New Hampshire licensed repairers and dealers to purchase an uninspected, used vehicle or registered, uninspected vehicle from a location and operate the vehicle to relocate it to the dealer or repairer's place of business within 24 hours. This legislation is predicated on the fact that the vehicle is safe for road use. This bill helps to bring parity to this industry by affording dealers and repairers the same luxury that is given to other citizens and industries here in New Hampshire.

HB 1763-FN-A, establishing a road usage fee and making an appropriation therefor.
Interim Study, Vote 5-0. Senator Watters for the committee.

This bill would establish a road usage fee for vehicles registered to travel on state roads based on the equivalent miles per gallon of

the vehicle. This fee would be collected at the time of the annual registration of the vehicle and placed into the highway fund. The bill would also make an appropriation to the Department of Safety to implement this fee. The Transportation Committee believes that further study is needed on this legislation, including determining the best mechanism on which to base such a fee.

The question is on the adoption of the Consent Calendar. Adopted.

REGULAR CALENDAR

COMMERCE

HB 407-FN, requiring workers' compensation to cover prophylactic treatment for exposure.
Ought to Pass, Vote 4-0. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on House Bill 407. This bill requires workers' compensation to cover prophylactic treatment for exposure. Under current law as an example, a doctor who takes care of his or her patient and is critically exposed to an airborne illness, such as meningitis, needed antibiotics, were denied for their workers' compensation claim. Only bloodborne illnesses are covered by workers' compensation at this time. When taking care of these patients the risk of contracting the illness significantly increases. This bill is not for preventative treatment such as a flu shot, but it's to combat the critical illness or a potential critical illness during its incubation period. This will prevent the employee from missing work and in the worst case scenario actually dying. There are companies that do cover this type of treatment however it is generally a gray area. This bill clarifies ambiguities and I encourage the body to vote House Bill 407 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HB 1201, relative to an employee's earned but unused vacation time.
Inexpedient to Legislate, Vote 3-1. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Inexpedient to Legislate on House Bill 1201. It is already required under RSA 275:49 that employers provide their employees with a written notice about the terms and conditions of their benefits including vacation time, however the discretion is up to the employer to create a benefit plan that is best suited for the company. This bill takes the employer's discretion away from them by requiring them to pay out vacation time at certain times. This creates burdensome budgets and cash flow problems for the employers. This bill could create the potential for the employee giving themselves a pay raise if they choose to be paid instead of taking the vacation time. People cannot be forced to use their vacation days, ever. In certain instances companies can be paying thousands of dollars for unused time which creates a huge burden especially for small businesses within the state. Please support the recommendation of Inexpedient to Legislate on House Bill 1201. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 1416-FN, repealing the prohibition on bottle rockets.
Ought to Pass, Vote 3-1. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. Mister President, it is a great day for fireworks. As I had said a few months ago or maybe a

year ago Mister President, I was thinking we could celebrate the Fourth of July every single day. Some of you might remember that we brought forth a bill to reinstate the ability of people just to have a little firework, a lady finger, had been outlawed in our state. At the same time we had a conversation relative to the fact that we have also outlawed bottle rockets. Something I'm sure some of you in here, probably Senator French more than the others, would like to fire them at their friends, but the truth is this is one of the smallest fireworks commercially available anywhere today. But unfortunately some years ago, someone actually got hurt lighting off a bottle rocket. And in the typical overreach of what we see in government, they made a decision to ban them, thinking it would keep everybody safe. The truth of the matter is today, you can buy and light off a four inch mortar, two feet tall that goes three or four hundred feet into the air and we consider that to be a legal use of our fun time, but just a tiny little bottle rocket is outlawed. Mister President, it is an injustice to fun. So what this bill does is it repeals the prohibition on the sale of bottle rockets. As I indicated before, years and years ago one person got injured, and the legislature overreacted to ban just the sale of bottle rockets. In this bill, the House amended it by guaranteeing a purchaser of a bottle rocket also now will get a bottle rocket launcher, Senator French's favorite device. This device will ensure that a stable holder would keep the bottle rocket aimed in a safe direction and increase safety of its use. The rocket launcher is stuck into the ground, ensuring that it is stable and will launch the rocket straight up into the air. All bottle rockets sold are tested and inspected by the American Fireworks Safety Laboratory, making sure they are safe for the consumers. And now I also want to note Mister President, that bottle rocket sales make up 15 percent of all fireworks sales in the states where they are still legal. So, the committee asks you to join us in voting Ought to Pass on House Bill 1416. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the current motion because besides the issue of fun I think the issue of safety needs to be balanced. This legislation although it calls for the purchase of a launcher, does not require the use of a launcher. These devices can be set off and go as much as 200, 250 feet, in a congested neighborhood like where I live in Manchester, the potential for danger of the use of these devices is truly significant. The fact that somebody was killed using a bottle rocket was the reason that this legislation was enacted in the first place. That also occurred in the city of Manchester and there have been numerous incidents since then and leading up to that with the legal use obviously bottle rockets but there are accidents, the potential for people getting hurt with even proper use but definitely with misuse of this product is very significant. This is not good public policy, there are plenty of opportunities to purchase fireworks now in the state and use them, this is not a device that's going to create any more fun for anyone, but has the potential to create grave harm. And for that reason the New Hampshire Department of Safety, the Fire Marshal's Office and many of our local fire chiefs have expressed concern about the passage of this legislation. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Bradley, Watters, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Feltes, Cavanaugh, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Hennessey, Kahn, Lasky, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 17 - Nays: 7. Adopted, bill ordered to Third Reading.

HB 1700, relative to the procedure for placing a security freeze on a consumer credit report.
Ought to Pass, Vote 4-0. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on House Bill 1700. This bill modernizes the language for procedures regarding security freezes on consumer credit reports. This will allow for consumers to freeze their own account via electronic, telephone or first class mail without any fees. Currently for someone to freeze their credit, even for mistakes, that are not the fault of the consumer, they are charged. This allows a consumer to freeze their credit report themselves, not through an agency. This will not create a burden for the agency and better to protect the citizens of New Hampshire and its consumers. Please join the committee in voting House Bill 1700 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1715-FN, establishing a committee to study options for tenants to dispute a rent increase in a manufactured housing park if such increase was arbitrary and unreasonable.
Inexpedient to Legislate, Vote 3-1. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I don't know why I volunteer so much, but... I move Inexpedient to Legislate on House Bill 1715. This bill establishes a committee to study the options a tenant in a manufactured housing park has to dispute an unreasonable and arbitrary increase in rent. Currently there is already an association to handle these disputes known as the Manufactured Housing Consumer Protection Program which is handled by a mediator who was a retired judge, and is free of cost to the resident. The program has only been used fifteen times since 2005. This legislation is unnecessary because there is already a program in place to handle the renter's feuds among the owner and the residents and it is infrequently used. There was a problem just recently, the group went to the manufactured housing park association and they resolved it to both of their satisfactions. So please I ask you to vote with the committee recommendation of Inexpedient to Legislate on House Bill 1715. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I rise in opposition to the pending motion. As a co-sponsor of this bill and worked on the issue I do agree that a study committee is not necessary. I also agree that there is a process in place to allow for tenants of manufactured home parks to go through a mediation process when there is an arbitrary and unreasonable rent increase, which by the way, if you're renting a mobile home, you're renting that lot, it's not like you can pick up your home immediately and transfer it someplace else if you get hit with a rent increase. That's why we have these processes in place. So what happens is people have not been able to exercise this process, this mediation process, in large measure because they don't know about it. So I've got a Floor Amendment

that's been discussed throughout this legislative process that just says, that there's already a mandatory notice of your rent increase, add to that pre-existing notice, notice that you can go through this mediation process. That's it. Doesn't change existing rights, doesn't alter the balance of power between manufactured home parks and tenants. All it does, it says when you provide that notice that says your rent's going up, you also include in it that you may have the right to go to mediation to try to resolve this. I think we all appreciate mediated results, not litigation, and to have that notice for tenants is really important so let's vote down ITL, so we can get to this pretty basic Floor Amendment about transparency, about people's rights. Thank you, Mister President.

(The Chair recognized Senator Giuda for a question of Senator Feltes.)

SENATOR GIUDA: Thank you for taking my question, Senator. Who's the determinant of arbitrary and unreasonable?

SENATOR FELTES: Thank you very much Senator, the debate right now is not about that. The debate right now is about whether or not there's a study committee, whether or not there's a replace all amendment that just provides notice about a pre-existing mediation process, which is what I'm arguing for, or whether we do nothing. So that debate is not part of the debate anymore of where we're at.

SENATOR GIUDA: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise to support what the Senator from District 15 has suggested. Sometimes in this life, knowledge of a process is not available. Without knowledge of the process you're in limbo. This amendment that the Senator is suggesting, doesn't do anything except provide information. Information saves the nation. Are we against information? Are we against people knowing their rights? There are many of these mobile home parks in the state of New Hampshire. Some of them are owned by the tenants, some of them are owned by outside landlords. As the Senator pointed out, in many instances you're renting the land. Very tough for you to move that situation on a moment's notice. So if an unreasonable request is brought forward, there is a process, but you got to know about the process. And I give you the basic illustration that shows limited knowledge of the process is problematic. When we passed education reform we created a fund to help people with their real estate taxes. That money lapsed at the end of the biennium because people didn't understand the process and didn't know the process. We don't want that to happen. People deserve an opportunity just to know what the process is so that they can take advantage of it. This amendment, as I understand it, does nothing except allow people to get information. None of us can be opposed to that. As I said, information does save the nation. Thank you, Mister President.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I'd like to first say that this park, this whole bill came about because of one park in this state. I used to live two miles from this park, I know the owner and I'm friends with a lot of people that live in this park today. There is nothing that says these people did not know their rights. They went and they went before the board, and to punish all the other good park owners in the state by forcing them to add new language, it's not needed, and I ask you to vote for the ITL. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Briefly. I respectfully disagree with my friend from Franklin. Look, these folks didn't know about the process until we informed them about the process. Then they exercised their rights in the process, that's number one. Number two is this is a broad based issue and it's been a long standing issue. My friend from District 7 even noted there's only been fifteen of these. There's been thousands of rent increases in parks across the state. There's only been fifteen exercising their rights to go to mediation? It's because people don't know about it. It's not a burden to copy and paste a couple sentences to a pre-existing notice that has to be provided that says your rent's going up, and oh by the way, here's a couple sentences that says you can go to mediation. That's not a burden. So let's vote down ITL, let's go forward with a common sense Floor Amendment. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Soucy, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark, Gannon.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

SPECIAL ORDER

Without objection, the following bill is special ordered to Wednesday, May 2, 2018. Adopted.

EDUCATION
HB 1636, establishing a committee to study teacher preparation and education programs.

ENERGY AND NATURAL RESOURCES
HB 101-FN, relative to certification for solid waste operators.
Interim Study, Vote 4-1. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move House Bill 101 be referred to Interim Study. The bill lengthens the time a solid waste operator certificate is valid from one year to two years. It also exempts volunteer solid waste operators from the certification requirement. The committee heard testimony that the bill would result in a nearly 50 percent decrease in revenue for the Department of Environmental Services from that fund. This revenue is used for important training assistance programs for solid waste operators around the state. Testimony also indicated that the language for an exemption for volunteer solid waste operators was too broad in scope. The committee felt that passage of the bill in its current form raised many unintended consequences and that these effects need to be reviewed thoroughly. The Senate Energy and Natural Resources Committee asks for your support for the motion of interim study on House Bill 101.

The question is on the adoption of the motion of Interim Study. Adopted.

HB 141, relative to electric renewable energy classes.
Interim Study, Vote 4-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you again, Mister President. I also move House Bill 141 be referred to Interim Study. The bill would permit the PUC, the Public Utilities Commission, to modify renewable energy portfolio standards according to expected annual output for Class I and Class

II of the renewable portfolio standards law. This bill gives the PUC the ability to modify the annual compliance obligations and should an insufficient supply of renewable energy credits be available. The committee felt passage of the bill in its current form raised unintended consequences and those effects need to be reviewed thoroughly. The Senate Energy and Natural Resources Committee asks for your support of the motion of Refer to Interim Study on House Bill 141. Thank you.

The question is on the adoption of the motion of Interim Study. Adopted.

HB 485, relative to standards for emerging contaminants in drinking water. Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

Energy and Natural Resources
April 17, 2018
2018-1598s
04/05

Amendment to HB 485

Amend the title of the bill by replacing it with the following:

AN ACT relative to standards for emerging contaminants in drinking water, and relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.

Amend the bill by replacing all after section 4 with the following:

5 New Subdivision; Contaminants in Drinking Water. Amend RSA 485 by inserting after section 16-d the following new subdivision:

Perfluorochemicals

485:16-e Perfluorochemicals. The commissioner shall, in consultation with the commissioner of the department of health and human services and stakeholders, and no later than January 1, 2019, initiate rulemaking to adopt a maximum contaminant limit (MCL) for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) for public water systems regulated by this chapter. The commissioner shall consider the standards of other states, including the science considered by states with standards lower than those contained in health advisories from the United States Environmental Protection Agency. The commissioner shall adopt MCLs that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer reviewed science and independent or government agency studies, provided no MCL shall exceed that contained in any MCL promulgated by the United States Environmental Protection Agency. The commissioner shall annually review the newest peer reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

6 New Paragraph; Ambient Groundwater Quality Standards. Amend RSA 485-C:6 by inserting after paragraph III the following new paragraph:

IV. The commissioner shall, in consultation with the commissioner of the department of health and human services and stakeholders, and no later than January 1, 2019, determine whether to revise the ambient groundwater quality standards for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) established in rule in order to comply with this paragraph and shall make public his or her determination. The commissioner shall consider the standards of other states, including the science considered by states with standards lower than those contained in the lifetime health advisory promulgated by the United States Envi-

ronmental Protection Agency. The commissioner shall adopt standards that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer reviewed science and independent or government agency studies, provided no standard shall exceed that contained in any standard promulgated by the United States Environmental Protection Agency. If the commissioner determines that the standard should be changed, the commissioner shall initiate rulemaking within 60 days of making the determination. The commissioner shall annually review the newest peer reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

7 New Paragraph; Surface Water Quality Standards. Amend RSA 485-A:8 by inserting after paragraph II-a the following new paragraph:

II-b. The commissioner shall, in consultation with stakeholders, and no later than January 1, 2020, establish a surface water quality standard for perfluorooctanesulfonate (PFOS), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS) in Class A and Class B waters, if scientifically feasible. The commissioner shall consider the standards of other states. The commissioner shall adopt standards that reasonably protect public health, particularly prenatal and early childhood health, and that are reasonably supported by peer-reviewed science and independent or government agency studies, provided no standard shall exceed that contained in any standard promulgated by the United States Environmental Protection Agency. If the commissioner determines that the standard should be changed, the commissioner shall initiate rulemaking within 60 days of making the determination. The commissioner shall annually review the newest peer-reviewed science and independent or government agency studies and undertake rulemaking in order to comply with this paragraph, if necessary.

8 Effective Date.

I. Sections 1, 2, and 5-7 of this act shall take effect 60 days after passage.

II. Section 3 of this act shall take effect 180 days after passage.

III. The remainder of this act shall take effect upon its passage.

2018-1598s

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. Requires the commissioner of the department of environmental services to adopt ambient groundwater quality standards using certain scientific information.

IV. Establishes a toxicologist position and a human health risk assessor position in the department of environmental services.

V. Requires the commissioner of the department of environmental services to adopt a state drinking water standard relative to perflurochemicals.

VI. Requires the commissioner of the department of environmental services to establish ambient groundwater quality standards relative to perfluorochemicals.

VII. Requires the commissioner of the department of environmental services to establish surface water quality standards relative to perfluorochemicals.

SENATOR INNIS: Thank you, Mister President. I move House Bill 485 Ought to Pass with Amendment. This bill allows the Department of Environmental Services to make rules regarding air pollution and the deposit of such pollutants on soils and water. It also regulates devices emitting or having the potential to emit air pollutants that may harm soil and water through the deposit of such pollutants. The bill requires the Commissioner of the DES to adopt ambient groundwater quality standards using certain scientific information. To accomplish these objectives, the bill establishes a toxicologist position and a human health risk assessor position in the Department of Environmental Services. As you know water quality has been a persistent problem throughout the state, affecting individuals, families, and businesses, particularly in the seacoast. This bill provides the tools necessary for DES to protect this state's water resources to protect our most vulnerable. The bill sets timelines for DES to review certain contaminants that may be in drinking water and in the groundwater. It also gives the DES the ability to regulate air emission devices where emissions may lead to groundwater contamination. The amendment requires the Commissioner of DES to adopt a state drinking water standard, an ambient groundwater quality standard, and a surface water quality standard relative to certain PFCs, or perfluorochemicals. Emerging contaminants like PFCs pose a potentially serious health risk to those in our state. The amendment compels DES to adopt certain standards in regard to these chemicals to protect the public health. The DES will examine peer reviewed science and other methodologies undertaken by other states and the Environmental Protection Agency to arrive at a set standard. The bill requires the DES to undertake an annual review of these standards to ensure they are in line with recent scientific data. The amendment also adds two compounds that have been added to the list of emerging contaminants: PFNA and PFHxS. It is vitally important we set standards that protect the public health, and that those standards be based on the latest peer reviewed science, which is updated continuously. The Senate Energy and Natural Resources Committee is excited to ask for your support for the motion of Ought to Pass with Amendment on House Bill 485-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted.

Senator Bradley moved to Lay on the Table HB 485. Adopted.

HB 1101-FN, regulating groundwater pollution caused by polluting emissions in the air.
Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

Energy and Natural Resources
April 18, 2018
2018-1628s
08/04

Amendment to HB 1101-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 and relative to standards for perfluorochemicals in drinking water, ambient groundwater and surface water.

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 Perflourinated 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 deposition 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), perfluoroctanesulfonic 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.

[~~III.~~] ***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 qual-

ity 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 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.

2018-1628s

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.

SENATOR INNIS: Thank you, Mister President. If you're not tired of me already, you will be by 10:00 a.m. Thank you, Mister President. I move House Bill 1101-FN ought to pass with amendment. The bill allows the Department of Environmental Services to make rules regarding air

pollution and the deposit of such solutions on soils and water. It also regulates devices emitting or having the potential to emit air pollutants that may harm soil and water through the deposit of such pollutants. It clarifies the basis for and requires periodic review of ambient groundwater quality standards. It also directs the department to evaluate and set ambient groundwater quality standards and maximum contaminant levels for PFOA, PFOS, PFHxS, and PFNA. To accomplish these objectives, the bill establishes a toxicologist position and a human health risk assessor position in the DES. Water quality has been a persistent problem throughout the state. This bill will give DES the necessary tools to provide safe drinking water and to protect our citizens. The bill again directs DES to review or establish standards for contaminants that are found in drinking water and in groundwater. And gives the DES the ability to regulate air emission devices where such emissions may lead to groundwater contamination. The amendment requires the Commissioner of DES to adopt a state surface water quality standard relative to certain PFCs. These emerging contaminants pose a potentially serious health threat to those in our state. It directs DES to develop a plan, including a schedule and cost estimates, to establish surface water quality standards for PFOS, PFOA, PFNA, and PFHxS. The State Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass with Amendment on House Bill 1101-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HB 1555, relative to participation by the public utilities commission in regional activities.
Ought to Pass, Vote 4-0. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move House Bill 1555 Ought to Pass. This bill requires the Public Utilities Commission and the Office of the Consumer Advocate to advocate against regional or federal policies which are inconsistent with the policies in this state or which would have rate impacts determined to be unjust or unreasonable. Because New Hampshire is part of the ISO-NE electrical grid, our state's policy is connected to the decisions made by other states in the region. It is critical that New Hampshire's electricity customers do not bear the costs of decisions made by others. This bill gives both the PUC and the Consumer Advocate concrete direction that the interests of New Hampshire's ratepayers are vitally important in the state's participation in regional and federal energy policy deliberations. The Senate Energy and Natural Resources Committee respectfully asks for your support for the motion of Ought to Pass on House Bill 1555. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and ask the body to recognize that over the hill and through the woods, the wonderful kids from the Dublin Christian Academy are here checking out the Statehouse today. If you'd welcome them with me, please.

Recess. Out of recess.

HB 1766-FN, relative to remediating the Coakley Landfill in Greenland. Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

Energy and Natural Resources
April 18, 2018
2018-1630s
08/04

Amendment to HB 1766-FN

Amend the title of the bill by replacing it with the following:

AN ACT requiring the department of environmental services to report to the general court regarding bedrock testing and perfluorochemical contamination in the Seacoast area and at other landfills and hazardous waste sites.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court acknowledges the public concern regarding the issue of water quality in the Seacoast area and at areas of environmental interest all over the state. The general court further finds that in view of bedrock testing due to begin in the Seacoast area during the summer of 2018, and in view of the impending first ever study of per and polyfluoroalkyl (PFAS) exposure, the general court shall be informed, on a regular basis, of contaminant monitoring and contaminant migration, and advised regarding new research on contaminant exposure and any developments in remediation technology.

2 Department of Environmental Services; Reports Required.

I. The department of environmental services shall submit an initial report to the general court by December 1, 2018, and shall submit interim reports every 6-months thereafter, on the results of monitoring, testing, and any other analysis or data relative to perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) levels at statewide sites that it has identified as sources of those contaminants. The reports shall include preliminary results from bedrock testing conducted at the Coakley Landfill site beginning in the summer of 2018. The department shall submit interim reports on the bedrock testing by July 1, 2019 and December 1, 2019, and a final report within 6 months of when such testing is completed. Other Seacoast area sites shall include, but not be limited to, the Pease International Trade port and its vicinity, the Hampton Landfill, the Coakley Landfill, the Rye Breakfast Hill Landfill, the Rye Grove Landfill, the Garland Well and nearby well sites, the former Cibor Airport, the Hampton Airport, and other municipal and commercial operations within the Seacoast area deemed relevant by the department. The department shall also include in such reports the PFOS and PFOA levels at any landfill, hazardous waste, and other sites statewide where it currently requires testing.

II. Copies of the reports required in paragraph I shall be submitted to:

(a) The president of the senate.

(b) The speaker of the house of representatives.

(c) The chairman of the senate energy and natural resources committee, or the successor committee with jurisdiction over energy and natural resource issues.

(d) The chairman of the house resources, recreation, and development committee, or the successor committee with jurisdiction over energy and natural resource issues.

(e) The joint legislative fiscal committee of the general court.

3 Senate and House of Representatives Committees; Duties. The senate energy and natural resources committee and the house resources, recreation and development committee, or their successor committees as specified in section 2, paragraph II of this act, shall collect and evaluate the reports required in section 2 of this act along with any other reports, data, and information the committees deem relevant. The committees shall solicit information from commissions and informed citizens in southeastern New Hampshire and shall solicit information from the United States Environmental Protection Agency regarding the reports required in section 2.

4 Effective Date. This act shall take effect July 1, 2018.

2018-1630s

AMENDED ANALYSIS

This bill requires the department of environmental services to report to the general court regarding perfluorinated chemical contamination at the Seacoast and at landfills and other hazardous waste sites.

SENATOR INNIS: Thank you, Mister President. I move House Bill 1766-FN Ought to Pass with Amendment. This bill requires the Department of Environmental Services to order the parties responsible for dumping hazardous waste in the Coakley Landfill to undertake certain remedial actions. The Coakley Landfill, a former landfill for both municipal and hazardous waste, is one of twenty-one Superfund sites in the state managed by the EPA. Specific remedies to the site were embodied in court-ordered consent decrees, which govern the work at this site. These consent decrees were signed by the EPA, DES, and the Coakley Landfill Group, which is made up of responsible parties who dumped waste into the landfill. As of 2016, the presence of perfluorinated chemicals was found in surface waters like Berry's Brook near the site. The bill, as introduced, would have required DES to install a pump and treat system, a remedy that was not implemented during the 1990s, to prevent the flow of contaminants into Berry's Brook. Testimony revealed that having a state agency compel responsible parties to implement a specific remedy on a federal site would raise significant legal consequences that could slow down any remedial efforts at the Coakley Landfill. The bill, as amended, requires the DES to report to the General Court regarding perfluorinated chemical contamination at the Seacoast and at landfills and other hazardous waste sites. The amendment will place pressure on the DES and the EPA to demonstrate to the General Court that appropriate steps are being taken to address the Coakley Landfill site and that surrounding communities and their water sources are not impacted by contaminant flow. DES will be doing bedrock testing at the site over the next two years, providing the General Court with a full illustration of the flow of contaminants from the site. The Senate Energy and Natural Resources Committee asks for your support for the motion of Ought to Pass with Amendment on House Bill 1766-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

Recess. Out of recess.

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.

Senator Innis offered a Floor Amendment.

Sen. Innis, Dist 24
April 25, 2018
2018-1792s
08/04

Floor Amendment to HB 1766-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court concurs with the department of environmental services and finds that and contaminants have migrated from site groundwater at the Coakley Landfill to Berry's Brook, and the resultant effects on Berry's Brook are unacceptable and require remedial action. The general court further concurs with the department's finding that such remedial action is the most reliable way to limit exposure to Coakley Landfill site contaminants via the surface water pathway. Therefore, the general court declares that it is in the public interest to limit exposure to Coakley Landfill site contaminants through actions that prevent their migration into Berry's Brook.

2 Coakley Landfill; Remediation Required.

I. The department of environmental services shall:

(a) Pursue administrative or legal action requiring the Coakley Landfill group's installation and operation of technology to remove or contain pollutants to cease their migration into Berry's Brook; and

(b) Continue monitoring the migration of Coakley Landfill site contaminants into Berry's Brook.

II. If the department of environmental services determines that it can implement the above actions only through the applicable consent decree regarding Coakley Landfill, then the department of the environmental services shall, within 60 days of the effective date of this section, formally pursue such relief through the processes available to it, including but not limited to the filing of a new action in a court of competent jurisdiction.

III. On or before December 1, 2018, the department of environmental services shall submit a report with the governor, the senate energy and natural resources committee, and the house health and human services committee, detailing steps taken and progress made in implementing actions pursuant to paragraph I, all testing results concerning the migration of Coakley Landfill site contaminants into Berry's Brook, what remediation plans have been developed and the status of such plans, and all requests made of the Coakley Landfill group by either the department of environmental services or the United States Environmental Protection Agency, and responses to those requests by the Coakley Landfill group.

3 Effective Date. This act shall take effect upon its passage.

2018-1792s

AMENDED ANALYSIS

This bill requires the department of environmental services to order the parties responsible for dumping hazardous waste in the Coakley Landfill to undertake certain remedial actions. This bill also requires the department of environmental services to submit a report to the senate energy and natural resources committee and the house of representatives health and human services committee.

SENATOR INNIS: Thank you, Mister President. This amendment is designed to encourage, actually require the Department of Environmental Services to work with the Coakley Landfill Group to take remedial action to limit exposure to surface water from the Coakley Landfill, specifically we're targeting Berry's Brook with this remedial action. And the DES sent a letter to the committee, I don't know, several months ago detailing the extreme contamination levels of Berry's Brook. It's above 700 parts per trillion. The EPA standard for drinking water is 70 parts per trillion. And walking in today, some of us were offered these sanitizers. I think it's somewhat symbolic in that the water in Berry's Brook just isn't clean and you can't clean it simply. It takes a significant effort to get it to be clean. And I don't know about you, but back in the day, we played outside. And in Columbus, Ohio we'd go down to the ravine into this little creek and I'd come home with caked mud and dirt all over myself. And water, but it probably soaked into my skin, it'd gotten into my mouth and in my eyes, God knows where else. We had a good time. If you go to Berry's Brook today in pristine New Hampshire, not the city of Columbus, but in pristine New Hampshire, it's more polluted than that creek I played in as a kid, with something that may cause cancer. That shouldn't stand. Not in our state. And it's not something that we should tolerate. So this amendment asks the DES to take administrative or legal action requiring the Coakley Landfill Group to install and operate technology that will remove certain pollutants and stop their migration into Berry's Brook and give the children a clean place to play.

In section 2, the consent decree is specifically mentioned, and I encourage you to take a quick look at that section. But we understand there's an intent to create and we want the DES to work within that decree to find a way to do this in a way that is legal and appropriate. Reporting is covered in lines 23-30, and there will be reports made on the progress with respect to remediation as we move forward. Effective immediately upon passage. I strongly encourage you to support this. Clean water both above ground and below ground is critical for our health, for our children's health, for the health of the extremely young, particularly fetuses and those that are just developing. These are noxious chemicals and while we might be uncertain as to the degree of the causal link between PFCs and cancer, there has been some establishment that that causal link does exist. So I strongly encourage you to support amendment 1792. Thank you, Mister President.

Recess, Out of recess.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Yes, I'd just like to announce to you that I am reading this from my cell phone because I was unable to get my remarks printed out. You know sometimes you have a technology glitch, I don't know why. So, thank you, Mister President for allowing me to do this. I rise in opposition to the Floor Amendment and in support of the committee amendment addressing the potential risk of contamination to drinking water on the seacoast is a very serious and challenging situation. Opposing seeking an immediate remedy doesn't mean that the concerns of people, oh my goodness it just disappeared. I will speak from the heart but this is complicated, okay? So, I'll do my very best, alright but it doesn't mean by opposing this amendment that all of us don't believe that there's a very serious and challenging situation on the seacoast.

The difficulty with the amendment is that it is premature. And even though DES said in July of 2016 that there was a concern with Berry Brook, there has not been a direct link between Berry Brook and the surrounding drinking water wells to prove that it is the source of contamination, or even if those wells are contaminated, or even if the contamination comes from the Coakley Landfill, because there are a number of adjacent superfund sites as well. So this is a challenge that deserves expanded research and investigation before we come up with determining where actually if contamination is taking place, where it is coming from and how it should be treated. And what I wanted to go over with you and I'll look at it from here is to let you know that right now, under the aegis of the DES, in conjunction with the Coakley Landfill Group and the EPA, the following work is being undertaken at the Coakley Landfill. They began this week to sample wells in the surrounding areas. When they have taken those samples, they will analyze them to determine to what degree in those ground water samples there is or is not contamination from emerging contaminants such as PFASs.

Secondly, they are looking at investigating the boundaries if you wish to the groundwater zone, it's called the LiNimance of the landfill site to look for such things as fractures and reducing this, it's rather complicated, and to establish additional locations and how they should be accessed. They are beginning to do the deep bedrock work which in one of the purposes as I understand it from the testimony we heard in committee, was to determine if there was a direct link between the bedrock wells and Berry's Brook. So that's continuing, unfortunately it's time consuming and I'm sure a source of frustration to people who are rightly concerned about the serious situation.

Finally, they are starting to do the fish tissue sampling in Berry's Brook to determine to what degree the fish in that brook may or may not be contaminated as another level of determining the immediate risk. At this time we heard from DES that while they are concerned about the need to clean up Berry's Brook, there is no immediate threat to the people on the seacoast. If it's determined, all the way along as this continuing investigation and research is going on, that suddenly you know a threat is found, the Coakley Landfill Group is committed to providing people with immediate bottled water and then helping them install appropriate ongoing filters, carbon filters that would ensure that they were no longer exposed. Now what we don't know is that if there is exposure in the existing wells, how long that exposure has been going on and what is the impact of that exposure.

PFASs, these emerging contaminants, are only something that was identified around 2016 as something that we need to be paying attention to. There has been a lot of criticism of the city of Portsmouth and the Coakley Landfill Group because they did not implement a pump and treat system in the 90s. The whole purpose of that original pump and treat system was to treat contaminating metals that were found at the site, okay? What they determined over a period of time from 1990 to 1999 was that those metals were degrading themselves and then they didn't need to put in the pump and treat system and the pump and treat system that would be put in today is an entirely different system and would require a different design component and the concern is that you put a pump and treat system in around the area of Berry Brook when maybe what you need to do is put a pump and treat system that would deal with the whole site, if this further investigation determines that that is necessary.

The Coakley Landfill Group, the city of Portsmouth have all committed to saying they will do what the EPA tells them to do. Ultimately it is the EPA that is making decisions around these superfund sites. So will you join with me in recognizing while this amendment was well intentioned, it is premature and it runs the risk of interfering with all of the various investigations that are going on at the current time? So, thank you very much, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President I rise and in the past few weeks I've really kind of thought about, why are we here, what are we trying to do? It comes to me over and over again that the number one obligation we have is to keep our people safe. Now we used to think all the time, decades ago, that we thought people might be invading America, we might go to war and how do we keep our people and our value set safe? But as we've seen recently, it's not just that. It's the fact that keeping our people safe and healthy, keeping our people in a place where they know every day, and this example, that the people of the state deserve to know when they turn on the faucet, that they can drink the water. You know where I live over in Bedford, Mister President, down in Senator Daniels' district across this state right now, we're having some real problems. Not here to fault anyone, so much of what we know today we didn't know decades ago. But what we do know today is there is this potential that people can't turn on their faucet and feel safe that they can drink the water. What we do know today, is events that happened some time ago have a true potential for adverse effects today. So I applaud what Senator Innis is doing and what he's trying to do, for standing up to tell the people of his part of the state, my part of the state, all of our parts of the state, that we're trying to do what is right to keep you safe. To let you know that when you're drinking out of your faucet when you're taking a shower, when you're hanging out in the brook, when you're going fishing, when you're doing whatever it is, that you're doing it and you know you'll be okay. For that reason Mister President, I will support the amendment and the efforts of Senator Innis and the Governor and those who are moving this forward. Thank you very much.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. One striper, one striper per year is all you can eat because of mercury contamination. And just around the corner from where Berry's Brook enters the ocean, you can catch striper quite easily. I want to eat them, but I don't. Berry's Brook has brown trout in it. It's been stocked historically by the state. Are they safe to eat? I don't know. Can I eat one per year? I don't know. Two? Five? At what point will the PFC levels and the contamination in our fish reach the point where we can't eat them anymore? When will children be gently poisoned daily by PFCs in surface water where they're playing? We don't know the answers to all of these questions yet, but what we do know is that we are contaminating Berry's Brook and the DES has said the cause of that contamination, Berry's Brook, is the Coakley Landfill. Period. There's no question in the mind of the DES officials about where this contamination is originating. So again I encourage you please support the amendment 1792. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, just briefly in support of the amendment. I respect and appreciate all the

comments that were made about this particular amendment and this particular issue. Serving on the committee and taking a look at the testimony and the evidence presented, coming to the conclusion that the specific concerns at Berry's Brook, in the letter from DES on July 7, 2017 that said that the PFCs in Berry's Brook are coming from Coakley Landfill Group, that they're unacceptable and require remedial action, that was July 7, 2017. There hasn't been any remedial action, there just hasn't been. And so I think this amendment, what it does, it doesn't upset the consent decree because it says operate within the consent decree. It doesn't require pump and treat system, it requires a remedy and there are those who argue that this may just lead to litigation, there have been roughly four decades of litigation on this already. There's not, there'll probably continue to be litigation but the question is when our state agency issues a letter saying do something, in my view with respect to public health and the public interest we should back them up. So, that's why I support this amendment. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. For the proponents of the amendment, I would offer this. I wish it were so. Let no one question the resolve of our friends in the House and ours to deal with these emerging contaminants. We just passed House Bill 1101, sponsored by my colleague, Representative Hinch in the House. The House is about to pass Senator Innis' bill, Senate Bill 309 which are identical and deal with these emerging contaminant issues. But unfortunately we have a federal law, the Federal Superfund Law. It gives the ultimate authority in a superfund site, which Coakley is, to the Environmental Protection Agency, with DES' participation. And once you have under the circle of law, the Federal Superfund Law, a consent decree, you're bound by the terms of the consent decree and EPA, the Environmental Protection Agency, has to administer it.

I asked the DES representative, Mike Wimsatt, a series of questions as did our friend from Concord, our friend from Portsmouth and our friend from Newcastle. Let me just talk to you about what some of those questions and some of the answers were. I asked Mister Wimsatt if any of the wells tested in the proximity of Coakley had tested more than twenty parts per trillion, for these emergent contaminants. The answer was no. Twenty parts per trillion is what the advocates are hoping the department will adopt as a new state standard for PFOAs. The current national standard which is the standard in New Hampshire, is seventy parts per trillion. So, none of the wells were testing in the proximity at twenty.

I further asked if there were any wells that tested at seventy, the national standard, what would happen. DES would look for an immediate remedy, bottled water, some sort of filtration system, possibly even public water piping to those homes. They were prepared to take that kind of action. The same thing I think we saw in our friend's district, I believe it was in Amherst, a year ago, when a similar situation occurred.

I asked if there was any precedent in any other states for legislature inserting itself into a consent decree in the way that either the sponsor's bill was written, or this amendment which has tried to stay within the consent decree, but really doesn't. The answer was, no other states have done that.

I asked if there was litigation because the Coakley Landfill Group has indicated that if the legislature steps in in the way that is being proposed

now, there'll be certain litigation, so my question was, what happens if that happens? Will it help resolve the problem, or will it slow down remediation? And the answer is it would slow down remediation.

Now I'm not saying any of this is right. I'm not saying that it's not unfortunate that the legislature can't just step in and take action. But sometimes there's a reality factor that has to be taken into account. That's what the circle of law says, and that's the problem.

Senator Feltes asked if DES had considered intervening within the administrative process to compel the EPA to take action. Mister Wimsatt said if DES believed they had the authority, they would act. And lastly, Senator Fuller Clark asked what's preventing the Department of Environmental Services from implementing a groundwater capture system right now. Same answer, Mister Wimsatt said they do not have the legal authority to do so.

So, when I said I wish it weren't so, I wish it weren't so. But it is so, so the best thing that we can do is to go with the committee amendment that requires reporting when the reporting shows the problems in the immediate proximity, in people's wells, they have the authority to do what is necessary to remediate and as that bedrock testing as our friend from Portsmouth has long advocated for, fought for and is continuing to fight for, along with our friend from Concord and our friend from Newcastle within the administrative construct of a consent decree, a legally binding fact of law, that's when DES can push the EPA into the kind of capture system that this amendment contemplates. To do so today leads to litigation and slows down the remediation I think all twenty-four of us want. That's why unfortunately I'm standing here and asking you to vote against our friend from Newcastle's amendment. 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 Sanborn.

The following Senators voted Yes: Hennessey, Sanborn, Feltes, Gannon, Innis.

The following Senators voted No: Woodburn, Giuda, Bradley, Watters, Gray, French, Ward, Kahn, Daniels, Avard, Lasky, Carson, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Morse.

Roll Call, Yeas: 5 - Nays: 19. Failed.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Fuller Clark, seconded by Senator 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.

FINANCE

HB 559-FN, relative to expenditures from the energy efficiency fund. Inexpedient to Legislate, Vote 3-3. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 559 Inexpedient to Legislate. This bill repeals the dollar per allowance rebate threshold for auction proceeds deposited into the Energy Efficiency Fund, eliminates all customer rebates and provides that at least 35 percent of the proceeds received from the sale of allowances after administrative cost, would be allocated to be low income core energy efficiency programs. In addition up to $5 million annually would be allocated to municipal school district and local government energy efficiency projects and to the core programs. Testimony at the public hearing indicated the passage of House Bill 559 would result in rate impacts across all customers. Committee members learned some businesses are experiencing high electricity costs, but those businesses who are large energy users are already employing efficiency techniques. Having been unable to reach a consensus, the Senate Finance Committee recommends House Bill 559 be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I encourage us to respectfully vote no on ITL, then vote yes on Ought to Pass. Three reasons: Number 1, this is going to significantly help our schools, our municipal buildings reduce their energy consumption and therefore put downward pressure on property taxes. It's going to significantly help with the backlog of low income residential households who are struggling to afford to heat their homes in the winter. Number 2, in the medium to long term it's going to reduce rates in the state of New Hampshire, and the reason why is because of the regional allocation of transmission costs, regional transmission costs in New Hampshire, we get hit with 10 percent and that amount's going up because our demand proportional to other states is going up, and it's going to go up, projected to go up about .5 percent over the next three years. Each tenth of a percent is $4 million in additional transmission costs being saddled to New Hampshire customers. And the Chair of Senate Energy and others, we worked to provide more resources in the budget so that we can fight this out on behalf of New Hampshire at a regional level. The other way that we can fight it out is by reducing our demand for energy through energy efficiency. And so in the medium to long term it reduces rates. Third, this was voted 24-0 by House Finance in part because it restores it to a dedicated fund. It's the Energy Efficiency Fund, it restores it to the initial intent of a dedicated fund as in energy efficiency funds. So, for those reasons I encourage us to vote no on ITL and then move Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I too urge my colleagues to vote no on Inexpedient to Legislate. All of us know that the most inefficiently operated buildings in the country are municipal buildings and schools. Having been a teacher for a number of years, what's the first thing you see, when you go by a school? The windows are open. They're open all the time. Guess what goes out those windows? Energy. If they were fundamentally weatherized and weatherized properly, and as I said in my testimony before the committee, we've got a building that's 160 years old in Manchester. Manchester Central High School, oldest public high school in the United States. What do you think pours out of those windows? And we've tried and tried. Five million dollars goes to schools and municipalities. Municipal buildings, who sees a municipal building that's efficient? Some of them are grandiose, but

what about efficient? Just walk through the halls in Washington and you'll see inefficiency personified. But we have an opportunity to do the right thing, and we have a mechanism to do it. Why not do it? You know we're not building a lot of new school buildings, so we've got to renovate those that we have. We've got to winterize those that we have. And talk about energy saving, if you properly weatherize a home, you can save dramatically on your heating and electricity bills. You know we've got to learn to do that, and again that's a situation of just public knowledge and we've got to talk to the public, and get them going but indeed, the incentive in this piece of legislation, if we pass it, is we're going to do it. And we all have schools in our districts, I don't think there's anybody sitting here that doesn't have a school in their district, or a municipal building. So, let's think long and hard about overturning the Inexpedient so that we can offer the motion of Ought to Pass, and move forward. Thank you, Mister President.

(The Chair recognized Senator Kahn for a question of Senator Feltes.)

SENATOR KAHN: Would you believe, that the study committee that I sat on with the, chaired by the Senator from District 12, demonstrated that the reason our transmission rates were going up is not because our energy usage was going up but because every other New England state's energy usage was going down and rather dramatically, at a much more rapid rate than New Hampshire, and that that was what was driving the increase transmission costs because the overall system needs to be prorated across usage and New Hampshire is a rising share of that overall use?

SENATOR FELTES: Thank you very much, Senator Kahn for the question. I do believe that and that is the biggest driver on our electric bills is the increase in regional transmission costs that are being saddled on New Hampshire ratepayers, on the regional level. Many projects, not even in New Hampshire, southwest Connecticut reliability projects and other projects being saddled in New Hampshire and the major part of the equation, about how they calculate were those regional transmission costs go to, is each state's demand for energy in comparison to each other state. And since our demand is increasing comparatively to other states, we are getting hit disproportionately with regional transmission costs. This bill will reduce our demand and cut costs and need in the long term.

SENATOR KAHN: Thank you.

(The Chair recognized Senator Avard for a question of Senator Kahn.)

SENATOR AVARD: Senator Kahn, thank you for taking my question. I just want to refresh my memory, because you served on that committee. We did learn that transmission costs went up either 4 or 500 percent? Do you recall the amount? Was it 555 percent?

SENATOR KAHN: For New Hampshire?

SENATOR AVARD: Yes.

SENATOR KAHN: Oh that sounds high. I'm going to rely on you on that number.

SENATOR AVARD: I'm going to say yes to that.

SENATOR KAHN: Thank you for answering the question.

SENATOR AVARD: I'm glad we had this talk. New Hampshire's commitment, do you recall the commitment that we had to the transmission costs, was it about 9 or a little bit more than 9 percent?

SENATOR KAHN: Yes, and I think it was ten and a half.

SENATOR AVARD: Okay, my understanding was it was 9.6, but it was up there. And final question, Mister President, if I may. I believe the consumer advocate came in at one point and testified that for every dollar that we spend on energy efficiency, we gain four dollars in savings. Do you recall that?

SENATOR KAHN: I do.

SENATOR AVARD: Would you believe?

SENATOR KAHN: And I did believe. I think you're questions are reinforcing when I think everybody who served on that committee had to walk away with the impression. Had we been investing these dollars in the same way that other states were, our overall transmission costs would have been the same proportion as they had been on our energy bill. But as a result of not having made those investments, and the increased share of the overall grid's distribution costs for New England, it was, it's costing our ratepayers, and this does seem like an action that will make us more competitive on energy efficiency, provide more incentives for energy efficiency and temper our overall share of the grid's costs.

SENATOR AVARD: And Senator, thank you for putting up with me here. It is my understanding through testimony that there was the potential of $4.6 billion of new transmission costs coming our way. Is that correct?

SENATOR KAHN: Yes, my recall as well.

SENATOR AVARD: So to mitigate that would be the thing to do to lower energy costs?

SENATOR KAHN: To be more efficient, yes.

SENATOR AVARD: Thank you. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise in support of the motion of Inexpedient to Legislate. I heard from my friend from District 20 about a school that's 160 years old. Well, Mister President, I just did the math and I own a building that's 203 years old, because I love old buildings, Senator. You know I love old things. I don't like all this new interweb stuff and technology. But the problem I have is as we continue to see, another hidden tax, hidden behind the curtain, provided to the politically connected or taking taxes and spending them on more government projects or taking taxes, spending on more government buildings. We hear every single day, in fact the Governor's ten year plan came out a couple of weeks ago. Our energy costs are some of the highest in the country. We're hearing from business owner after business owner after business owner, manufacturers, distributors, all walks, the economic engine of our state, they can't afford it anymore. It's too high. And we're here to tell you, we all know everyone in this room knows, we have some of the highest electric rates in America. So why is this body always trying to put more taxes on it? Why is this body always trying to take the money and redistribute it to one group or another group? Why don't we just try and cut the cost? You know it's funny because I hear all this stuff about energy efficiency and I, Mister President, I try to do the best I can. I truly do. I've taken properties that I own and gone out and spent $1,000 on energy lightbulbs, and saved 50 bucks. When I start doing the math about energy efficiency, we need to be spending more time making sure that as I say from time to time, Senator French, that

the juice is worth the squeeze. That the money we are investing, we're actually getting something back for that's more than just feeling good. Because at the end of the day, passing good policy might make us feel good, but if it's not solving the problem we fail the people of this state. So Mister President, because of that I like everyone else wants to see lower energy costs. I want to see us have a smaller impact. But I don't want to pass legislation that makes it look like frosting on the cake, and for that I will continue to support the ITL.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Unfortunately this bill didn't have an opportunity to come to the Energy and Natural Resources Committee, so I'm getting to this a little bit late. But I was the architect several years ago of the compromise that kept us in REGI, because we're going to pay for it anyway in rates because it's tied into the generation costs and if a state opts out of REGI, our money from New Hampshire would go to other states, so we stayed in. Makes sense. But we rebated anything over a dollar for the allowances back to customers. And so the pool is not as big as some people would have wanted for energy efficiency. That's what the problem is, and so now that compromise which I think has stood the test of time because I think it was done in 2012, is proposed to be taken away. And so all of the REGI auction proceeds would go to energy and efficiency. Now I'm not going to stand here and tell you that energy efficiency's not a very laudable goal. But to think that passage of this bill is going to definitely lead to a decrease in transmission costs, may help, possibly but that's kind of a leap too far for me. So thinking that this is cost neutral, seeing is believing, and I'm not sure I'm believing. But I do know one thing, it'll lead to higher electric costs. It will lead to higher electric costs for everybody.

There have been past versions of this bill that re-allocated the money to large users. But retail customers, we're going pick up more of the cost. We defeated that in the past. This one would raise the cost for all customers, retail, small customers, residential, medium sized businesses and large businesses. Now if I've listened to the debate, you'd think we're not doing anything for energy efficiency. That could not be further from the truth. The Public Utilities Commission just adopted I think it was maybe a year ago, the Energy Efficiency Resource Standard which is in the process of being implemented. I would much rather see a program that is fully vetted and fully accountable through the PUC process where utilities have to answer for every penny of expenditures as opposed to as our friend from Bedford said, a program that has far less oversight in the distribution of the dollars. So if you want an increase in electricity costs, then vote against Inexpedient to Legislate. If you want less oversight at the PUC, vote against Inexpedient. But if you agree with me that high energy costs are a problem, this is one area where we don't need to go and if you agree with me that we're already doing a lot for energy efficiency I hope you will support the 3-3 motion of Inexpedient. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, this money goes through the PUC's core docket, with oversight of the PUC. These are cost effective programs that are award winning at the Public Utilities Commission. Cost effective investments with oversight by the Public Utilities Commission. And it will cut costs in the mid to long term.

It will. And it's unfortunate it didn't go to Energy because that was the balance of the testimony, including from Dick Henry and others talking about the medium to long term. And we are last in New England on energy efficiency, which is part of the reason why our regional demand, and our regional transmission costs are skyrocketing. The highest driver in our electric bills. You want to cut costs? Sure, you're not going to cut costs in the short term but in the medium to long term you will cut costs. Thank you, Mister President.

(The Chair recognized Senator Daniels for a question of Senator Feltes.)

SENATOR DANIELS: Do you recall me asking a question of the sponsor as to how much the $8,000, or how long, this would back up? The sponsor indicated that an average household would take $8,000 to make it energy efficient. Do you remember his answer when I asked him how long it would take to reach a crossover point where you got that $8,000 back?

SENATOR FELTES: Thank you for the question. I actually, Iris was sick and I had her and she, I was not in the room at that time, she was, so I don't recall that question or that answer. I missed part of that exchange. I can answer having worked in the low income energy efficiency programs that in fact, the cost benefit ratio is well above the investment that you put in and that low income folks don't have the money up front to invest, to do the energy efficiency measures that result in 30 percent, sometimes up to 40 percent energy reduction. Which by the way, there's a reason why foreclosures for non-payment of mortgages and evictions for non-payment of rents spike in the spring time in New Hampshire because people are struggling to afford to heat their homes in the wintertime. There's an over 10,000 person waiting list for low income weatherization and energy efficiency services. And so this would go to good use, it would go to help reduce burden on property tax payers and so I think, on balance and mid to long term, it will cut rates.

SENATOR DANIELS: Would you believe that the sponsor had no answer to that, and that the payback period could be twenty years or more to reach that crossover, break point?

SENATOR FELTES: Thank you very much, Mister President. Thank you, Senator Daniels. Again the reduction in energy bills for low income residential households is about 30 to 40 percent depending on the household. And, so you have to look at their energy bills, over the course of time in comparison to the investment. But life for the measures is twenty-five to thirty years. There is a payback, it's been evaluated, it is cost beneficial, net cost beneficial, even for low income households and again, it all flows through the PUC oversighted core docket, oversight by the PUC, award winning programs.

SENATOR DANIELS: Thank you, Mister President.

(The Chair recognized Senator Gannon for a question of Senator Bradley.)

SENATOR GANNON: Thank you for taking my question, Senator. You know I look to you, energy isn't in my wheelhouse and I look to you a lot for, we don't always agree, as we haven't over the last few weeks, but I do look to you. You're going to be a newlywed soon you have tons of energy. I've been listening to Senator Feltes and he has a compelling argument. On the long term and midterm transmission reduction costs. And so I'm thinking I'm pennywise and pound foolish if I don't listen to him. Where am I off on that?

SENATOR BRADLEY: You know I think that the energy efficiency resource standard that the Public Utilities Commission did a really good

job of bringing all the parties together in a docket. We're going to be seeing you know, price increases in our bills as a result of this through the system's benefits charge. So, I think that we don't need to re-allocate these dollars, we should keep the ratepayer, customer, taxpayer protection that was in the original version of this bill several years ago that has the one dollar threshold and I believe that energy efficiency is doing just fine in New Hampshire, we are growing pretty quickly with this new EERS standard adopted by the PUC.

SENATOR GANNON: How much will, if we don't do this, how much is it going to save the taxpayer? Do you have a rough idea, individual household?

SENATOR BRADLEY: I'd have to look through the testimony. I think it was in the range of 8 to $10 million.

SENATOR GANNON: Thank you.

Recess. Out of recess.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise in opposition to the current motion. Hope we can pass this. I just wanted to reference quickly some things in my district. I have Community Action Partners in Strafford County which helps people of low income get their houses weatherized and I just had a meeting with Community Action Partners a couple weeks ago and we heard that indeed because of what they've done on energy efficient people are staying in their homes. They're not losing their homes. Secondly, Seacoast New Hampshire some of you may know because of its economic growth in advanced manufacturing and a lot of other things going on over there, is anticipated by Eversource to see its energy use grow by 25 percent over the next couple of decades, 25 percent. Now my colleague from District 3 references the potential slight increase here to ratepayers, but you know, I don't think we need any reminder that yeah okay, how much you pay for energy does have to do with transmission costs and it does have to do with the cost of electricity itself. But your overall usage of electricity has a heck of a lot more to do with how much you pay in a given year. So if we're looking at 25 percent increase potential of energy use and we're already struggling with high rates, we certainly had better do everything that we can on efficiency. It is hard for me to understand how Dover or Somersworth or Barrington or Rollinsford could be able to continue to heat the buildings they have, some which are pretty old, some which are newer, but nonetheless, 25 percent increase in energy use, the taxpayers in my tax cap communities won't be able to deal with that, it's got to come through efficiency. This is a good investment, we know it works, we know it works. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Just briefly, Mister President. Yes, the Senator from District 3 is correct that in the short term there is on the average kwh residential bill, about a 70-cent potential loss of rebates, however, in the medium to long term this cuts rates. So you can choose, keep the miniscule rebates or cut rates overall in the mid to long term. That's the choice. That's the choice that we have today. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. Very briefly, while we just had the previous speaker talk about cutting the rates, I draw

your attention to the fiscal note which indicates that there will be a 747 per month on average increase for the largest commercial and industrial class. I don't think that's the direction we want to go as we're trying to keep businesses in state. Thank you, Mister President.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: I think this is more a parliamentary inquiry. If I support protecting all classes of customers from this rate increase, if I know that we're investing heavily through the energy efficiency resource standard in energy efficiency, would I now support the Inexpedient motion, by voting yes on the pending question?

PRESIDENT MORSE: If you're in favor of House Bill 559, you're going to say aye. If you're opposed you're going to say nay. If you're in favor of Inexpedient.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. If I believe that turning down my thermostat and weatherizing my home will save me money over the long run, by producing energy efficiency, would I vote against this Inexpedient to Legislate and request another movement? Thank you, Mister President.

PRESIDENT MORSE: If you're in favor of Inexpedient to Legislate on House Bill 559 you're going to say aye. If you're opposed you're going to say nay.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark, Gannon.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

HB 628-FN, relative to a family and medical leave insurance program. Interim Study, Vote 4-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 628 be re-referred to Interim Study. The bill sought to establish a system of paid family and medical leave insurance. In deliberating the bill, committee members first reviewed an amendment which addressed particular concerns brought up during the public hearing. These concerns include giving additional flexibility to the Department of Employment Security to adjust the percentage of wages for a participating employee per week, adding an additional opt out window every three years and eliminating the need for a notary for the opt out form, allowing DES to contract with a third party for the administration of the fund and the formation of a working group to advise the advisory council. Committee members expressed apprehension with the cost of the program, a possible lack of participation by high wage earners, unknown future risk and the solvency of the proposal. Private businesses can already provide such a benefit to help them remain competitive during the current workforce shortage. Keeping in mind that these unanswered questions

and to avoid placing additional burdensome regulation and mandates on New Hampshire's small businesses a majority of the Senate Finance Committee recommends House Bill 628 be re-referred to Interim Study and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister Chair. I stand in opposition to the Interim Study motion for House Bill 628. You know in 1982, I was graduating from a Master's Degree program in which I actually wrote a thesis on the difficulties between home and work balance. At the time I had a newborn, and by the time I finished all of my graduate work I had a two-year-old and a five-year-old. We were living at the time and for some time after that, on a day to day basis, wondering whether a crisis might occur in which we would lose our home because we had no back up in terms of what might happen if we had another child and one of us had to stay home, or if we couldn't afford the child care that we had to hire. Women who take paid family leave are 39 percent less likely to report public assistance receipt and 40 percent less likely to receive food stamps in the year that they give birth.

I would like to read from a doctor, a pediatrician who is also the President of the New Hampshire Pediatric Society about this issue. His name is Doctor Steven Chapman and I know him personally, he's quite a remarkable physician. He has served his families in New Hampshire as a pediatrician for over twenty years, and sees firsthand the challenges families face while balancing work and welcoming a new baby. Doctor Chapman's clinical experience reinforces scientific findings that children need their parents at critical times in their lives, whether in the important weeks following birth or when recovering from serious illness. According to the Federal Reserve 47 percent of people cannot afford an unexpected $400 expense, and we certainly could not have in those early days. Too many parents simply can't afford to lose wages while facing a crisis with their children's health. Doctor Steven Chapman said when children are seriously ill or suffer from chronic illness, having a parent by their side makes a significant difference in their recovery. And that's what I've seen as well, working with families of this sort. At the same time paid leave reduces parents' stress levels in these difficult circumstances. Yet lacking paid leave, I have seen many parents make the heart wrenching decision to leave their sick children alone in the hospital in order to preserve their family's economic security. I would hope for this body that none of us ever has to make that choice between what is right for our family, our children, especially our sick children and keeping our jobs and being able to support our family financially. Thank you, Mister President.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. Mister President, I ask my colleagues to vote no on the Interim Study and support the paid family medical leave. I have two quick stories Mister President, this first one about a family in your hometown of Salem. Stacey Credit Neville, she was pregnant with their second child, she was preparing for her second child. She had everything planned she saved her vacation time, but she ran into complications after a C-section which extended her recovery time. Her husband did the same thing, he saved his vacation time, he had everything planned so he could take some time with his newborn and second child. Because of this extended recovery time he had to use all his vacation time, his wife had to use all her vacation

time extended into unpaid time. So you have two people working, caring for their kids and recovering, staying home now with no pay. It's just devastating for this family.

And now personally for me, three years ago my wife was diagnosed with cancer. In 2015 our kids were seventeen, thirteen and twelve. Ten days after she was diagnosed, she was in Boston having surgery. This gave us little time to plan, and we had to scrape together all the help we could from friends and family. I'm sorry, I'm trying to keep it together, it's tough every time. This created turmoil and uncertainty for our kids. It was very difficult. If we could have had four weeks of paid time, have this time to heal physically and emotionally as a family, it would have helped incredibly. It's not unique to me, it's not unique to my family, it's not unique to residents of Salem. This would help every family in the state and I ask my colleagues to please, we need this, please support paid family medical leave. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I'll also rise in opposition to the motion of Interim Study. I'm sure that many of you know, have met Kerry Norton, who's the program director and founder of Hope on Haven Hill, I'm sure she's especially well known to the Senator from District 6, but you may not know part of her life story. Her son suffered an overdose from heroin, they knew he needed to get out of patient treatment and start his recovery. Now fortunately the son did have an employer who offered him paid leave, he was able to take the time off he needed for his recovery and after finishing treatment he returned to work in two months offered a raise and promotion. However, his mother, Kerry did not have such an opportunity, she exhausted all of her own paid vacation days, took unpaid time off in order to care for her grandson. She says, my family was nearly destroyed by substance use disorder, both personally and professionally I have seen the effects of having or not having paid family leave and medical leave and influence this one policy has on treatment success. And we see what she has done there. This facility now for residential treatment facility for pregnant women with substance abuse disorder, children under five in there and newborn. She's certainly a saint among us and should anyone go through what she had to go through without paid family leave. And I would also say, my own family, my wife, her stepmother, long slow death from cancer and she did not get leave. So every moment she had she could get there, it wasn't really what Peg needed at that time it was just by God's providence that she happened to be there the afternoon that Peg passed. And then another family member who was having serious medical problems, employer did not offer paid medical and family leave and I can tell you that nearly tore apart my family. This is a good program, it will fund itself, people need it, it's not just the individuals who hear the stories of their suffering and consequences of not having it, but it is what we can do for some security for so many families in New Hampshire. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition to the motion of Interim Study. I want to begin with a story of Kurt Sundstrom. Kurt, you may recall if you were at the public hearing waited the entire four hours to testify at the end and provide his story. Kurt, three and a half years ago, his wife Jody, took his wife Jody to see a doctor as she was complaining of dizziness. Test

revealed that she had glioblastoma, multi form 4, an aggressive cancer and learned she might expect to live only twelve or eighteen months. At the time they were raising an eleven year old son and their extended family all lived out of state. Kurt's employer did not offer paid family and medical leave and the family having once relied on two incomes could not afford to have Kurt take any unpaid leave. Kurt had to fly in family members to help with child care and end of life care for Jody, so that Kurt could work and continue to pay their bills. This kept him from spending time together with his son and wife in her last months of life. Kurt's quote is this; "When all you can do is huddle with family and take advantage of every last minute you have left together, being compelled to work full time job in order to maintain financial solvency is the cruelest demand I could have ever imagined." Stories like Kurt's all across our state, and what we've heard in opposition to this bill is there's no certification. There's no guarantee.

Today, I was just shown a column that the Senate President did. It's called a boondoggle. I don't think paid family leave is a boondoggle. I think what we've seen throughout the process, is study after study after actuarial study. An actuarial study that looked at participation rates at 100, 70 percent and 35 percent. Mandatory and then less than mandatory, voluntary system. What we've seen is that the Department of Employment Security is taking no official position on this bill. They are "neutral," and you've seen them come in and oppose bills that are insolvent with respect to unemployment insurance, but they're neutral, here they're neutral, they just can't "certify to the exact participation rate." We know that the stress testing of the model once you shave off the top 20 percent of income earners is solvent. We know that the estimates of participation rate for employment security is 70 percent but the estimates of participation rate from insurance is 75 to 85 percent, and in all those estimated participation rates it works. There is study after study after study, and you know what? Employment Security recommended some changes in the House and those were adopted. And then we get a letter from insurance that said hey, maybe do another study, and then at a meeting with the Insurance Department, they acknowledged, we didn't read your actuarial study. We didn't read it. But yet, maybe do another study. Every time this comes up, study it more, study it more, study it more, study it more, it's time to act.

And we heard that well, maybe private insurance can do this, despite the fact for a hundred plus years they haven't, and we've heard lobbying from the insurance company lobbyist, privately. Didn't show up to testify at a public hearing. Why? Because they'd probably have to admit that their product is very narrowly tailored, it doesn't do what this bill does, there's a gap in the market to the extent that they even do it, they're cream skimming looking for businesses of a hundred plus employees. That's why small businesses support this by and large, Mister President. Hundreds of small businesses across the state who don't have access to the ability to provide family medical leave insurance support this. And we talk about let's give the private insurance industry another chance after a hundred plus years of not doing it. You know what we did? We did that in an amendment that the Senate Finance Committee voted down. It allows for third party administration, including by insurance carriers of this particular product. We did that. It was voted down in committee. Tammy has it up there right now, we can reverse Interim Study and we can vote on it. It's not my language either Mister President, it's Neal Kurk's, Representative Neal Kurk's language, Chair of House Finance,

that sentence on privatization. This concept's been around forever. Also, in the amendment, there's a ban to allow some discretion for employment security. Makes them function more like insurance with greater opportunity to opt out and there's a working group that can provide advice in council to the unemployment insurance advisory council and the Department of Employment Security.

So, do we have a certification of perfection? No. Do we let perfect be the enemy of the good? Oftentimes we don't but on family leave we're going to. We're going to say this needs to be perfect, that we need a certification of exactly what the participation rate is. The reality is, is of course all of these studies are forecasted to cover a wide range of situations and that's why the program's designed with close oversight so adjustments can be made in a timely orderly fashion over time. If perfection is what we're striving to, we'll never pass family and medical leave insurance, including our bipartisan family and medical leave insurance bill that's here right now.

And certification, where's the certification on our revenue estimates, that we do, Mister President? We needed Senator D'Allesandro and I's revenue estimates have been the most accurate the last couple of budgets. We didn't certify, we didn't guarantee them. We didn't sign something certifying they're going to exactly be that. Where's the certification on the tax cuts, the business tax cuts and the revenue loss? No certification on that, just went right ahead and did it. Well here's what I can certify to; small businesses all across New Hampshire need a level playing field to provide family and medical leave insurance. I can certify that there's people like Kurt Sundstrom, thousands of them, right now, without access to family leave in a time that they need it most. I can certify that we value work and we value family and we should also value the proposition, you shouldn't have to choose between the two if all possible. I can certify that this, it's going to happen. It may not happen today. We have an opportunity to be part of, I know Governor Sununu opposes paid family leave, I know the Senate President does, you have an opportunity to vote your conscience, and be part of this, and be on the right side of history. This is going to happen, let's make it happen today, let's not put up this boondoggle of a smokescreen with these talking points to say study it more. Working families have had it studied for twenty years. It's time to move forward. Thank you, Mister President.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise as I always do on behalf of the citizens of District 13 in Nashua. And I want to share the voice of one of those women in my district, her name is Nikki Casey and she lives in Nashua. And I want to quote that she said, "My recovery would have been a lot easier if I'd been able to take the time I needed to get better without the fear of losing my job and the income I rely on." As we've heard she's not alone. Nikki struggled with addiction but was too afraid to ask for help for fear of losing her job. Her alcoholism cause her to lose it anyway. She was out of the workforce for six months, in and out of recovery programs, etcetera. And with Road to Recovery she finally got on that, the Road to Recovery would have been a lot easier if she'd been able to take paid family and medical leave from work to care for her mental health and her substance abuse. We know only too well that substance use disorder is taking a toll on too many New Hampshire families. Recovery programs and services are critical, but too many work-

ers do not have the support of workplace or the ability to maintain their income while seeking treatment. A family and medical leave insurance program would be a critical tool in combatting our state's opioid and substance abuse crisis, and give New Hampshire families the security they need to overcome their illnesses. So I urge you to vote against the Interim Study. Lord knows we've been studying it since the turn of the century. Now is the time to again vote against Interim Study and we can take another motion on Ought to Pass and give New Hampshire families the security that they need. Thank you.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in opposition to the Interim Study recommendation, and want to tell a story about Val Zanchuk. You probably know Val, because he's the immediate past president of the Business and Industry Association in New Hampshire. And for the last fifteen years Val and I have worked on workforce development issues, not just statewide but particularly in the Monadnock Region. Val is the, he's a resident of Concord and he's the President of Graphicast. Graphicast is in Jaffrey, New Hampshire. Val employs in Graphicast, twenty-two full time employees and he is known for offering good wages, good benefits, trying to retain his workforce. Last year one of Val's employees got married to a woman who had a child with special needs. This was a stressful transition for the employee who was a dedicated employee but also a dedicated father to his new daughter. He tried to juggle all of his responsibilities but he was noticeably stressed. If Graphicast had been able to offer paid family and medical leave it might have helped him with his transition but unfortunately the employee ended up taking his own life. Val's' quote is "family and medical leave insurance would give me the peace of mind knowing my employees have a safety net in the event that they face an unavoidable medical or life crisis."

Graphicast and Val as a valued employer, it's not uncommon in my region of the state. Seventy-five percent of the Greater Keene Chamber of Commerce membership, which numbers nearly 600 businesses, but 75 percent of them employ less than twenty-five people. They need a low risk affordable access to family and medical leave to enable that size a business in Cheshire County to provide an important employee retention incentive. That's what this is. It's about workforce retention. In this case this was a life or death decision. This can be a life and death decision for New Hampshire residents and employees, but it is also a vital business economic tool that we need to have for the small businesses that dominate the workforce scene in this state. I think we need to pass this family and medical leave insurance. In the name of those who I represent in my Monadnock Region, I need to try and defeat this Interim Study. I ask you to join me and I ask you then take a motion of Ought to Pass on family and medical leave. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I want to state before I begin speaking that I may have a conflict on this issue. I want to declare that, but I will speak to the issue and I will participate in the discussion. Thank you. First of all, let me say this. I respect everybody's opinion. I think everybody should have an opinion, they should express their opinion, that's what democracy's all about. So anybody and everybody should be speaking out on this particular situation. It's very important that we hear all sides of the issue.

But let me tell you about the basic sociological term that we're talking about; family. What's the basic unit of society? Isn't it family? Keeping that family together and doing everything we can to keep that family together should be the aim of every individual here. Really every individual in our state, in our country. Keep families together. What's the great problem in keeping families together? A, there's a health situation. That health situation might cause a negative economic situation. And what do you do in a negative economic situation? If you have leave, you take advantage of it and hope that it keeps the family together, but if you don't you fight, and it causes a disturbance in the family, and what happens? The family separates.

I want to talk about two situations. One of a positive nature, one of a very negative nature. The positive situation involved my family. We had a pregnancy that was very, very troubling. And in the end our grandson had to be delivered in Boston at Massachusetts Children's Hospital. A totally unintended situation, a totally unaccounted for situation. But because of the fact that we had resources, we were able to live through it. Think of your little child in the neo-intensive unit of a hospital, in that little box with all of those tubes coming out of him and saying I've got to be there, I've got to be there, I can't be at a job. I've got to be there. And I've got to be there 24/7, because if I'm not and something happens I hold myself responsible. Well my kid was able to be there, because she had a husband that had a good job. There wasn't any medical leave but she was there. Thankfully, the child survived, the family survived, the happiness generated from that survival is just something that's pervasive in our family. It's pervasive, everybody's happy.

Then we have another situation of a person in Manchester, a constituent of mine, a woman who I have met. She has difficulty with a pregnancy, a child is born with a series of very, very serious problems. They don't have any money. Family medical leave would have allowed for at least them to stay and watch over the child. The child eventually passes away, child dies. They don't have enough money for a funeral, they don't have enough money to do a lot of things. Had medical family leave been present at least they would have had something, they would have had something to latch onto.

We don't have perfection here. How many times has the Senator from District 3 said, we can't make it perfect, but we do everything we can to make it so that it works? The President does what he can to make things work. I have total confidence in him. We as a body have got to do everything we can to make this work. And it's going to happen, it's going to happen. Every civilized nation in the world has this, they have it. Some say, well we have short term disability, we've got short-term disability, but what if you can't? We need something, we need something. And as I said, you know the thing about life is this; if you don't have your family, where the Hell are you going? Where are you going? And I'm so lucky, you know I'm so lucky, and have been the beneficiary of many good things. So I want to share that. I want to share that with the people I represent, but not only with that, with everybody in the state, because that's what I'm here for. That's why the people elect me. They elect me to do what I can to make their lives better, or to make their lives tenable. And we've got to do that. Now as I said, we strive for perfection, we strive for perfection, but nobody's perfect. Nobody's perfect. But we try to get to that middle ground, that middle ground that does what we all want, makes things better for people.

Mister President, if we don't turn this over, I say to all of my colleagues, if we're going to study this, we better study it long and hard because it's going to happen, and we want to make it the best that we can do. Concessions have been made, you know I wasn't involved in these negotiations that took place, it never came to our committee until it came to Finance. But indeed, the process goes on. The process goes on just as we're all going to get gray hair, it's all a process, but it's going to happen and I think in this situation, it's going to happen. But indeed, we can't take care of those that have had losses, we can't make up for that, but what we can do is make sure that those things don't happen in the future. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the committee recommendation of Inexpedient to Legislate. Also rise in complete agreement and support of the Dean's remarks and of the remarks of every Senator who brings forward situations and cases of families that have been devastated by health or other events. But at the end of the day, we have an obligation to make sure that whatever we do implement, will work and not fail down the road. We have a stunning example of just such a situation with the Affordable Care Act, with the underlying assumptions and premises that we use to model the financial model itself, in fact turn out to be fatally flawed, producing the collapse of one exchange after another throughout the country. A wonderful idea, but the assumptions were flawed. And on Finance, okay, we have the difficult task of taking what could be a wonderful program for our families and marrying that to the reality, the hard reality, sometimes the harsh reality, of financial wherewithal. And it's to this point that I will speak primarily.

I personally, and I know others, have studied exhaustively the underlying assumptions in the mark. Doctor Hayes' assumptions. The four states that we used all have mandatory, mandatory participation 100 percent across an entirety of the workforce, no options. Doctor Hayes' reports specifically states in the numerous places, do not use this report as the basis for a voluntary system because it isn't relevant and there is no data. And so for that reason I took it upon myself to work with the Department of Employment Security and develop models of what might possibly happen. The Affordable Care Act failed because the young people didn't think it would benefit them so they chose to take the penalty instead of pay the premiums. In this model that was presented initially, we modeled 100 percent participation voluntarily on down to ten percent and in that model the reduction in participation is taken equally from the top and bottom ends of the economic spectrum. That is a flaw, a serious flaw, because the benefits are capped and those who would contribute most to the program financially are those that would most likely not participate because the benefit is capped. So we modeled it to say the top 20 percent was the first 20 percent. And what turned out of that was that at a 5.5 week, parenthetically the single most utilized period of time in the leave process okay, across the four states that were modeled. We found that it would require 80 percent voluntary participation.

Based on the Affordable Care Act experience, based upon the models that were put forth, this is not financially tenable. It's also suggested that the commissioner be made responsible for setting the rate and in no uncertain terms whatsoever, both the Commissioner of Insurance and the Assistant Commissioner of the Department of Employment Security

balked at being made the linchpin in a $160 million experiment, with no actuarial basis whatsoever except conjecture that we could somehow translate the mandatory program with four states and decades of experience into a voluntary program. The economics of it do not work. The underlying principles as far as humanitarianism and taking care of our neighbor and our brother and our sister are compelling. I believe that and I have committed at a meeting at which Senator Feltes was in attendance in part, with the Commissioner of Insurance and two people from that agency with the Assistant Commissioner from Employment Security and with all the stakeholders, including Doctor Shapiro. Now we're going to move forward and we're going to go for a request for information from the insurance companies in the private sector, okay, to determine what is feasible. Because they're balking has been primarily that they see this possible product as competition for the short term disability. And so we are moving forward, information is starting to flow, an RFI will hopefully be developed within the next several weeks to go out because nobody in this room Mister President, believes that caring for our families in times of crisis is a bad thing. But I would equally submit that no one on this room thinks we should do it irresponsibly with really no supporting data that puts the state at risk for $160 million program and we do a more severe injustice to those who depended upon it should it fail. You're absolutely correct, there are no guarantees but there are much better ways of modeling this, much more accurately with the insurance professionals who do this for a living. Hence we want to know what questions they have to shape the product that we'd like to have. That will enable us to build a factual basis and move forward so that we can pursue this objective with vigor, with the intent to complete a project that will produce what we want to the citizens of our state. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I'll leave the Senator from District 2 to do the numbers in more detail and I will just talk more. La Familia. I agree with you Senator from District 20. You're a good man and family first. I wouldn't be here without my family and many times I've been in need and I go to my father was like you and I would feel I could go to the family first. I don't look to the government, as you would say earlier. I look to the family first, I would like families to help families before they turn to the government. So I looked at my, everyone else gave little anecdotal evidence and so I looked at my own family. What's happened in the last eighteen years of my life? We've had four births, we have a child with an eating disorder, one we one we had had leukemia, and then let's see what else happened. Last year as you know my Dad moved in, he died, my mom has Alzheimer's. I would have went to the well for this nine out of the last eighteen years. So if say a family like mine, we'll just say I make 100,000 with my wife it would leave $335 to pay for our family medical leave. The money wouldn't be there, I'm sure other families, they have, there's people with drug problems, so if I was going to use it nine out of eighteen, how many families are going to use it ten or eleven, twelve times. The money just isn't there under the formula that you have. It just fails. So that's going to then put it on the, it's either going to have to be the taxpayers who are going to have to come forward and I think if you guys were more honest, you would say that it's not going to work, it would be the taxpayers or businesses, my other problems with this, it's really not a voluntary program. You're asking if it was an opt-in, that would be a voluntary

program and I could accept that much easier also. And that's about it, that's good enough, but I just, there is another argument and again, I don't see if you were an average family like me and I have a wonderful life with very few problems, if I'm nine out of eighteen, someone else is going to be eleven, twelve, thirteen and this system just doesn't support that. Thank you.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I too rise in opposition to the Interim Study motion and I do so for a number of reasons, but most important would because I think the study has been done and I think the House did a very thorough job, not just on this piece of legislation, but on preceding pieces of legislation trying to work through a system that would be voluntary, that would address issues like competition for short term disability, that would provide a funding mechanism, that wouldn't be dependent on government subsidy, that work has been done and this product is before us today and is a result of many, many, many, many people spending many, many hours answering all of the questions that have been asked.

I do want to share a story with though about a family that was impacted by terrible situation, a health care situation. The woman's name is Reagan Burke and when her son Ethan was three he suffered a major stroke and was hospitalized for six weeks. Neither of Ethan's parents, her mother or his father had access to paid family leave, so they each had to return to work even though their child was still dangerously ill and in the hospital and they could have lost their child at any time, and yet they couldn't sustain their families. When Ethan was eight, he passed away suddenly and during that time of unbearable grief the family had to depend on their extended family. They did depend on family. Not only for their emotional support, but to avoid financial ruin. That's just one of many stories, you've heard many stories here today from my colleagues. And you know a lot of this debate has been about people having to make choices, having to make tough choices. But I don't see this as just about choices, because people are making those every day. Some of us in this very room have had to make tough choices about working, about caring for elder parents, about caring for children, about caring for spouses. But I think what this legislation is really about, is about options. Is about providing a system so that when confronted with the most challenging and emotional and financially straining situations, there is an option for families here in this room, for families across the state. Families are going to have to make choices no matter what. Things happen and they happen at very untimely circumstances. But please, please give New Hampshire families who are confronted with horrific choices an option. Give them the option by passing this important piece of legislation today. Families in New Hampshire deserve that. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I appreciate all the conversations and all the comments that everyone has today and all of their stories about people who have experienced bad things to really great people. I don't believe there's a family in this room and frankly I don't believe there's a family that hasn't had some real challenges in their life. And we would all love to find a way to take away all their pain and all their sickness and all their challenges. I know we all would. So from a policy perspective I know we're all on the same page. The question's always Mister President, how do we get there, and how

do we make something happen? Now as part of this debate that we're having today and I truly appreciate the respectfulness that we're having it, I've had a little frustration Mister President, that this is underlying a current, that when people get in trouble, their employer doesn't step up and help them, their family doesn't step up and help them, the people in their community hasn't stepped up. So I can tell you that people do step up, employers do step up, families do step up. You know I know a business owner, down in Manchester, New Hampshire, who one of his employees got Crohn's Disease, and you know Mister President, we've been having a conversation recently about Crohn's Disease and compounding and it's a challenge that's costing upwards of 18 to $20,000 per application for it. And this business owner came to me and said look I'm not infinitely wealthy, but I'm going to find a way to make sure that my employee gets the care they need and makes it work. And in fact actually invested and became someone who created a new place to provide that service for like $3,000 because they went to bat for their employer.

I know another employer who saw a traumatic event happening for their employees. Stepped up to the plate, got that employee their own apartment, bought them a car, made sure that they could find their way to come to work during some challenges in their life. Now Mister President, I will also submit, just like my friend for Senate District 23 has had, kind of took stock about how my company's been running and what's been happening. In the past year we've had two deaths in my company, we've had two people with cancer, we've had a baby, we've had a chronic illness and a host of other things. Now Mister President, in my company, because I believe like you and I know that you are as well, we care for our employees. It is personal, and we do what it takes to make it happen. Now in my company Mister President, I offer unlimited vacation time, I offer unlimited sick time. Because we have a cohesive unit that I'm so incredibly proud of, that my management team, my co-workers have been there for our employees, to make sure when they've had to travel to Pennsylvania for the death of a parent that not only did we pay them, we covered them for the time they needed to take off. That we've helped our employees get medical treatment, have medical treatment and managed and reconfigured everything we have need to do to make it work. And I believe, sincerely believe, that the employers in this state do this. Is there an occasion from time to time when things go sideways? Absolutely, there always is. But I believe in the people of this state, I believe in the employees, I believe in the co-workers, I believe in the families, I believe in our churches, that we do not leave our people out to languish.

Now Mister President, part of my challenge when I'm hearing this debate, about what this specific program would do I asked is would it really work? Because we know that actually only four states Mister President, only four states in America have done this. California, New Jersey, Rhode Island, New York. Mister President, I've got to be honest, I'm not sure I look at those states as a model of economic and financial capability. Now we also know that Washington State did the same thing, and yet I've heard precious little in the debate about how Washington State passed the paid family medical leave program in 2007 Mister President, and they still have yet to make the program kick off or work, because they can't even find a funding source for it. And Mister President, I think that's part of the debate we should, we're having today. The best intentions, a wonderful thing, but every single financial model I've heard discussed both in the House and the Senate have asked the same question;

how do we pay for it? The sheer size of it, by up to fifty employees, up to $50 million set up fee. The fact that we've talked about taxing people's personal income from fifty basis points to sixty-seven basis points to what do we need to do, where do we need to go to make it work? We've heard from the Senator from District number 2 talking about the rate of compliance to make it work. We don't have a program Mister President, that I'm aware of that requires an 80 percent participation rate of every single employee in our state to make something work. It makes me concerned. How do you get the 80 percent? How do you get to 80 percent, without making it mandatory? How do you get out of it if you're in it? I know we want to make something work, I know we're all concerned. But from everything I have heard in this program from everything we have seen in Washington State, from the states that are doing it. The program that is in front of us today is not financially capable of working. It's not going to provide the assurance that we have to give everybody that we're going to create a program that is sustainable.

You know and finally Mister President, I've taken to questioning some of the statistics we see from time to time when I hear 80 percent of the people or 86 percent of the people want this program or that program, and so Mister President, I turn to my employees and said to them, how do you feel about getting a paid medical leave program? Because we all know, because in my company we all are pretty intimate about the challenges we have, and they said well that would be great. And I said okay, well how do you feel if I'm going to tax your income in order to pay for it? And then all of a sudden the questions started coming up, well wait a second. How much of a tax on my income, how much are you taking, can I get on, can I get off, how does it work? So our employees understand the difference between a nicety and what you have to pay to get it. They understand that. And what I hope as everyone continues to support the Interim Study motion, is that you all can continue to talk about it and see if there is a program. Try to figure out why the private insurance industry doesn't offer this. Because in America, in a free market society, if it works, they tend to do it. Heck, even those little spinner things I see selling on convenience stores today, we're selling things we don't even need.

So, Mister President, at the end of the day, our obligation isn't just to look at something that we like in concept, it's to create a program that actually justifies both ends of the requirement. Raising the money, making the restrictions, building the program and the benefits that it provides, and clearly I have not heard in the debate that the first half is at a place where it's workable today. Because if we're going to impose a tax on people's income, if we're going to impose a near mandate for people to get into, if we're to make it virtually impossible for people to get out of it, we have to make sure that we're doing the right thing. So Mister President, I ask the body to support the motion of Interim Study, and let's continue the conversation, because I'm just not sure we are where we need to be yet today. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition. Yesterday in the Statehouse we celebrated 4H, a great program that's mission is to engage youth to reach its fullest potential. It was started in 1902 as a way to introduce agricultural discoveries to old time farmers who were reluctant to accept new science-based ideas. Doesn't that sound familiar? The Senator from District 4 and I got in a little

discussion. We were trying to remember what each of the H's stood for. It wasn't easy. Head, heart, health, but the last one stumped us. And it became a good reminder, the rubric to this discussion. Health, that's obvious. Data is tremendous that family leave helps improve health. We know it instinctively, we've known it forever instinctively. We've all practiced it, we've all had the opportunity I think in probably our parents and grandparents and our children and grandchildren. Head, we know it in the head. Well if we don't there's tons of information, not only showing all the positives that this connection makes at the beginning the end or the middle of one's life. But of you look at our great demographic challenges today, an aging population, declining workforce a baby bust, if we want to build that future, and a drug epidemic, all the while we're abandoning our most vulnerable citizens, leaving children unprotected, and gutting early intervention programs. In the last year we've seen the nearly doubling of our kids in our DCYF system. In the last year we've seen a 63 percent increase in the termination of parental rights. Destroying families. In my home county, we talked about stories, feel like it's old home day, Coos County, where we know life can be kind of like a country western song, but half of the expecting moms who are going to have babies in June are addicted to drugs and we don't know what that'll look like. But we know it's a challenge and we know that these toxic environments that children are born into, with tremendous stress, we know it changes the chemistry of the brain. It's physical, it's chemical, it's provable, the data is overwhelming. The last one's heart. Heart and I know every one of you, if it was your neighbor, you'd be there. I know it. Every single one of you care about people. I was an employer, had to get rid of an employee unfortunately, one employee couldn't afford, had cancer I know how hard it is and I know each business in the state struggles with this. I wish we had perfection but we don't. But we have to open our hearts to the stories of these people and understand that not only having empathy but action.

I have a story here of a Doctor John Stoddard, at I think Doctor Stoddard has delivered many, many, many of the babies in the North Country, and he's been an attending, and I'll just share his story here. I've been attending a patient with a twin pregnancy who was advised to stop working at twenty-eight weeks to prevent premature delivery and preeclampsia. At thirty-four weeks she developed severe preeclampsia and required labor induction. She worked right up until the day before her delivery because she's the sole breadwinner in her household. Not only that, it's awfully costly to everybody in the system in our healthcare system. But the final one that Senator Watters and I couldn't remember is the critical one. We can have the right heart, we can have the right head, but we need to have help, and that's the last one, help. Now every meeting I had with Governor Sununu since we started said how can we work with you, how can we find a pathway, how can we get there? You know we did on Medicaid expansion, the Majority Leader did a great job of weaving together policies to get everybody on the same page. We could have done it here, but we chose not to. He chose not to, he chose to get involved in the process before we had a chance to deliberate as a body. But more importantly Mister President, we have an opportunity to help, help.

And we need to break that plantation mentality that the landlords will take care of the landless peasants, that is generosity is the basis of getting a benefit, not something you earned as a basic human condition, that when you have a baby, you have a basic human right to be able to

be the best dad or mom that you can, like all of us enjoy. Business alone can't do this, business alone will not do this the government needs to be the one who puts this together. We wouldn't have Social Security if we listened to my friends. We wouldn't have had Medicare or Medicaid, we wouldn't have had Headstart. My gosh, if I listened to all this discussion of what we can't do, we can't do, we can't do. I thank the Lord, that Harry Truman did not have that attitude when he was involved in D-Day. We'd be on the beach, never would have got to the beach. We can do this, if we want to. Who is going to speak up and give this earned benefit to the people that Andrew Jackson called the humble members of society, who do the hard thankless work without the economic social leverage to earn the benefits that most of us rely on? We can't be modern day Rockefellers bestowing dimes upon our less fortunate citizens. We need to treat them with respect and decency.

Mister President, I work for a non-profit that focuses on the needs of children with chronic conditions and it's an amazing experience to work with these families, they are truly resilient and you know these parents when you go into a condition with a sick kid, a serious illness, if they're not poor going in they're poor going out, because the cost the expense the ability to try to balance work and family's impossible. Mister President, let's follow 4H, health, hand, heart and let's help. It is in the best interest to our constituents. Mister President, family leave will put children on the fast track to success and those on the other end of their life, a slower easier path and the rocky road to recovery and disaster and the ultimate preparation for death. I was with my dad, holding his hand when he died. I didn't have to get permission from my employer. I heard the ambulance driver after watching my son thrown fifteen feet from a car in North Conway, call him the victim and drove all the way to Hanover following in the dark. And I was able to be there. Fortunately I didn't have to ask permission from my employer, didn't even think to ask my employer. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I think it's time for a fact check and then a gut check. You know some people ask me what's the most disappointing thing about serving in politics right now. Basic understanding of facts, and as Daniel Patrick Moynihan said, "you're entitled to your own opinion, you're not entitled to your own facts." That, but you know what people can debate this until the day is long, about your own opinion but let's look at please, let's look at the facts out of respect for everyone who's worked on this for years, let's look at the facts. A statement; there is no supporting data. False. I've got binders full of studies. I didn't bring them, thought about it for dramatic effect but it would take some time to bring them over from my office next to the smoking room in the basement, over in the Legislative Office Room, if I brought them all the way over here then I'd have to take them all the way back. Where's the studies of the naysayers? We asked it at the hearing. I did for dramatic effect bring this napkin. There's nothing even on the back of the napkin. Naysayers got nothing. Fact number 2; Hayes said in his report, can't use this. Nowhere did Hayes say that, nowhere to be said. He did say, within the range of levels of participation considered, voluntary programs would have premium costs that are 30 to 60 percent higher than a FMLR program covering all employees. So that's why we put the band in which is in the amendment that Tammy has, you can vote down Interim Study and you can

vote for that amendment. Tammy's got it ready to go. Then he looked at it at 100 percent, 70 percent, 35 percent. The notion that he didn't look at it and non-mandatory, why he would have just looked at 100 percent. Didn't work with the insurance companies. Okay, they haven't filed any product to cover people for over 100 years, but we did, we did in this amendment which you can vote for if you vote down Interim Study, saying that the department goes out to contract with third party administrator, including insurance companies. You want to give them a shot? Let's give them a shot. Right now we've got to vote down Interim Study to get to the Floor Amendment though to give them a shot. That's a fact. Income tax; hear that all the time.

This is a voluntary insurance program. When I started meeting a while ago with my Republican colleagues I said you're going to hear this demagogic talking point about it being an income tax. And unfortunately Governor Sununu has done that, unfortunately we've heard it on the floor today, it's a voluntary insurance program, not even mandatory. Washington State; Washington State's getting up and running, Mister President. So the notion we can't do this, why are we rushing to get to no? That's not what we do in the Granite State, we work together to get to yes. And now here's the gut check. I heard my colleague from Senate District 23 say family should help families first. Senate President arguing vigorously in opposition to this in the public executive session, talked about how he decided that his wife would stay home with their kids. Everybody can make those choices, if there are a meaningful choice. If you have a two parent working household, it's not a meaningful choice. If you're a single parent, it's not a meaningful choice. The choice now is to choose between work and family. Don't we all value work? Don't we all value family? So that's the gut check. If you value both, you're going to vote to overturn Interim Study. We're going to go forward with the amendment that's right up there ready to go. That's the gut check. Vote down Interim Study, let's get to the amendment and let's finally get this done, it's been twenty years working families have waited way too long. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I rise in support of the Interim Study motion. Listening to all the talk today and going through four hours of hearing in Finance, I don't believe there's any one of us that doesn't have empathy for the stories that have been told. But let's look at the facts of it. There are two parts to this equation. There's the emotional side and there's the financial side. The financial side is the reason it went to Finance. In Finance, we looked at the program and said if we are going to have such a program it needs to be sustainable. We have an obligation to make it sustainable. If not it is a disservice to all of those who are participating in the program. To the comment that was just made that this is not a mandatory program; tell that to the employers. Employers are mandated that they will offer this. The employees are in the program unless they opt out, but then they have to go and get a notarization to get out of it. Once they're into it, they can't get out later.

We run programs like pension system, Medicaid programs with each of those we have independent actuaries do the analysis of that. There is no such thing done with this program. Why would we go forward without doing something like that? We've got the Department of Insurance and Employment Security that are telling us and they both agree on this and

actually to the point they were both nominated and appointed by Democrat Governors, but they say the same thing. Without an independent actuarial analysis of an optional paid leave program, the departments cannot certify to the legislature or the Governor that the paid leave program created by House Bill 628 would be solvent, and thus be there for program participants who have come to rely on it. Our obligation to make sure that it's sustainable. But what happens when money runs out, if it runs out? The bill is silent on that. There is no plane for insolvency. Does it come back to the state for more money? Are you going to raise the rate on the employees, to make sure it's sustainable? We don't know. And maybe another reason for Interim Study.

The Hayes report was mentioned. What the Hayes report actually says is that analysis of programs with voluntary participation of workers should be considered exploratory. We're talking about putting something into action, not studying. In all the talk that has gone on this morning, we seem to hit a lot on the stories, and I said I can empathize with each one of them, because I don't think there's any of us here that haven't gone through our own stories in that. But there's one part we seem to forget and that's that financial part, $50 million, forty three new employees, $6 million a year to run and three years to implement. No one wants to talk about where the money's coming from. But this is another reason we should go to Interim Study.

As far as unanswered questions, okay, an employee can get short-term disability, usually company paid for. They could pick up long-term disability, which they may have to pay for. Those two run concurrently. After those are done, could they go in and pick up FMLA, Family Medical Leave Act as offered by the federal? And then when that runs out then go back and pick up paid medical leave under the FMLI that we're talking about? We don't know, I've asked that question numerous times, no one has an answer. You know I have to commend the Governor in looking at this program and re-looking at it and coming to the conclusion that there are two sides of it, the emotional side and the financial side. And I believe his hesitation is on the financial side. We have not done our work to find out how this program is going to be sustainable. And for that reason I would ask that you join me in voting Interim Study on this bill. Thank you, Mister President.

PRESIDENT MORSE: Several people have indicated they're going to call the question. There's one speaker left, Senator Bradley. We're going to have Senator Bradley speak and if we have to we'll vote on calling the question.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I don't think anybody would dispute the fact that the family situations that have been described here are compelling and that all of us are extraordinarily sympathetic to doing whatever we can do as a legislature, what employers can do, what family members helping can do and yes in fact perhaps at some point in time whether it's state or national family medical leave insurance. They are compelling. And this isn't a question about the perfect being the enemy of the good. It's not that question at all. The question is will it work as intended? So pardon me for being skeptical and wanting to ask the tough questions when the sponsors of this bill come in and increase the contribution level by 30 percent and decrease the benefit by 50 percent. I think that bears really tough scrutiny. And so when I hear

things about the naysayers having nothing, I also want to check the facts and I thought a really good job was done by the Concord Monitor over the weekend. Because the most important thing and what we've been debating about on the floor all morning is what proponents and we've heard it from the proponents on the floor is, is the program solvent? Guaranteed to be solvent. That's, and the claim is as written it's guaranteed to be solvent. Well according to this fact check, the verdict is not exactly. So the costs have increased we know that and then it goes on to say there are some significant caveats in the way that the studies in the other states have been performed. This is a voluntary program, the other states are not. A study that was relied upon by the proponents from the Institute of Women's Policy Research, should be considered exploratory, and a preliminary starting point. And perhaps most importantly the data that proponents have relied upon, the Hayes report, this is what the Monitor indicated in quoting from Mister Hayes. He said New Hampshire's proposed program has changed considerably since his study. I think that given the originality and uniqueness of what New Hampshire's proposition is, I think another analysis is probably a good idea. Well why is it a good idea? If the program works as intended, great. But what happens if it doesn't?

There are four scenarios. Continue to decrease the benefit and increase the contribution, make it mandatory and decrease the benefit and increase the contribution, make it mandatory for employers, or have it a general fund expense for the state of New Hampshire. Now maybe somebody has another outcome that I'm not aware of but that's what's likely to happen and I question whether any of us are ready for any of those four scenarios if it doesn't work as intended. Senator Daniels' exactly right. I sat on the retirement board, independent actuarial analysis is absolutely essential when doing things like this, retirement rates, Medicaid rates, we base our budget so much on Medicaid rates that you absolutely have to have independent actuarial analysis. It was very clear from the Department of Employment Security and the Insurance Department that that had not been done.

So, what we're left with is not the naysayers having nothing. What we're left with is a lot of unanswered questions. People who are asking questions are not demagogues, we're not demagoguing this initiative. I remember once upon a time in 2013 when a plan that I was bringing forward with our friend in the Chair, the first iteration of Medicaid expansion, was called by then Governor Hassan, worse than no plan at all. Remember that? Senator D'Allesandro, you remember. Because you came to us with Senator Larsen and Senator Gilmour and Senator Odell and we rolled up our sleeves to answer those questions. We had a bipartisan plan that's been successful for four years and God willing, and 424 of us willing, it's going to go to the Governor who's supporting this because it works, and it's been proven to work. And it's stood the test of time because we did that hard work. Saying the naysayers have nothing is totally missing the mark.

If anybody here is ready for those four scenarios I outlined, decreasing the benefit, increasing contribution, making the program mandatory, and then doing the same, having it an employer responsibility to fund or a general fund responsibility, please raise your hand and vote against the Interim Study motion. But if you're like me and the details matter, and yes, I don't make the perfect the enemy of the good around here, but I want to know if I'm going to vote for something that there is a very good expectation as we've done with Medicaid that it's going to work. That's why you should support Interim Study, and let the proponents

negotiate and come back with the skeptics and see if there is a way to deal with the very compelling family situations that have been outlined on the floor this morning. Thank you, Mister President.

PRESIDENT MORSE: While people weren't in the room, I said that the question was going to be called and I didn't recognize that Senator Fuller Clark had asked to speak. I will recognize Senator Fuller Clark and then I'll recognize Senator Birdsell which I believe is calling the question.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: I appreciate that, Mister President. Thank you very much. Much has been said this morning that is moving in terms of the stories that have been told and placed into the record. I listened to Senator Sanborn and I think it's in a very admirable and that we should acknowledge all of the businesses that are providing the supports that this legislation would do for those businesses that can provide it, but I think it's important to understand that there are hundreds if not thousands of individuals in this state who don't work for employers who are in a position to provide them with family and medical leave and they need the support of this program.

I would like to say to Senator Woodburn in addition to his 4H's there is a fifth H, that is hope. And there is nothing in the way we've been asked to vote today that offers hope to those individuals and those businesses that recognize the need for this program, that recognize it's an important tool in our tool box to keep millennials here, to attract young two parent families. And there are ways that that hope could have been put forth when we were asked to vote on this today. No one's talking about how that independent study is going to be paid for. No one is talking about what are the group of legislators that are going to roll up their sleeves and make this happen. All you have done is say find all the reasons to say why it can't work and you have not created a pathway to success. That is what concerns me. I want to be able to offer hope in addition to help and also to remember that you know, this is not an income tax. What a, you know, terrible word that income tax is the way it colors everything we think about and everything we do. This is, and we were asked to create a voluntary program here in New Hampshire. And so this is something that employees to do, they choose to pay into it, so let's create for them a program that is sustainable that they can pay into and that they can benefit when they have the need of looking after a new family member, when they have the need in a state where many of us are going to live into our nineties but we need the care of our children or even our grandchildren who are working, where we have a sick spouse or we're sick our self and there aren't the benefits imbedded in the work obligation that many of the individuals that we read from in this booklet today have. Let's find a way, a pathway to offer them hope and to offer a program that they will want to sign into and that they have then the choices that are so imperative to keep the ethos of family well and healthy and intact. Thank you.

The question is on the adoption of the motion of Interim Study.

A roll call was requested by Senator French, seconded by Senator Soucy.

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.

Recess. Out of recess.

HB 1411-FN-A, relative to funds transferred to the nongame species account.
Ought to Pass, Vote 6-0. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1411-FN-A Ought to Pass. This bill increases the level of matching funds for public donations to the Fish and Game Department's nongame species account. Nongame species are species other than those which are hunted, fished or trapped. This successful program works with conservation organizations to conserve sensitive habitats, and keep species off the U.S. Fish & Wildlife Service's Endangered Species List. The Senate Finance Committee recommends passage of HB 1411-FN-A, 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 1415-FN-A, establishing a death benefit for a school employee killed in the line of duty.
Inexpedient to Legislate, Vote 4-2. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I ask my colleagues to reject the Inexpedient to Legislate motion so that an amendment may be offered.

Recess. Out of recess.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I too rise in opposition to the pending motion of Inexpedient to Legislate. That was even before I saw this amendment, because I believe that the underlying legislation, the legislation that's before us at the moment, is something that's truly needed. And I want to tell you about one of my constituents who called me when I was serving my first term in the Senate and he's retired police officer, retired as an assistant chief and he said I want to talk to you about the death penalty. And I thought, okay, you know a constituent, of course I'm going to talk to him. And I presumed given his profession that it was something that he truly believed in and as we started talking, we're having coffee and I was feeling a little anxious. He said you know my entire career I've always believed in the death penalty and he's a Manchester police officer and certainly what happened to Michael Briggs weighs on all of us every day, but he said when Sandy Hook Elementary happened something struck me. So I have a son and I have a daughter. My son is a police officer and my daughter is a teacher, and given the same set of circumstances with children, being put in harm's way in danger of being injured my son would do his job and my daughter would do hers. But the benefits afforded to my son are very different than anything that would ever be afforded to my daughter. And he said I have two children. I love them equally, and I know that each of them given the same set of circumstances would put themselves between a gunman and school children. This bill recognizes the importance of the role that educators play in protecting their students. Now it's never happened in New Hampshire, God forbid anything as horrific as what happened at Sandy Hook or Columbine or Florida happen here but putting in place a benefit in the event that it happens, doesn't cost us anything right now, but it would give comfort to the family of that educator who may be injured. I ask you to vote down this motion and most importantly I ask you to vote simply Ought to Pass on this bill. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Failed.

Senator Bradley moved Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
Sen. Giuda, Dist 2
Sen. Gray, Dist 6
Sen. French, Dist 7
Sen. Ward, Dist 8
Sen. Sanborn, Dist 9
Sen. Daniels, Dist 11
Sen. Avard, Dist 12
Sen. Carson, Dist 14
Sen. Reagan, Dist 17
Sen. Birdsell, Dist 19
Sen. Morse, Dist 22
Sen. Gannon, Dist 23
Sen. Innis, Dist 24
April 25, 2018
2018-1791s
05/04

Floor Amendment to HB 1415-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT making an appropriation to the public school infrastructure fund to improve security in public schools.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Public School Infrastructure Fund; School Emergency Readiness Program. To improve security in public schools, the sum of $10,000,000 for the biennium ending June 30, 2019 is hereby appropriated the public school infrastructure fund established in RSA 198:15-y, to provide additional funding to the department of safety, division of homeland security and emergency management's school emergency readiness program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect upon its passage.

2018-1791s

AMENDED ANALYSIS

This bill makes an appropriation to the public school infrastructure fund to provide additional funding for the department of safety's school emergency readiness program.

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 Soucy objected to the suspension of Senate Rule 3-17.

The question is on the suspension of Senate Rule 3-17.

(The Chair Recognized Senator Bradley.)

SENATOR BRADLEY: I would hope that as the amendment's being passed out now before it's been introduced that we can have a debate

about school safety. This has been an issue that we've talked about several times on this floor this year. It's an issue that we certainly talked about in the budget last year. We established in the budget of 2018 and '19 almost $19 million for the public school infrastructure fund that was meant to make our schools better and safer. My understanding is $13.7 million has been approved by the Governor and Council from that fund, an additional $4.9 has been approved by the Joint Fiscal Committee and headed to the Governor and Council. What the amendment would do, if we decide to back the ruling of the Chair that it's germane, would be to infuse another $10 million which members of the Finance Committee and others who've looked at the finances of the state of New Hampshire believe is available and appropriate right now to add to our infrastructure needs to make sure that we have adequate resources for school safety. So I'm a little bit surprised that we're having a debate about germaneness because this is something, we've debated much of the session and last year in the budget. So, I'll rest there and hope that everybody wants a debate about an amendment that I think we all can support and move on. Thank you, Mister President.

(The Chair recognized Senator Soucy for a question of Senator Bradley.)

SENATOR SOUCY: Senator, I'm looking at the language of this amendment and had an opportunity to do so before, and I think the concern that's been expressed is that this amendment is a replace all.

SENATOR BRADLEY: That's correct, but we're debating germaneness now and so it is a germane amendment as the, you just spoke rather eloquently about school safety and so I'm not exactly sure why you'd think that this amendment is not germane, given that your remarks were just about school safety. You may not agree with me about the underlying bill and that's fine we can have that debate, but we also should be able to have a debate about the safety and how to improve New Hampshire schools, I think. I hope you agree with me.

SENATOR SOUCY: Senator, would you believe I agree with you, but we have had debates but this amendment just having been dropped in our laps that appropriates money with absolutely no criteria, to me does not seem germane to the issue of an incident occurring and providing a death benefit in that regard?

SENATOR BRADLEY: And I appreciate that but just based on your own remarks about the underlying bill, it is about school safety. I will let others on the Finance Committee talk about the finances when we get the actual amendment. You know just knowing that we're running a significant surplus, knowing that school safety is a critical issue for all twenty-four of–

SENATE CLERK'S NOTE

Due to uncontrollable circumstances there was a loss in audio transmission in regards to Senator Bradley's remarks.

SENATOR BRADLEY: We're trying to get this done before the end of the session. If we think it's a priority to deal with school safety issues, this in my opinion, and I think in the opinion of the sponsors of the amendment is one of the most effective ways to make sure our buildings, our school buildings, have the necessary infrastructure improvements to make sure that they are safe. That's what this amendment tries to do.

SENATOR SOUCY: Thank you.

PRESIDENT MORSE: Please understand from the parliamentary situation, you're voting on suspending rule 3-17 to make this amendment germane so we can debate it.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Rule 3-17 says, "No amendment to any bill or resolution shall be allowed except it be germane. For the purposes of this rule and amendment to a bill or resolution is germane if the subject matter of the amendment is the same as that of some portion of the bill or resolution." I think I agree that this is non-germane in light of the fact that this is talking about a death benefit for school employees versus an appropriation to the public school infrastructure fund. So I agree and I think the better course of action is to notice this for a public hearing on Monday afternoon, in Senate Finance. Thank you, Mister President.

PRESIDENT MORSE: Remember, you're debating suspending rule 3-17. That's the parliamentary situation, so you can determine this is germane.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: So, in light of what the Senate President just reminded us, do we want to debate school safety, and potentially be able to appropriate $10 million to harden buildings and protect kids or not? That's kind of a fundamental question here. And I know it takes sixteen votes to do that here, but do we really want to throw a procedural roadblock in the way of appropriating dollars that we know exist, to enhance school safety? That's what this is about. So, I hope that in the spirit of cooperation, which we've actually had quite a bit of this year, whether it's Medicaid, whether it's Marsy's Law, whether it's environmental initiatives, whether it's improving child care agencies, renewable energy, an awful lot of good work has been done this year. I agree, this is kind of at the last minute, we've seen other last minute amendments too. But we're also close to the end of the session. That's why it's important that we have this debate. And rest assured, if you're not willing to have the debate, then that puts in doubt whether we have the willingness to harden our schools, to make kids safe. That's what this is about. So please, think about, you know, the message it sends. There are no fourth graders in the gallery right now. But if there were, think about that and think about the message it sends to the nearly 200,000 students that we're not even willing to debate an amendment that could help protect their lives. Thank you.

The question is on the suspension of Senate Rule 3-17.

A roll call was requested by Senator Soucy, 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. Failed, lacking the necessary 2/3 vote.

Senator Bradley moved to Lay on the Table HB 1415-FN-A.

A roll call was requested by Senator Soucy, 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.

HB 1756-FN-A, relative to an additional allowance and a cost of living adjustment for retirees from the state retirement system.
Inexpedient to Legislate, Vote 4-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1756 Inexpedient to Legislate. This bill grants an additional allowance of $500 to certain retirees in the state retirement system, funded by general fund appropriations in fiscal year 2020. The one time allowance applies to retirees receiving a benefit under 30,000 per year who have been retired for at least five years. The actuarial analysis indicates the estimated one time up front cost of funding this $500 additional allowance in fiscal year 2020 would be a general fund appropriation of approximately 7.8 million which would increase to a total of 10.3 million if appropriated on July 1, 2019. House Bill 1756 also grants a cost of living adjustment, or a COLA, of 1.5 percent to the same retirees contingent on funding for the total actuarial cost in fiscal year 2021. The actuarial analysis indicates the 1.5 percent COLA is projected to cost approximately 51.3 million which would increase to a total of 72.8 million if appropriated on July 1, 2020. It was noted during deliberations on the bill that retired employees from the private sector share the same financial difficulties as retired state employees, but rare, if ever, get a cost of living increase. A motion to amend the bill by only providing the one-time payment failed on a 2-4 vote. The Senate Finance Committee recommends House Bill 1756 be found Inexpedient to Legislate and asks for your support. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to speak in opposition to the Inexpedient to Legislate motion that we have before us today. We keep going around and around on this particular issue. This was an issue that was extensively discussed within the Decennial Commission. We agreed that it was important, that we do something for our retirees. They have not received any sort of increase in their retirement. Nothing. We have retires in this state that are living on less than $30,000 a year. We know the cost of goods and services keeps rising and rising and rising, they can't catch up. So what's happening to these folks? Many of them are finding themselves in our community social welfare offices. What are we supposed to do, tell our seventy-five, eighty year old retirees go out and get a job, to make up whatever you need? These people have worked for us, they spent their working lives serving the people of the state of New Hampshire. And this is how we treat them? Mister President, we can do better and we must do better, and I hope that we continue this conversation for those who are going to be here next year, that when it comes time for the budget that we can give our state retirees some sort of financial relief, some sort of COLA, some sort of one-time payment to help them. Because what we're doing now just is not cutting it. Thank you very much, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise against the motion of Inexpedient and say as my colleague from Londonderry has said, this was one of the recommendations of the commission. The commission meets once every ten years. This was

a $500 payment. Look at the census of retired employees. Look at the number of employees now who are eighty and over, ninety and over, we have some that are a hundred or over. Those people retired with an average retirement benefit of $12,000. When you look across the system the benefit is 30,000 even with the heavy hitters up at the top end. This doesn't do anything for those people, but it takes care of those under 30,000, $500, $500. The last time we did this we gave them $1,000 one-time grant. Senator Downing who was sitting right here next to me, and I, over one, excuse me, over one. Senator Downing and I worked with the committee of conference to put it together. They got $1,000, $1,000. What's happened to the index cost of living since that time? And again, as the Senator points out, they haven't gotten anything. You know, once upon a time, COLAs could be granted without going to the legislature, they could be granted by the Fiscal Committee. We changed that, now it has to be legislative action to grant a COLA. This is a time when we have the resources to grant this. We have the resources to grant it. These people have been active members of our society. We all brag about how good state employees have been. I can remember when state employees used to polish their trucks, they had the best looking trucks on the road, and they'd stop and help you if you were in need. Come on. We can't give them $500, $500? What's $500 in today's world, we talk about millions, millions, and we can't talk about 500 for an individual, 500 bucks? You know I looked at new cars, you know what a new car can cost today? Up to $90,000. I bought my first house for 17,500. I was worried to death about paying $148 a month on my mortgage. We're talking about $500, we should divide this bill in half, pay the 500, I understand the second part of the bill's difficult. I understand that and we're not asking for that. We're asking for $500 for our state employees. Thank you, Mister President.

(The Chair recognized Senator Soucy for a question of Senator Carson.)

SENATOR SOUCY: Senator, I just want to make sure I understand the first part of this amendment would provide a $500 stipend to those making less than 30,000?

SENATOR CARSON: That is correct.

SENATOR SOUCY: And I want to make sure I understand, the second part is dependent upon certain factors and I'm looking at the bill in RSA 100:A-41 II. My understanding of this language; no supplemental allowance under paragraph I shall be made unless the terminal funding of the total actuarial costs thereof as determined by the actuary and certified by the Board of Trustees of the Retirement System is approved for funding through retirement system funds, state general funds or some other concern. My understanding of that is that even if we were to pass this bill, there's no automatic one and a half percent COLA unless all of those steps are taken to certify that it can be made?

SENATOR CARSON: Thank you, and you are correct.

SENATOR SOUCY: Thank you, Senator.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I rise in opposition to the ITL and hope we can overturn that and really move this forward. As the Senator from District 14 mentioned, about the Decennial Commission, we served together on that and we spent a lot of time on the issue of COLAs. You know, we know that the Group 2 folks don't get social security. We know that the average pension back in 2009 when

there was the last COLA it was $20,000 to the average pension at that time that's now been eroded down to around $16,000. And we looked, I think the case was made that we need to try to do something. Now the good news coming out of the Decennial Commission was that the amortization schedule on the unfunded liability is working, we're on track and that's a huge accomplishment for the really tough decisions we made a few years ago. But this was unfinished business, and I think you know throughout the commission the argument was made that we ought to try to do something about this. We tried a lot of things, we tried to pass something calling for a COLA of various sizes and various income levels within the retired group. I proposed, and we almost passed, a mandatory opt out of a supplemental retirement program so that essentially workers could end up funding their own COLA if they had that and we couldn't quite get there on that in part because of the potential issue of employee contributions and you know, certainly yeah, the municipal association was there to say, look we're paying awfully high rates already and if this is going to come out of our hide, we don't know if we can do it. But what we could agree on was the $500. And that was Representative McGuire who brought that motion forward, and it was a good thing to do it was the right thing to do but recognizing that even if we did that, this conversation now could be over about a true COLA because inflation is not going to go away, the erosion of earning power is not going to go away, and the fact that our group 2 folks don't get social security is not going to go away. So this, saw a lot of work in the House, it got over here which really says something, that the House sent it over to us, and I really hope that we can overturn the ITL and try to get to work, see if there is a part of this bill that maybe we can do and then recognize maybe in the budget next year we're going to have to try to do more. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I'll be brief. I find it peculiar that ten minutes ago we shot down a $10 million appropriation to keep our kids alive and safe, but all of a sudden we reverse course to say that we want to help folks under a different cost. I think that that's just disingenuous. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, just a point of order. My point of order is this; we're talking about this piece of legislation. This body and nobody in this, nobody in this Senate does not care for every child in this state. Nobody. And to have an inference that we don't care about children is absolutely absurd. Doesn't belong in this conversation. We're talking about the lives of people who are retired and working for the state. That's what we're talking about. And we're talking about giving them a $500 raise. Let's focus on what the problem is and address it. Never mind throwing in other nonsense that has no place here. Listen, we're all good people. We all care about one another and we care about the people we serve, and anyone who doesn't believe that doesn't belong here. Thank you, Mister President.

PRESIDENT MORSE: I'm not sure that needs a ruling, Senator.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Hennessey, seconded by Senator Carson.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Daniels, Avard, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Ward, Sanborn, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 11 - Nays: 13. Failed.

Recess. Out of recess.

Senator Bradley moved to Lay on the Table HB 1756-FN. Adopted.

HEALTH AND HUMAN SERVICES
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 5-0. Senator Bradley for the committee.

SENATOR BRADLEY: Thank you, Mister President. I move House Bill 1103 Ought to Pass. The bill would provide payment through the federal TANF reserve funds for reports of abuse and neglect that are unfounded but with reasonable concern. The committee heard that there is a lack of options for social workers looking to help children and the unfounded but with reasonable concern finding. This bill specifically focuses on the unfounded with reasonable concern cases at DCYF. By focusing on these families, many cases could be prevented from growing to the level of abuse and neglect. This bill would be another step forward in creating the reforms DCYF needs to best protect our children. The Health and Human Services Committee asks for your support for the motion of Ought to Pass. Thank you, Mister President.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
April 25, 2018
2018-1794s
05/04

Floor Amendment to HB 1103-FN

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Child Protection Act; Liability for Expenses. Amend RSA 169-C:27, I by inserting after subparagraph (f) the following new subparagraph:

(g) Notwithstanding subparagraph (c), the state shall have no right of action against the parents or other people chargeable by law for the minor's support and necessities for voluntary services provided to the child, family, or household in a case that was unfounded but with reasonable concern, as defined in RSA 169-C:3, XXIX. In such cases, any services provided by the department may be paid from available TANF reserve funds.

2018-1794s

AMENDED ANALYSIS

This bill 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.

SENATOR BRADLEY: Alright, thank you, Mister President. In line 7 of the amendment it changes shall to may, this is important because there are families that will qualify for voluntary services that are not

eligible for TANF funds. The change also makes House Bill 1103 consistent with Senate Bill 592 which we all spent a lot of time on which passed the House Finance and will be on the House floor next week. So in an effort to align both bills I would ask you to support the Floor Amendment. Thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs.
Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Health and Human Services
April 17, 2018
2018-1599s,
01/04

Amendment to HB 1418-FN

Amend RSA 126-A:75, I-III as inserted by section 1 of the bill by replacing them with the following:

I. There is established a commission to study greater transparency in pharmaceutical costs and drug rebate programs.

(a) The members of the commission shall be as follows:

(1) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(2) One member of the senate, appointed by the president of the senate.

(3) The insurance commissioner, or designee.

(4) The commissioner of the department of health and human services, or designee.

(5) One public member, appointed by the governor.

(6) A representative of the New Hampshire Hospital Association, appointed by the association.

(7) A physician licensed under RSA 329, appointed by the New Hampshire Medical Society.

(8) The executive director of New Futures, or designee.

(9) A representative of the New Hampshire Pharmacists Association, appointed by the association.

(10) A representative of the Business and Industry Association of New Hampshire, appointed by the association.

(11) A member representing pharmacy benefit managers, appointed by the Pharmaceutical Care Management Association.

(12) A representative of America's Health Insurance Plans (AHIP), appointed by that organization.

(13) A representative of Pharmaceutical Research and Manufacturers of America, appointed by that organization.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II.(a)(1) The commission shall study how to achieve greater transparency in pharmaceutical costs by identifying and analyzing certain critical prescription drugs and their role in overall health care spending in the New Hampshire and by analyzing the amounts rebated by drug manufacturers for certain high cost and high utilization prescription drugs. The commission's study shall include, but not be limited to:

(A) Studying strategies available to achieve greater transparency in pharmaceutical costs by identifying and analyzing certain critical prescription drugs and their role in overall health care spending and the impact of price increases on patients and their families.

(B) Reviewing legislative efforts in other states and taking advantage of any other analysis by outside organizations or foundations.

(C) Analyzing the impact of drug prices on insurance premium costs, consumer out-of-pocket costs for prescription drugs, and state and county purchasing of prescription drugs.

(D) Analyzing the potential impact of transparency in relation to the practices of pharmaceutical manufacturers and pharmacy benefits managers, including how research and development, marketing, and rebates affect drug prices.

(E) Proposing changes to New Hampshire law, as needed, to reduce the rising cost of pharmaceuticals.

(2) The commission shall also study the role pharmacy benefit managers play in the cost, administration, and distribution of prescription drugs; if greater transparency in pharmaceutical costs to purchasers would lower costs in overall health care spending in New Hampshire and analyzing the amounts rebated by drug manufacturers for prescription drugs passed to purchasers and patients. The goal shall be to determine if any changes to New Hampshire laws could reduce the rising cost of pharmaceuticals to purchasers or patients.

(b) The commission may solicit input from any person or entity the commission deems relevant to its study.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

SENATOR FULLER CLARK: Thank you, Mister President. I move House Bill 1418-FN Ought to Pass with Amendment. Currently, the cost of pharmaceutical drugs have risen exponentially, making the cost of healthcare as a whole even more burdensome for New Hampshire citizens. This bill as amended would create a commission to study greater transparency regarding pharmaceutical costs and drug rebate programs by bringing stakeholders together to study the cost of drugs and how prices are set. This could be one more step towards the goal of lowering the cost of health care for New Hampshire consumers. The Health and Human Services Committee asks for your support for the motion of Ought to Pass with Amendment on House Bill 1418-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1565-FN, relative to requiring the secure psychiatric unit to be accredited as a psychiatric hospital and making an appropriation therefor. Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

Health and Human Services
April 18, 2018
2018-1636s
01/04

Amendment to HB 1565-FN

Amend the title of the bill by replacing it with the following:

AN ACT requiring the secure psychiatric unit to be accredited as a behavioral health facility.

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Corrections; Duties of the Commissioner; Secure Psychiatric Unit. Amend RSA 21-H:8, XI-a to read as follows:

XI-a.***(a)*** The commissioner shall be the principal administrator of the secure psychiatric unit established pursuant to RSA 622:41. [~~He~~] ***The commissioner*** shall establish the treatment standards for the unit after consultation with the commissioner of the department of health and human services. The commissioner shall:

[~~(a)~~] ***(1)*** Administer the unit;

[~~(b)~~] ***(2)*** [Repealed.]

[~~(c)~~] ***(3)*** Consult with the commissioner of the department of health and human services regarding transfers to the unit;

[~~(d)~~] ***(4)*** Transfer persons in his ***or her*** custody to the unit if treatment is needed for mental disturbance;

[~~(e)~~] ***(5)*** Discharge persons pursuant to RSA 622:48;

[~~(f)~~] ***(6)*** Review, at least annually, the mental health programs with the commissioner of the department of health and human services to determine what policies, standards, or practices should be revised to improve treatment;

[~~(g)~~] ***(7)*** Appoint qualified persons to positions established in RSA 622:43, I;

[~~(h)~~] ***(8)*** Administer the unit in such a manner as to meet accreditation standards [~~and to seek accreditation~~]; and

[~~(i)~~] ***(9)*** Perform other tasks necessary to carry out the administration of RSA 622:40-48.

(b) The commissioner shall seek accreditation from the National Commission on Correctional Health Care to have the secure psychiatric unit accredited as a behavioral health facility. The accreditation process shall commence before January 1, 2019. The commissioner shall make all reasonable and good faith efforts to achieve accreditation in a timely manner.

2 Reports Required. The commissioner shall submit an interim report, on or before January 1, 2019, relative to the steps taken to receive accreditation as required under RSA 21-H:8, XI-a(b) as inserted by section 1 of this act and identifying any barriers to securing such accreditation and a final report on or before January 1, 2020 to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate committees having jurisdiction over criminal justice and health and human services.

3 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.

4 Effective Date. This act shall take effect upon its passage.

2018-1636s

AMENDED ANALYSIS

This bill requires the commissioner of the department of corrections to apply to the National Commission on Correctional Health Care seeking that the secure psychiatric unit be accredited as a behavioral health facility. Under this bill, the commissioner of the department of corrections shall 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.

SENATOR AVARD: Thank you, Mister President. I move House Bill 1565-FN Ought to Pass with Amendment. The purpose of this bill is to require that the secure psychiatric unit seek to be accredited as a behavioral health facility. The committee heard much testimony from families of patients at the secure psychiatric unit who had concerns regarding the level of care available. This bill would require the commissioner of the department of corrections to seek accreditation from the Commission of Correctional Health Care, as well as submit a biennial report in even-numbered years as to whether certain aspects of the secure psychiatric unit should be improved or revised. This presents a necessary step understanding and treating mental illness in the State of New Hampshire. The Health and Human Services Committee asks for your support for the motion of Ought to Pass with Amendment on HB 1565. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Hennessey offered a Floor Amendment.

Sen. Hennessey, Dist 5
April 26, 2018
2018-1804s
01/04

Floor Amendment to HB 1565-FN

Amend the title of the bill by replacing it with the following:

AN ACT requiring the secure psychiatric unit to be accredited as a psychiatric facility.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Findings.

I. The general court hereby finds that:

(a) A separate forensic psychiatric hospital would be the preferred solution for persons who are violently psychotic.

(b) Placement of the secure psychiatric unit within the state prison causes problems for civil patients and their families.

(c) Transferring patients to forensic facilities outside of New Hampshire is not a viable option.

II. Therefore, the general court hereby seeks to have the secure psychiatric unit accredited as a psychiatric facility. In this act, the department of corrections, in collaboration with the department of health and

human services, shall commence the process of accreditation of the secure psychiatric unit by the Joint Commission on Accreditation of Hospitals as a psychiatric facility.

2 Department of Corrections; Duties of the Commissioner; Secure Psychiatric Unit. Amend RSA 21-H:8, XI-a to read as follows:

XI-a.***(a)*** The commissioner shall be the principal administrator of the secure psychiatric unit established pursuant to RSA 622:41. [~~He~~] ***The commissioner*** shall establish the treatment standards for the unit after consultation with the commissioner of the department of health and human services. The commissioner shall:

[~~(a)~~] ***(1)*** Administer the unit;

[~~(b)~~] ***(2)*** [Repealed.]

[~~(c)~~] ***(3)*** Consult with the commissioner of the department of health and human services regarding transfers to the unit;

[~~(d)~~] ***(4)*** Transfer persons in his ***or her*** custody to the unit if treatment is needed for mental disturbance;

[~~(e)~~] ***(5)*** Discharge persons pursuant to RSA 622:48;

[~~(f)~~] ***(6)*** Review, at least annually, the mental health programs with the commissioner of the department of health and human services to determine what policies, standards, or practices should be revised to improve treatment;

[~~(g)~~] ***(7)*** Appoint qualified persons to positions established in RSA 622:43, I;

[~~(h)~~] ***(8)*** Administer the unit in such a manner as to meet accreditation standards [~~and to seek accreditation~~]; and

[~~(i)~~] ***(9)*** Perform other tasks necessary to carry out the administration of RSA 622:40-48.

(b) The commissioner shall seek to have the secure psychiatric unit accredited as a psychiatric facility.

3 Reports Required. The commissioner shall submit an interim report, on or before January 1, 2019, and a final report, on or before January 1, 2020, relative to the steps taken to receive accreditation as required under RSA 21-H:8, XI-a(b) as inserted by section 2 of this act and identifying any barriers to securing such accreditation to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate committees having jurisdiction over criminal justice and health and human services.

4 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.***

5 Effective Date. This act shall take effect 60 days after its passage.

2018-1804s

AMENDED ANALYSIS

This bill requires the commissioner of the department of corrections to apply to the Joint Commission on Accreditation of Hospitals seeking that the secure psychiatric unit be accredited as a psychiatric facility. Under this bill, the commissioner of the department of corrections shall submit a biennial report of its findings in even-numbered years as to whether certain provisions, standards, or practices should be revised to improve treatment at the secure psychiatric unit.

SENATOR HENNESSEY: Thank you, Mister President. I rise actually in opposition to the committee amendment that I guess was just voted in, and the reason is that, and I apologize for being at this late point, but I have to say that it took me a while to try to figure out what was gnawing at me. And what was gnawing at me is that even though I'm in the profession, I had no idea what a behavioral health facility was. I've never seen that as a real term, I have no idea what it really means and I'm not sure why we switched from a psychiatric unit or facility to a behavioral health facility. The only time, well I don't even need to go into that but, we no longer should be or want to be, I think we all agree, warehousing people with significant mental illness. We have moved way beyond *One Flew over the Cuckoo's Nest*, at least that's what we say. I think everybody on Health and Human Services was just outraged by what we heard about the way people in the secure psychiatric unit are being treated. And I think the staff there is well-meaning, they're terrific but they don't have enough, and they're not trained specifically in taking care of the severely mentally ill.

This amendment that I, oh I'd like to offer an amendment, and I got confused by the order of this, but let me– So as it reads now, the amendment that we already voted on has, calls it a behavioral health facility, and as I said I have never seen a definition for a behavioral health facility. I'm not sure what that means. What this is, is a secure psychiatric facility and so changing the title, I'm changing it back to requiring the secure psychiatric unit to be accredited as a psychiatric facility, which is what it is. And we heard from all sorts of people. It was very moving testimony. But one of the things we heard often was that it is kind of a place in need of an accreditation and somebody overseeing what's going on there because, for example, one of the women who worked there who was a behavioral health nurse, at least that was her title, came in and said that she accepted a position there and resigned four days later. She said that she was really concerned that civilly committed people were de facto prisoners in this facility. And once you're there you have to wait five years in order to get any kind of a hearing to get out. The SPU is currently not a licensed facility. What we need to do is to stop treating the mentally ill as criminals. What happens is that they're brought from the psychiatric hospital and then put into this unit and they can be there for a very long time, with almost no recourse and almost no communication with the outside world. I think we'll all agree that that's a problem. Basically this amendment that I'm putting out is just calling it what it is and saying that that's how it should be accredited as a psychiatric unit and not a behavioral mental health unit, which is nebulous at best. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise in support of amendment 1804s. When we were sued by inmates, we were forced to spend $35 million, the Holliday suit, to create a secure psychiatric facility. So we spent $35 million to put that's secure psychiatric facility in place at the prison. I believe that we thought, we, I think the people who were in the Senate and the House at the time, that we did have a secure psychiatric facility because we were in compliance with the decision made in the Holliday suit. If that is not the case then we're not in compliance. So indeed it has to become an accredited secure psychiatric facility. And if indeed that's what we have to do, we have to do it, we have to do it. As I said we are in this mode because of the fact that we were sued by Holliday, we lost the suit, we put the 35 million up, we built the facility and if it doesn't meet those criteria set by the court then we're in trouble. So I think supporting this amendment makes sense. Thank you, Mister President.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I rise in opposition to this amendment because we actually had language with accreditation of two different types of accreditations, because it's basically a hybrid there at the state prison. We have people there that are committed civilly and people that are committed criminally. And so we met with the commissioner and director and they said, you know definitely they can seek accreditation, but not both or the one that is being proposed in this amendment. Let's see, their comments are to the effect that the both are nationally recognized, behavioral health accreditations. We likely could attain the NCCHC sooner than the joint commission because of our existing physical plant. We understand that this is a really, it's a hybrid and accreditation is important because of accountability. But they cannot attain this type of accreditation in this amendment that you're proposing. Because they're not a hospital unit. And we all voted for this 5-0 and of course we changed the purpose statement as well. So this amendment really is a surprise to me. It is moving forward, it is creating accountability of what we just voted on and this I think sets us back. Because they're not going to be able to achieve this level of accreditation. And I think it also asks for, we put back into purpose statement, which we all agreed that we were going to take it out. So with that I would ask my colleagues to vote down this amendment.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, I would just like to rise in reaction. Ironically what I based this on was on an amendment that came before our committee before the final one which was yours. And yours actually did also have the rationale and the reason that that's there is it explains why it's important for it to be a psychiatric facility and not a behavioral health organization. I think we heard over and over that one of the serious problems with it now is that we do have people who were arrested on civil crimes being put in there and not getting out and being treated much less than optimally. So that is part of the reason for making it into a psychiatric unit is so that the accreditation will make sure that it is a facility that does what we say it does. Because otherwise, frankly, we're leaving ourselves open to some pretty serious litigation all over again. Thank you.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. And I concur with you, the previous Senator for speaking on this matter, that's why I brought

in both accreditations. That after discussion in our hearings and in talking with the commissioner it was impossible for them to do both, both physically and financially and so we chose the best route, one that is designed for a prison unit. This is a step moving forward, they'll be able to be accredited a lot quicker with what we just voted on and we can address the other issues in future legislation. But right now I don't see that it's going to solve anything if we vote for this amendment, so.

(The Chair recognized Senator Fuller Clark for a question of Senator Hennessey.)

SENATOR FULLER CLARK: Senator Hennessey, it's my understanding that you've had a conversation with the prime sponsor of this bill?

SENATOR HENNESSEY: Yes I have.

SENATOR FULLER CLARK: And that he is very supportive of this change and believes that this is the way to go to accomplish what needs to be accomplished, and that there is a time frame up until 2020 for this to be accomplished?

SENATOR HENNESSEY: Thank you very much for the question and that is absolutely true. In fact his words were the bill does absolutely nothing the way they amended it. And the problem is I think we didn't, I at least have to say that I didn't understand at the time exactly what the difference was and why we picked one over the other. It clearly the prime sponsor has said that by using the term psychiatric facility, that would get us the kind of accreditation by 2020 that we need in order to stop the bedlam and to avoid another suit that can cost us an awful lot of money.

SENATOR FULLER CLARK: Thank you.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Avard, 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, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 10 - Nays: 14. Failed.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.
Ought to Pass, Vote 3-0. Senator Hennessey for the committee.

SENATOR HENNESSEY: Thank you, Mister President. I move House Bill 1807 as Ought to Pass. This bill clarifies the law relating to financial exploitation of elderly disabled or impaired adults. This bill also establishes a procedure for protective orders for vulnerable adults. Unfortunately the financial exploitation of elderly, disabled and impaired adults is something that is occurring in our state. The Attorney General's Office has been able to prosecute some for this heinous crime, but there is currently some ambiguity in the statutes that makes this difficult. This bill would clarify the statutes to make it clearer for the Attorney General's Office when they are working on these cases. The bill also seeks to establish protective orders for adults which will hopefully cut down on access for individuals that look to financially exploit at risk

groups of people. The Health and Human Services Committee asks for your support for the motion of Ought to Pass on House Bill 1807. Thank you, Mister President.

Senator Daniels offered a Floor Amendment.

Sen. Daniels, Dist 11
April 19, 2018
2018-1740s
01/06

Floor Amendment to HB 1807-FN

Amend the bill by replacing section 1 with the following:

1 Financial Exploitation of Elderly, Disabled, or Impaired Adults. Amend the introductory paragraph of RSA 631:9, I(b) to read as follows:

(b) In the absence of legal authority a person knowingly or recklessly through the use of undue influence, harassment, duress, force, compulsion, [~~or~~] coercion***, or under any circumstances where the person knew that the elderly, disabled, or impaired adult lacked capacity to consent, or consciously disregarded a substantial and unjustifiable risk that the elderly, disabled, or impaired adult lacked capacity to consent***:

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

2018-1740s

AMENDED ANALYSIS

This bill clarifies the law relating to financial exploitation of elderly, disabled, or impaired adults.

SENATOR DANIELS: Thank you, Mister President. In going through this bill I identified a number of issues that I feel need to be addressed before it's ready for prime time. Number one, and these all pretty much fall under the protective order so that's the section 2 on, the bill for the most part is a cut and paste from the domestic violence statute but without the cleanup that's necessary for the bill to be particularly pertinent to protecting vulnerable adults while preserving the rights of the defendant. Number two, many definitions in the bill are built on presumptions using phrases such as "or could result" and "or had reason to know." Number three, the definition of vulnerable is itself problematic as it states vulnerable means that the physical mental and emotional ability of a person is such that he or she is unable to manage personal, home and financial affairs in his own or her own best interest. Or he or she is unable to act responsibly or unable to delegate responsibility to a responsible caregiver or caretaker. If by definition a person is deemed vulnerable, how then can they be deemed competent enough to make other decisions including whether or not to waive their rights? Number four, upon a showing of an immediate and present danger of abuse, exploitation or neglect, the court may enter temporary orders to protect the plaintiff with or without actual notice to the defendant. The defendant doesn't have to be notified that an order has been entered, you can bet though that if the defendant violates that order, they will be charged. Number five, by forcing the defendant to relinquish to a peace officer any and all firearms and ammunition in the control, ownership and possession of the defendant or any other person on behalf of the defendant for the duration of a protective order before the person has been charged

with a crime. The bill completely suspends a person's second, fourth and fourteenth amendment rights. The defendant can then be forced to pay the storage cost for the firearms that were confiscated. Number six, any act or omission of a peace officer rendering emergency care or assistance is freed from any liability. If the care or assistance they offered is rendered in good faith, but no such provision exists for the defendant. These are all under the protective order from section 2 on. And just to kind of, in a final notation on this to accentuate, I want to read excerpts from a letter I received from someone I know that happens to be an attorney. And this goes to the whole thing of neglect.

My mother lived with me for two years before she was dragged from our home screaming. A probate judge stripped her of all her rights in a "quickie telephone hearing," quote unquote, in which neither I nor my mother who wanted nothing more than to continue living with me was represented in any way. State law theoretically requires that she be represented in that hearing, but she was quote unquote, "deemed to have waived her rights," even though if she was deemed to be incompetent, it's hard to see how she was competent to waive her rights. When she wouldn't stop screaming my name, the hospital pumped Haldol into her until she was rendered a vegetable. Four weeks later I finally got a hearing to return her to the custody of me and my brother. By that time the hospital had rendered her close to comatose. The state subsequently, quote unquote, "found that I had neglected to force my mother to take Zoloft against her will." It was subsequently found that Zoloft had significant adverse side effects. It took me seven days to find an attorney who would represent me. Even in 1998 the cost was $5,000. Even if you could get your guns back the loss of your fourth amendment rights can never be restored. And remember this is not just an order that you stay away from another person, it's a complete suspension of your second, fourth and fourteenth amendment rights. All of this is without probable cause, or any crime. Sure, there's an allegation and "a secret hearing of neglect," quote unquote. But if I can be accused of neglect, which we have been, that's a pretty scary standard.

So, the amendment I bring forward, I want, deals with just the first part and that's the financial exploitation, because I understand the issue and I think some things need to be done. The wording that you have before you changes the words that I had talked about objecting to, in my earlier remarks about "or had reason to know" and then we put in "under any other circumstances where the person knew that the elderly, disabled or impaired adult lacked the capacity to consent or consciously disregarded a substantial and unjustifiable risk, that the elderly, disabled and impaired adult lacked the capacity to consent." I have worked with people; this language has been run by the AG and is acceptable and accomplishes what we're looking for. I talked to people who were representing organizations that were pushing for this and they were fine with just going forward in section 1 on the financial part and I think if you can accept that, we can continue to look at section 2 at a later time. But as I said right now, I don't see that it's ready to go forward. Thank you, Mister President.

(The Chair recognized Senator Soucy for a question of Senator Daniels.)

SENATOR SOUCY: Senator, I'm looking at the language in your proposed amendment. By taking out the "or had reason to know," aren't you creating a standard whereby no one would ever be prosecuted?

SENATOR DANIELS: I don't believe so. I believe that the language that is put in here actually is less subjective than what those words were.

Because in the thing that I, and I read to you about the gentleman's experience with his mom, someone thought he had a reason to know. I mean as it turned out he was found to be in neglect when actually the medication that he was dealing with had adverse effects.

SENATOR SOUCY: But what you're trying to establish in this paragraph is the legal standard so having reason to know is something that would have to be established by proof. How in the world is somebody going to be able to prosecute and protect people that are being exploited with the standards you have here without those words in it? I fail to understand that.

SENATOR DANIELS: I don't see that they're any less ambiguous than "had reason to know." In fact I feel that they're a little stronger and take out the subjectivity level.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I too share some of the concerns of my friend from Manchester. That being said, the word "knew" is in line 7, the person knew that elderly, disabled or impaired adult lacked capacity to consent. And there's a second part and it says, "or consciously disregarded." So legislature obviously is presumed not to pass superfluous words so consciously disregarded is a lower mental standard to prove than knew. I think that in light of that, it's a reasonable compromise to move forward on. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Giuda, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Soucy, D'Allesandro.

Roll Call, Yeas: 22 - Nays: 2. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection, Senator Bradley moved to special order the following bills to Wednesday, May 2, 2018. Adopted.

JUDICIARY
HB 135, relative to the submission of evidence prior to hearings in divorce cases.
HB 476, relative to the duties of registers of probate.
HB 1295, relative to persons held in civil contempt.

JUDICIARY
HB 1288, relative to petitions for annulment.
Interim Study, Vote 4-0. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1288 be referred to Interim Study. This bill would amend the waiting period required for filing a petition for annulment of a criminal record and would require the denial of a petition for annulment to include written findings stating the basis for denial. Presently, there are a number

of competing bills regarding the annulment of records and the committee stands behind their positions on other bills they passed this session. Passing this legislation would simply muddy the waters. Therefore, please support the majority of the Judiciary Committee in the motion of Interim Study on House Bill 1288. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study. Adopted.

HB 1329, relative to eyewitness identification procedures.
Ought to Pass, Vote 4-0. Senator Hennessey for the committee.

SENATOR HENNESSEY: Thank you, Mister President. I move House Bill 1329 Ought to Pass. This bill would require certain law enforcement agencies to adopt a written policy regarding eyewitness identification procedures. This will not only clarify and codify eyewitness identification procedures, but also help to protect innocent citizens from false identifications and wrongful convictions. Human memory can be flawed and easily biased, and the implementation of these procedures will benefit all parties in the criminal justice system. This bill is a common-sense policy for our law enforcement agencies and therefore, the majority of the Judiciary Committee asks for your support in the motion of Ought to Pass on House Bill 1329. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1483, amending the wiretapping and eavesdropping statute to include private communication networks.
Ought to Pass, Vote 4-0. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1483 Ought to Pass. And it will surely show my un-high-tech level of technology. This bill adds any technology utilizing wireless entry points or access points to the definition of a communication's common carrier. When individuals use devices that are not provided by a common carrier, like Comcast or Metrocast, they create a private network. These types of devices include everything from a Nest Thermostat to a Wi-Fi enabled baby monitor. I understand that one. As technology has advanced, more opportunities for bad actors have arisen, including the ability to take advantage of the access and entry portals created by those devices. This bill enshrines in law that those access and entry points are protected from wiretapping and eavesdropping. Therefore, please support the majority of the Judiciary Committee in the motion of Ought to Pass on House Bill 1483. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1589, relative to actions against tenants for a caregiver under an agreement for a person with disabilities.
Ought to Pass, Vote 4-0. Senator Hennessey for the committee.

SENATOR HENNESSEY: Thank you, Mister President. I move House Bill 1589 Ought to Pass. This bill creates an exemption in the definition of tenancy occupancies, where a caregiver providing care to a person with disabilities, under a written agreement, may be ordered to vacate. This is a sensible expansion of an exemption that already exists for people who own their own homes and bring in caregivers. The bill provides that an inadequate caretaker of a person with disabilities can be removed from their post within three days when needed, but only if the caretaker has consented to the arrangement, has been given three days warning, and

has been fully paid for their work to date. This is an important protection for ensuring adequate caregivers can be brought in to do the work that is needed, while still providing protections for those caregivers. Therefore, please support the majority of the Judiciary Committee in the motion of Ought to Pass on House Bill 1589. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1775, relative to the appointment of guardians ad litem in parenting cases.
Ought to Pass with Amendment, Vote 4-0. Senator French for the committee.

Senate Judiciary
April 17, 2018
2018-1587s
05/06

Amendment to HB 1775

Amend RSA 461-A:16, I(g) and (h) as inserted by section 1 of the bill by replacing them with the following:

(g) Abuse of the child by one of the parties;
(h) The educational needs of the child; and
(i) Any other factors the court deems relevant.

Amend RSA 461-A:16, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) When appointing a guardian ad litem to be paid from a state fund, the court shall establish an hourly rate and a maximum fee for the appointment, which shall not exceed the hourly rate and maximum fee established by court rule for abuse and neglect cases. No funding from a state fund for guardian ad litem fees shall be available to a party whose income is 200 percent or more of the federal poverty level.

SENATOR FRENCH: Thank you, Mister President. I move House Bill 1775 Ought to Pass with Amendment. This bill revises the criteria for the appointment of a guardian ad litem under RSA 461-A. The limits of the role of the guardian ad litem, unless they have 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 committee amended the bill to add educational needs to the criteria for appointing the guardian and clarified the funding mechanism should the court choose to appoint a guardian ad litem to someone whose income is less than 200 percent of the poverty level. Therefore, please support the majority of the Judiciary Committee in the motion of Ought to Pass with Amendment on House Bill 1775. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

PUBLIC AND MUNICIPAL AFFAIRS

HB 1786-L, prohibiting costs for inspection of governmental records under the right-to-know law.
Inexpedient to Legislate, Vote 4-1. Senator Gray for the committee.

Senator Gray moved to Lay on the Table HB 1786-L. Adopted.

TRANSPORTATION

HB 267, establishing the New Hampshire transportation council. Ought to Pass with Amendment, Vote 4-0. Senator Gannon for the committee.

Senate Transportation
April 18, 2018
2018-1615s
06/01

Amendment to HB 267

Amend RSA 238-A:4, I as inserted by section 2 of the bill by replacing it with the following:

238-A:4 Membership.

I. The council shall have the following members:

(a) The commissioner of the department of transportation, or designee.

(b) The commissioner of the department of business and economic affairs, or designee.

(c) The commissioner of the department of safety, or designee.

(d) A member of the senate transportation committee, appointed by the president of the senate.

(e) A member of the house transportation committee, appointed by the speaker of the house of representatives.

(f) An individual knowledgeable in transportation technology, appointed
by the governor and approved by the executive council.

(g) A member of the New Hampshire College and University Council, appointed by the president of that organization.

(h) Three representatives of the transportation service industry, each representing a discrete mode of transportation, appointed by the governor and approved by the executive council.

(i) Two representatives from regional planning commissions, one of whom shall represent an urban area and one of whom shall represent a rural area, appointed by the New Hampshire Association of Regional Planning Commissions.

SENATOR GANNON: Thank you, Mister President. I move House Bill 267, all aboard, and Ought to Pass with Amendment. This legislation repeals the New Hampshire Rail Transit Authority and establishes the New Hampshire Transportation Council. The Rail Transit Authority is no longer needed due to a lack of projects to manage and needs to be derailed. Work with me... Further, the Transportation Council will examine the growing demand for an alternative transportation options. We don't need to study rail, but the committee amended the legislation to ensure that the Department of Safety is represented and on track with the council. The Transportation Committee asks for you to get on board in the motion of Ought to Pass with Amendment on House Bill 267. 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 1365, relative to OHRV operation on public ways. Inexpedient to Legislate, Vote 4-0. Senator Cavanaugh for the committee.

SENATOR CAVANAUGH: Thank you, Mister President. I move House Bill 1365 Inexpedient to Legislate. This legislation amends the requirements for certain use operating an OHRV on a public way, by requiring that a non-family member accompanying the rider be a minimum of twenty-five years old and a family member accompanying the rider be at least eighteen years old. The committee believes that these age requirements are excessive, this legislation would only impact about fifty miles of road in the state. Further, the definition of immediate family member is unclear in today's society, where a family unit can be made up of many different individuals. The Transportation Committee asks for your support in the motion of Inexpedient to Legislate on House Bill 1365. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 1428-FN, relative to removal of roadside memorials.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Senate Transportation
April 18, 2018
2018-1606s
06/04

Amendment to HB 1428-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to roadside memorials.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Roadside Memorials. Amend RSA 236 by inserting after section 110 the following new subdivision:

Roadside Memorials

236:110-a Roadside Memorials. No roadside memorial erected within a right-of-way or adjacent area of any primary or secondary highway at the site of an accident or untimely death shall contain any lighting or reflective tape.

2018-1606s

AMENDED ANALYSIS

This bill prohibits lighting or reflective tape on roadside memorials.

SENATOR BIRDSELL: Thank you, Mister President. I move House Bill 1428-FN Ought to Pass with Amendment. As introduced this bill would require the Department of Transportation to remove roadside memorials after a period of ninety days. The committee amended the legislation simply to prohibit the use of lighting or reflective tape on those roadside memorials, since both of these can impair a driver's ability to see, especially at night. Otherwise the committee believes that roadside memorials are permissible and that allowing citizens to remember loved ones who have passed away at certain locations is a traditional gesture. The Transportation Committee asks for your support in the motion of Ought to Pass with Amendment on House Bill 1428-FN. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1615, relative to speed limits in work zones.
Ought to Pass, Vote 4-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1615 Ought to Pass. This legislation modifies speed limits in work zones at the request of the Department of Transportation, so that statutes would reflect current practice. The inconsistency was brought to their attention through litigation regarding a highway crash. The department has been utilizing operational speed limits more and more which state that the speed limit is reduced when a sign is flashing. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1615. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1718-FN, relative to surveillance on the public ways of the state.
Interim Study, Vote 4-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I move House Bill 1718-FN be referred to Interim Study. This bill would modify the definition of surveillance as it pertains to highways and would also increase the penalty for a private party who engages in surveillance on highways. Although the committee is supportive of preventing third party companies from selling citizens private information, the committee believes that this bill needs further study in order to understand the consequences including those relating to law enforcement and the investigative industry. The Transportation Committee asks for your support in the motion of refer to Interim Study on House Bill 1718-FN. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study. Adopted.

Recess. Out of recess.

WAYS AND MEANS
HB 124-FN, relative to certain aircraft registration fees and airways tolls.
Ought to Pass with Amendment, Vote 4-1. Senator Giuda for the committee.

Senate Ways and Means
April 18, 2018
2018-1619s
03/04

Amendment to HB 124-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Reporting by Airport. Amend RSA 422 by inserting after section 20 the following new section:

422:20-a Reporting by Airport. The owner of each airport open for public use shall submit to the department quarterly a list of all aircraft, including the federal registration number for each aircraft, that are based at that airport.

2 Repeal. RSA 422:31, I-II, relative to aircraft registration fees, are repealed.

3 Aircraft Operating Fee. RSA 422:31, III is repealed and reenacted to read as follows:

III. An aircraft operating fee for each aircraft for which a state registration certificate is required. The amount of the fee shall be based on the maximum certificated gross weight of the aircraft, as follows:

0-3000 lbs.	$50
3001-8000 lbs.	$250
8001-12,500 lbs.	$2,500
more than 12,500 lbs.	$3,500

4 Operating Fee Revenues. Amend RSA 422:36, II to read as follows:

II. Disbursements of revenue from the aircraft operating fee shall be made by the department after collection of such fees**.** [~~provided that 1/4~~] ***Two hundred and fifty thousand dollars*** of aircraft operating fee revenues originating at [~~a~~] publicly or privately owned [~~airport~~] ***airports*** shall be available ***each fiscal year*** for public use and shall, upon application, be paid over to the aeronautical fund established for [~~that airport~~] ***New Hampshire airports*** and shall be used for aeronautical purposes.

5 Effective Date. This act shall take effect July 1, 2018.

2018-1619s

AMENDED ANALYSIS

This bill requires quarterly reporting by airport owners, modifies registration and operating fees for aircraft, and adjusts the distribution of operating fee revenue.

SENATOR GIUDA: Thank you, Mister Chairman. I move House Bill 124 Ought to Pass with Amendment. This bill attempts to address the exorbitant registration fees for aircraft in New Hampshire which as you may recall this body dealt with last month when it passed Senate Bill 565. The bill before us differs from the Senate version in that it also raises the aviation fuel tax in order to attract and grow the private aircraft industry in New Hampshire. The committee believes the language from Senate Bill 565 is preferable. Therefore the committee amendment replaces all after the enacting clause with the language from the Senate version of this bill. To refresh memories, Senate Bill 565 established a reasonable acceptable level of registration fees and changed the funding scheme to one that is simple and forward looking. The Ways and Means Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you, Mister Chairman.

The question is on the adoption of the Committee Amendment. Adopted.

Senators Cavanaugh and Soucy are in opposition to the Committee Amendment on HB 124-FN.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
April 24, 2018
2018-1765s
03/05

Floor Amendment to HB 124-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to aircraft registration fees.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Reporting by Airport. Amend RSA 422 by inserting after section 20 the following new section:

422:20-a Reporting by Airport. The owner of each airport open for public use shall submit to the department quarterly a list of all aircraft, including the federal registration number for each aircraft, that are based at that airport.

2 Repeal. The following are repealed:

I. RSA 422:31, I-II, relative to aircraft registration fees.

II. RSA 422:32, III, relative to operating fees for operation of antique aircraft.

3 Aircraft Operating Fee. RSA 422:31, III is repealed and reenacted to read as follows:

III. An aircraft operating fee for each aircraft for which a state registration certificate is required. The amount of the fee for an antique aircraft, glider, or experimental aircraft shall be $100. The amount of the fee for all other aircraft shall be based on the maximum certificated gross weight of the aircraft, as follows:

0-3000 lbs.	$ 100
3001-8000 lbs.	$ 250
8001-12,500 lbs.	$2,500
more than 12,500 lbs.	$3,500

4 New Section; Reporting by Commissioner. Amend RSA 422 by inserting after section 31 the following new section:

422:31-a Reporting by Commissioner. On or before September 15 of each year, the commissioner shall certify in a report to the governor and the chairpersons of the house and senate standing committees on ways and means the following information: for the fiscal year just ended, the numbers of aircraft registered in each of the weight classes listed in RSA 422:31, III; operating fee revenues received by weight class; the numbers of aircraft by weight class that were based during the fiscal year at each of the airports open for public use; and a summary report showing the total numbers of such registered aircraft by weight class by year beginning with the fiscal year ending June 30, 2017.

5 Operating Fee Revenues. Amend RSA 422:36, II to read as follows:

II. Disbursements of revenue from the aircraft operating fee shall be made by the department after collection of such fees provided that [~~1/4~~] ***$250,000*** of aircraft operating fee revenues originating at a publicly or privately owned airport shall be available ***each fiscal year*** for public use and shall, upon application, be paid over to the aeronautical fund established for that airport and shall be used for aeronautical purposes.

6 Applicability.

I. While recognizing that the revision in aircraft registration fees in this act may positively or negatively impact revenues, it is the legislative intent that the operating budget of the bureau of aeronautics shall not be based upon anticipated general fund revenue collected under RSA 422. Any resulting revenue impacts resulting from changes herein shall not negatively impact funding for the operation of the bureau of aeronautics.

II. Effective July 1, 2018, the operating fee for an aircraft not previously registered in this state or an aircraft due for registration renewal after September 1, 2018 shall be the fee in RSA 422:31, III, as amended by section 3 of this act and there shall be no state registration fee for such aircraft.

7 Effective Date.

I. Sections 1-5 of this act shall take effect January 1, 2019.

II. The remainder of this act shall take effect July 1, 2018.

2018-1765s

AMENDED ANALYSIS

This bill requires quarterly reporting by airport owners, modifies registration and operating fees for aircraft, and adjusts the distribution of operating fee revenue.

SENATOR GIUDA: Thank you, Mister President. The House working on this bill has added a clause, several, and specifically what this does is it protects the aeronautics board employees and gives the Department of Transportation a look back. It also says that the amount taken from the general fund to fund any positions in that budget will be reduced by the amount of fees paid for aircrafts registration. Just make sure those monies go towards the Aeronautics Department. So what this does is it lines us up perfectly with the House version that was recently amended. And so we'd have two identical versions of the bill, making a committee of conference not necessary. This bill's been fought very hard over the last year and a half. So I would ask you to concur with the Floor Amendment so we can pass the amended version. Thank you, Mister President.

(The Chair recognized Senator Lasky for a question of Senator Giuda.)

SENATOR LASKY: Thank you, Mister President. Senator Giuda, this does nothing to change the fees that were agreed upon?

SENATOR GIUDA: Not at all.

SENATOR LASKY: Okay, thank you.

SENATOR GIUDA: Thanks for the question.

The question is on the adoption of the Floor Amendment. Adopted.

Senators Cavanaugh and Soucy are in opposition to the Floor Amendment on HB 124-FN.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

Senators Cavanaugh and Soucy are in opposition to the motion of Ought to Pass with Amendment on HB 124-FN.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove HB 1415-FN-A from the Table. Adopted.

FINANCE

HB 1415-FN-A, making an appropriation to the public school infrastructure fund to improve security in public schools.

The pending motion is Ought to Pass.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
Sen. Giuda, Dist 2
Sen. Gray, Dist 6
Sen. French, Dist 7
Sen. Ward, Dist 8
Sen. Sanborn, Dist 9
Sen. Daniels, Dist 11
Sen. Avard, Dist 12
Sen. Carson, Dist 14

Sen. Reagan, Dist 17
Sen. Birdsell, Dist 19
Sen. Morse, Dist 22
Sen. Gannon, Dist 23
Sen. Innis, Dist 24
April 25, 2018
2018-1791s
05/04

Floor Amendment to HB 1415-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT making an appropriation to the public school infrastructure fund to improve security in public schools.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Public School Infrastructure Fund; School Emergency Readiness Program. To improve security in public schools, the sum of $10,000,000 for the biennium ending June 30, 2019 is hereby appropriated the public school infrastructure fund established in RSA 198:15-y, to provide additional funding to the department of safety, division of homeland security and emergency management's school emergency readiness program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect upon its passage.

2018-1791s

AMENDED ANALYSIS

This bill makes an appropriation to the public school infrastructure fund to provide additional funding for the department of safety's school emergency readiness program.

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 BRADLEY: Thank you, Mister President. As I indicated previously, this Floor Amendment would appropriate $10 million for the biennium ending in June 30, 2019 to provide that $10 million for school infrastructure and school emergency readiness program. Given the debate that we've had about the need to protect our children. I hope that we can all join together in supporting this appropriation and protecting child safety. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise to just say line 1, I just have an objection to. I've got to say you know to replace this bill, which discussed a death benefit for a school employees killed in the line of duty, to me that was an important thing to do. I have no problem with school safety being something that gets brought to this body at the end of the session, with all the trappings that we have at the end of the session. I'm not going to go into that. But I am, I just have to say a death benefit for school employees is a very reasonable thing to do. I'm just flabbergasted that we're doing one good thing and not willing to do the other. So with that, I'm not sure how to vote on this. I regret it, I wish the sponsors here would see that there is a way to incorporate both.

(The Chair recognized Senator Sanborn for a question of Senator Bradley.)

SENATOR SANBORN: Senator, thanks so much for taking my question. Senator, it's my understanding, just so I can provide some context on the amendment, was that based upon the Governor's strong lead of wanting to make sure our schools were safe, we had already made an appropriation to safen and harden our schools up through a process that actually came through the Fiscal Committee a couple of weeks ago I think, where in the discussions of all the money that we have appropriated, there was discussion that there remains another seven and a half or so plus million dollar potential request on the table to help us really kind of round out and finish that hardening of some schools who didn't get in under the first appropriation. So it's my understanding that our passage of this bill, wouldn't just provide that seven and a half million dollars for schools that have requests today, but provides us a little bit of cushion to ensure that we're taking care of all of our schools around the state for safety. Is that true?

SENATOR BRADLEY: That's correct. I thought I had illuminated that the first time I spoke an hour ago. I didn't go back through the details. I'd be happy to do so, but in the last budget we appropriated almost $19 million to this purpose. This $10 million that we're appropriating today, ought to cover all of the requests that you've just illuminated.

SENATOR SANBORN: Thank you, Sir. Thank you, Mister President.

(The Chair recognized Senator Hennessey for a question of Senator Bradley.)

SENATOR HENNESSEY: Why can't you also include the death benefit for the teachers?

SENATOR BRADLEY: I think the Finance Committee voted 4-2 against it. It'd be best served to ask a member of the Finance Committee that question. But I think the top priority here should be as I think you've most eloquently articulated, the need to protect our schools. Now we may have slightly different views of how to do that, but I think we all can agree that having the structures in place that are hardened and will better protect our kids is a worthy appropriation of money.

SENATOR HENNESSEY: I'm not sure that answered the question. Why can't it be both? If you have enough gift, all this extra in surplus and 10 million, why can we not then have money available when a teacher whose job it is to protect children, is killed in the line of duty? It's okay for the policemen but not for the teachers. I just feel that that's atrocious, frankly.

SENATOR BRADLEY: Well, I guess you can vote against the Floor Amendment if that's–

SENATOR HENNESSEY: Yes, but I'd like to know the answer.

SENATOR BRADLEY: It didn't go to a committee I serve on. So I think you'd be best served asking a member of the Finance Committee who felt it should not be an appropriation. I hope we can agree that that $10 million we can all support. What's in the Floor Amendment.

SENATOR HENNESSEY: So how does this work if I want to ask somebody from the Finance?

PRESIDENT MORSE: No one from Finance has spoken. If someone from Finance wants to answer the question. Senator Hennessey, Senator Daniels wants to answer your question.

SENATOR DANIELS: Thank you. The answer to the question is we felt that the coverage of municipal employee should be handled by the municipality, not the state. Recognizing that you might have teachers that are in a dangerous situation, but that could also extend to someone who is working out at a job site with DPW and we've seen all the incidences where people use vehicles as act of terrorism and run over people so, we're not extending them to the other things but it's left open so the municipalities could cover those individuals if they wish. It's also something that could be included in collective bargaining.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I'm rising in support of the amendment. While I share the concerns of my colleague from District 10 and voiced by my colleague from District 5, that we are losing the rest of the bill and I hope that there'll be another opportunity for us to do that. But here's what we have. We know that there is a demand for additional funding to add safety measures to our schools. I know in my district there are schools who need this money. This is what we can do now, the money is needed, there's a commitment not just by the members who are listed here as sponsors of this amendment, but I believe by all of us, that we want to do what we can. And I appreciate the efforts that are made to bring forward this late in the session the opportunity to provide more funding that our schools districts have told us that they need. Thank you, Mister President.

(The Chair recognized Senator Birdsell for a question of Senator Bradley.)

SENATOR BIRDSELL: Thank you for taking my question, Senator. The money that, of the 10 million that is going to go to the schools, can the schools put some of that money aside for the potential violence in the school?

SENATOR BRADLEY: Can I yield to Senator Daniels, who is on the Governor's Commission on that question?

SENATOR BIRDSELL: Sure.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: The answer to the question is no. These schools submit specific projects with a cost and the commission recommends or does not recommend those projects. Those are passed on to the Governor who gives final approval to it. But no, they can't take more than what they're given and put it away for something in the future.

SENATOR BIRDSELL: Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise against the amendment and say this. By eliminating the underlying piece of legislation, you're putting together something that doesn't require an appropriation. It just requires a law, an addition to an existing statute that says if a person, for example a teacher, is killed in the line of duty, they will apply for the $100,000 that goes through a process. Hopefully that doesn't happen, but indeed that's a protection that we at the state level should be offering people. We've spent $14 million to protect schools. What does that say about what's happening at the municipal level, what have they spend? And they own the schools. So, we're going to spend, we've spent 14, this is another 10. We're going to spend $24 million. Worthy, we all want to protect our kids. We all want

to protect our kids. But we're not willing to spend one dollar to protect the teacher who's got to stand at the entryway in front of the shooter and get killed and we give them nothing. We appropriate not a dime. Think of that teacher. Think of that teacher who stood in front of those kids and was murdered to protect those children. The safety features at the door didn't stop the intruder. Nothing stopped the intruder. What stopped the bullets? The teacher who stood in front of the students and died. But we don't care about that today. We say pffft, let's lock the schools. Let's not protect those who have to stand there, and have to, in some instances take their lives to protect those children. I've been a teacher all of my life. All of my life, and I can tell you there are times when I have had to stand there and defend my students. Didn't have any protection except me. Think of the people today, and what's happening in this world today and yet we're not willing, we're not willing to give something to those. We ask a lot, but what are we giving in return? And we are willing to take $10 million of un-appropriated money, un-appropriated dollars, and we are saying the priority should be an addition to the 14 million that they've already put forth. I would have spent that money a little bit differently. The waiting list, the developmental disabilities waiting list, in the C category has 300 people. They need our help. They could use $10 million. A lot of people could use X number of dollars. What is the criterion by which this additional 10 million will be distributed? Who's going to get it? Now we know at this point in time that all of the requests basically have been satisfied. I haven't talked to Perry Plummer as to what's left on the list, but we've pushed 14 million out the door to make our schools safer. It seems to me we ought to be thinking about these teachers and doing something on their behalf. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. We don't care about that today. I disagree. We do care about that today. But we feel in the Finance Committee, that an individual school district has full authority to negotiate with its employees. And life insurance is one of those things that can be negotiated. It does involve collective bargaining in some cases. We're not saying no, okay? And I think it's probably inaccurate for the Dean to state that we don't care about that today. There is a process for allocating these funds. It's very specific, applications are made and these are funds which most school districts can't pick up because the capital improvements require magnetic doors and surveillance systems and so forth, stretch most school districts beyond what they're capable of doing. So I fully support this amendment and I fully also support the ability of local school districts to care and protect their teachers as they see fit. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise in support of the amendment and would just add some comments to my colleague from District number 2. I mean, a big part of finance, a big part of Finance is sources and uses of money. Trying to make sure that we're appropriating the money to an expenditure of where it should go and I see time and time again this year that I've never seen in my time in this body, that we continue to see requests for legislation, requests for money and appropriations that some would argue aren't a responsibility of this state, that aren't the responsibility of the workers' compensation trust fund or aren't a responsibility of the 3,700 other JL accounts we have money in.

I believe that every single person in this room respects, supports, loves and cares about every person who defends a child including teachers. But our teachers work at school systems, our school systems are part of the municipality. There is ample opportunity, if this is important, and I believe that it is, for those teachers and those unions in their negotiations to go to their municipalities and have this discussion. My concern however like I had started, we're seeing an awful lot of bills come through the legislature this year, and hopefully it's not a trend, where some would suggest it might be far easier to convince twenty-four people to advocate for a position which should be left at the local community, should be left at the county, but issue after issue after issue this year is coming here. So if we are going to be good stewards of the state budget, I think it's important to separate the state obligations from the county or town or municipal obligations, and to my colleague from District number 20, because I know he was tied up and unfortunately could not be at the Fiscal Committee this week, we have to remember that there was a $20 million appropriation of which 19.8 I think has already been appropriated from the last fund from the Governor, and within that meeting Perry Plummer, if I remember correctly, actually came forward to document that fact there was another $7.5 million of existing requests today. So what this $10 million would do as the fine Senator from District number 3 had said, is to make sure we're bringing this point home on the accuracy, is we do have a request for $7.5 million today of schools today that have things they need to do to keep their kids safe today and passage of this bill would allow them to do that. Thank you, Mister President.

(The Chair recognized Senator Lasky for a question of Senator Daniels.)

SENATOR LASKY: Thank you for taking my question. If ultimately, we were to pass this extra $10 million, could it be used, or would it, for other things other than specific capital improvements, such as training for teachers, etcetera?

SENATOR DANIELS: No, there are only three things according to laws that we passed regarding this. They can be used for internet connections, not internal but bringing new connections to your school. It can be used for emergency repairs. Let's say that a tree fell through the roof of the building or the boiler went in the middle of winter. And then it can go to security. And I'd say that the vast majority has gone to security. Currently of the 90 million we started out with there are about 44,000 unspent funds. But we have somewhere between 7 and 10 million left in requests that have come in from schools and we're kind of taking them on a first come first served basis as far as that when the money runs out then you know we've got those waiting. That's what this would take care of.

SENATOR LASKY: Just to be clear, because so much of the discussion has been nationally about training teachers, etcetera for to be better prepared for, God forbid, a gunman coming in. This money could not be used for something like that, or could it?

SENATOR DANIELS: I'm going to answer and say that there have been no requests that have come into that regard. That would probably be a determination by Commissioner Edelblut and Perry Plummer, Homeland Security, as to whether that would qualify under the criteria that was set up.

SENATOR LASKY: Okay, thank you.

(The Chair recognized Senator Soucy for a question of Senator Daniels.)

SENATOR SOUCY: Senator, I'm just trying to figure out where this $10 million number comes from, because I've heard that there are 7.5 million in requests. I'm unclear as to where the other 2.5 million is going to go. Could you perhaps enlighten us? Could you tell me if there are only 7.5 million and could you also tell me if those 7.5 million have all gone through the required security assessment that has to be done by the department first?

SENATOR DANIELS: Any money that's recommended out has to go through the assessment first, they have to have a plan in place. I have not looked today. As of the last time that we met there were between 7 and 8 million I think. If there were 10 million appropriated over there, I have no idea. Others may have come in since we last met that could be also approved. If there was money that was left over that might also go for emergency repairs or internet connections. The purpose of the school infrastructure fund.

SENATOR SOUCY: Senator, my understanding of the language of this amendment, and I'm looking at the statute right here, 198:15-Y, III, there are five criteria, but this amendment limits it to one.

SENATOR DANIELS: I guess if it limits it to one, then it would go for one.

SENATOR SOUCY: The last part of the statute says other school building or infrastructure needs, the Governor in consultation with the Public School Infrastructure Commission may identify except for school building aid projects that are otherwise provided by law. Why wouldn't we allow for that catch all provision to deal with some of the issues that Senator Lasky questioned about, like training for the employees? With new equipment or with new–

SENATOR DANIELS: I was informed that the Department of Safety or Homeland Security is already working on a program for training. So it doesn't have to come out of this fund as I understand it.

SENATOR SOUCY: Thank you.

(The Chair recognized Senator Woodburn for a question of Senator Sanborn.)

SENATOR WOODBURN: Thank you, Senator Sanborn for taking my question. I know you're a champion of transparency in this building and I appreciate that. Maybe you could help me understand this is, we were handed an amendment today which we hadn't seen until we came in here after lunch. Fourteen Republican co-sponsors, no Democrats. How we should interpret this as being a good bill, a good idea, why wouldn't this be something that would be shared as we share so many other things and work together to get things done? Maybe you could help me understand why that process happened?

SENATOR SANBORN: Senator, thank you for that question, I truly appreciate it. And I think you're absolutely right, I think there have been four amendments I've seen today, that I'd never seen before today. So I'm not sure that this one has any significant differences than any of the other four and we know this time of year that sometimes amendments seem to come pretty quick, and it's been standard operating procedure and I think you yourself had done so on several times and the most important question, Senator I think we should be asking today is, is this good policy? We know at the end of the year that we've spent a tremendous amount of our time and our effort trying to make sure our kids are safe. We also recognize that due to the great work by the Governor's Office

and the great work by the Finance Committee, that our state's in a position that we might be able to help more, and we know there's a need for that. So I think it would be great policy for us to actually knowing that this is going to come upon us today, that we have this robust debate and see how we can help our kids.

SENATOR WOODBURN: Thank you for your answer to the question. So you don't have any concerns it's going to be $10 million, I don't believe this has been certified, like we needed with family leave, no issues that this got a public hearing, shouldn't have some scrutiny beyond this discussion here on the floor?

SENATOR SANBORN: Senator thank you again, thank you so much for the question, truly appreciate it. When we talk about how we have this public discussion, I would submit to you we have had this public discussion on several occasions. We've been talking about making our schools safe for our kids, it's been a constant discussion we've had in this room for several months now. We also know that these requests have actually gone to the Fiscal Committee of which I am honored and appreciate the opportunity to sit on, by which it is a bipartisan committee that we have continued to review these requests as they've come in. We also know as early as this week, last week, my apologies Mister President, last week in the Fiscal Committee itself we were first alerted to the fact that we did not have the financial resources to take care of the schools at the level that the schools have come in and requested. So I know you, being a teacher, and you know me, coming from a family of teachers, knowing that protecting our kids and making sure our schools are safe are as important as anything you and I have ever done around here. So if we hear about a situation where we know there's a request, we know there's a shortfall, and through good fiscal management of our finance team and of the Governor's Office, we have some funds available, then we turn to the conversation we're having today. Is this a good use of the money? I would submit to you that this is a good use of the money, it's an appropriate use of the money and frankly we should be spending the money on programs like this, because our kids are the most important part. And I know you agree with me, Senator. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I want to see this amendment pass. I think we should get to that. We're not debating the main bill and because I hope there is a point at which this main bill, having to do with school employees and them putting themselves in harm's way, I hope it comes back and I've got to plant just two thoughts, for when it does. One, this wouldn't be coming to this body were it not that other first responders and their death is already prescribed a benefit in state law. There are those benefits. Were it not for that, I think we would not be here talking about spreading this benefit to school employees. Is a school employee a first responder? I've got to plant this story. My wife who was a teacher for many years, Monadnock High School one day a student walks into the cafeteria, carrying a shotgun. Principal Dan Stockwell confronted that student. He emptied the cafeteria while he discussed what the student was doing with that shotgun. What potential harm he could do. He disarmed that student. Now there could have been a lot of different outcomes for Mister Stockwell that day. He put himself in harm's way. He's a school employee. He would be covered by this legislation as would a custodian, as would a teacher, as would any other school employee. Just got to plant the thought, because I feel that's

a debate, I wish we would have had, I wish we would have passed. We're going to move on, we're going to discuss school building aid. It's a good issue. We should deal with it, but we should be dealing with both of these issues, and I hope the time comes that the underlying bill comes back to us and we have that opportunity. Thank you, Mister President.

(The Chair recognized Senator Hennessey for a question of Senator Daniels.)

SENATOR HENNESSEY: Are you able to tell us what percentage or what piece of the 7.5 million requests have been requested by charter schools?

SENATOR DANIELS: No, I do not have that information, but I was just given some information that there is $7,882,495 worth of projects on the waitlist with another $3 million waiting to be reviewed.

SENATOR HENNESSEY: And they don't tell you what schools they are when they're requesting that?

SENATOR DANIELS: If you look online under School Infrastructure Commission, there is a chart there that lists all the schools that are getting. I don't have the breakdown for them.

SENATOR HENNESSEY: You don't even have a rough idea?

SENATOR DANIELS: No. I believe they are all public schools.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Sanborn for a parliamentary inquiry.)

SENATOR SANBORN: Thank you, Mister President. But if any Senator wanted to see what funds have been dispersed and to what schools so far of the 19 million, would it be appropriate for the Senator to look at the Fiscal Committee book from last week which specifically outlined every single school, what every project was for and for every dollar amount and I'm assuming that Mister Plummer and Commissioner Edelblut would probably have the same document for the other 7.8 plus $3 million on the docket.

PRESIDENT MORSE: I'm assuming your inquiry is correct.

SENATOR SANBORN: 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: Giuda, Bradley, Watters, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Hennessey, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 18 - Nays: 6. 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 Bradley moved to remove HB 1756-FN-A from the Table. Adopted.

FINANCE
HB 1756-FN-A, relative to a one-time allowance for certain state retirees.

There is no pending motion.

Senator Bradley moved Ought to Pass.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14
Sen. Watters, Dist 4
Sen. Bradley, Dist 3
April 26, 2018
2018-1814s
10/04

Floor Amendment to HB 1756-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT relative to a one-time allowance for certain state retirees.

Amend the bill by replacing all after the enacting clause with the following:

1 Retirement System; Additional Allowance; Appropriation.

I. An additional one-time allowance of $500 shall be paid during state fiscal year 2019 to retired members of the retirement system receiving an allowance who are eligible as follows:

(a) The member retired with at least 20 years of creditable service;

(b) The member retired and has been receiving an allowance for at least 5 years prior to July 1, 2018.

(c) The annual retirement allowance of the member on June 30, 2018 is not greater than $30,000.

II. The additional allowance shall not become a permanent addition to the member's base retirement allowance.

III. The sum necessary to fund the additional allowances granted under this act is hereby appropriated to the board of trustees of the retirement system. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 2018.

2018-1814s

AMENDED ANALYSIS

This bill grants a one-time additional allowance to retirees in the state retirement system. The bill makes a general fund appropriation for the retirement allowances.

SENATOR CARSON: Thank you, Mister President. Some of this might look familiar to you because this was a bill that I filed at the beginning of last year. This is something that the Decennial Commission has as an issue we took up, we discussed and so this is the bill that I filed. And so I just want to run through a couple of things here. It allows for a one-time allowance of $500 to be paid during state fiscal year 2019, it also requires that the retired person have at least twenty years of credible service, that the person has retired and has been receiving an allowance for at least five years prior to July 1st of this year and that the annual retirement allowance of the member on June 30, 2018 is not greater than $30,000 and we want to make sure that the additional allowance shall not become a permanent addition to the members base retirement allowance. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Carson.)

SENATOR FULLER CLARK: Senator Carson, could you tell me, is this $500 acceptable to tax and what would it actually mean then that the individual would receive?

SENATOR CARSON: Thank you for the question, Senator. I'm not sure about whether or not it will be taxed. I can't answer that question.

Recess. Out of recess.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President and colleagues. I wanted just to rise to give my thanks to the Senator from District 14 and the Senator from District 3. And I know in particular the Senator from District 14 has worked so hard on this for so many years. And yes it is déjà vu all over again to get this version of it back, but this is good, we do what we need to do, this is going to help I've been informed a vast majority of people who are in the system are making under $30,000 this is a good thing to do, and I'm really very appreciative to the Majority Leader that we were able to get here today. Thank you.

INTRODUCTION OF GUESTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I rise in support of the amendment, thank those involved and I want to thank in particular, Ernie Loomis, the non-paid advocate who, Major Loomis, Sir. It's good people like Ernie who work at it and that's what makes New Hampshire a great place, and that's what makes serving worthwhile. Thank you, Ernie. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. There is someone that I would like to thank as well as Major Loomis. I met a gentleman from the city of Manchester a few years ago. He came into a public hearing that were having. And his name was Timer Blaze, and unfortunately Timer died last year at the age of ninety-nine years old. And he was a Manchester City Firefighter, he served honorably for this country during World War II and he came home and every time I would see him, he would always ask me what can we do to help our state, our employees, they need help. They need help. And at ninety-nine years old he would be up here advocating for his fellow retirees. So Mister President, I hope Timer is looking at, looking down on us and I can tell him hey, Timer, we finally got it. So thank you very much, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection, the following bills are special ordered to the present time. Adopted.

WAYS AND MEANS
HB 169-FN, relative to limits on wagers in charitable games of chance.
HB 1673-FN-LOCAL, relative to the interest charged on late and delinquent property tax payments.
HB 1686-FN, relative to applications for and the use of education tax credits.

REMOVED FROM THE CONSENT CALENDAR

TRANSPORTATION

HB 1614, relative to the international registration plan.

WAYS AND MEANS

HB 169-FN, relative to limits on wagers in charitable games of chance. Ought to Pass, Vote 4-1. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 169 Ought to Pass. This bill raises the limit on wagers in charitable games of chance from $4 to $10. Ten years have passed since the last time the limit was raised. This bill will increase revenue for charities by approximately $3 million and state revenue by approximately 1.3 million. I ask your support for the motion of Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I'm the one. I'm the one. I rise to ask my colleagues to vote this down. The bet originally was $2, $2, because it was charity, and $2 wasn't going to make anybody a problem gambler. Then it went to $4. Double, and again the charities needed more money and Senator Odell worked diligently to get that 35 percent into law, many charities say they don't get the 35 percent and I think that's highly problematic. Now we have gone from $4 to $10. You know what that does to a game, that you can buy in, you can buy in up to $150? You know what's on the table in some of those poker games? Sometimes $2,000, sometimes $3,000. So remember what we're doing. I understand charitable gaming. I think nobody understands charitable gaming more than I, Senator Morse and I, we've looked at it for twenty years. We could have had real gaming, real gaming where the state would have got 35 percent and would have made about $100 million a year to help out our state. I think charitable gaming is what charitable gaming is and I've said this before, I remember when in Sunday mass they used to say team number 2 will conduct the games and they'll be in the church hall. Remember those days. They don't exist anymore. The church halls are vacant because we have our little casinos now, all over the state. And by the way a casino's going to open up in Berlin next week. They need charity. So I'm asking my colleagues to think about that. I just don't think it's a good idea and we could have had the real thing. We could have had the real thing. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and ask the body to support this bipartisan arrangement to raise the bet from $4 to $10. Now I understand it may have been 1973 when we did the $2 bet, but the cost of charity's more money today. And yes, I hear my good colleague that he's now considering charity gaming to be casinos. Which I'm hoping he starts supporting it if we're going to call them casinos. But they're not casinos. What they are is a way for our communities to raise money to help charities, so they don't come to the state. So the question you have to ask yourself is if we don't recognize the fact there's a couple new gambling facilities in Massachusetts and Maine who have no limits, no limits. You can go down there and truly bet the farm tomorrow. And once those things are up and running and going and I don't know if they are Senator, because I don't gamble. What happens to everyone who's presently supporting our charities today in New Hampshire? They're going to go to Massachusetts. Which means our charity gaming ends. And when our charity gaming ends, what happens? They're coming back to

the legislature. They're going to come see Senator Morse, they're going to come see Senator Daniels and say we used to be able to live on our own, eat what we kill, raise money in these charity games. But now we can't do that anymore. Because the people aren't showing up to play because they're heading down to Massachusetts where there's no limits. At a maximum $10 bet, compared to driving another thirty minutes for an unlimited bet, that's the risk we have today. Are we as a legislature going to support people who want to be charitable, are we going to support people who want to help our charities without coming to the state, putting more pressure on our resources? This is a reasonable accommodation which will help keep our charity entities reasonably competitive, so we continue to raise money for all those charities which today aren't getting any government help. I think about the coalition on brain injury, which doesn't get any state money. The acts you make today will help them stay out of the state hallways during the Finance Committees. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HB 1673-FN-L, relative to the interest charged on late and delinquent property tax payments.
Ought to Pass with Amendment, Vote 4-1. Senator Daniels for the committee.

Senate Ways and Means
April 18, 2018
2018-1626s
05/04

Amendment to HB 1673-FN-LOCAL

Amend the bill by replacing all after section 2 with the following:

3 Collection of Taxes; Tax Sales; Redemption; Interest Rate. Amend RSA 80:32 to read as follows:

80:32 Redemption. Any person with a legal interest in land so sold may redeem the same by paying or tendering to the collector, or in his ***or her*** absence, at his ***or her*** usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, with interest at [~~18 percent per annum~~] ***6 percent per annum for the first year, 9 percent per annum for the second year, and 12 percent per annum for the third and any subsequent year*** upon the whole amount for which the land was sold from the time of sale to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs and costs for notifying the mortgagees, if any. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his ***or her*** bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

4 Collection of Taxes; Tax Sales; Subsequent Tax; Interest Rate. Amend RSA 80:37 to read as follows:

80:37 Payment of Subsequent Tax. For purposes of this section, "subse-

quent tax" shall mean any tax assessed upon the real estate subsequent to that for which it was sold by a municipality, a county or the state. The purchaser of real estate at any tax sale may pay to the collector any subsequent tax and the collector shall, within 30 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive $1 for such notice to the register of deeds of the payment of subsequent tax plus $1 to be paid to the register of deeds. The purchaser, within 30 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his purchase at the tax sale of this payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his ***or her*** purchase at the tax sale to be included in [~~his~~] ***the*** costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a subsequent tax and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of $5 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of [~~18 percent per annum~~] ***6 percent per annum for the first year, 9 percent per annum for the second year, and 12 percent per annum for the third and any subsequent year*** from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

5 Collection of Taxes; Tax Liens; Redemption; Interest Rate. Amend RSA 80:69 to read as follows:

80:69 Redemption. Any person with a legal interest in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector, at any time before a deed thereof is given by the collector, the amount of the real estate lien, with interest at [~~18 percent per annum~~] ***6 percent per annum for the first year, 9 percent per annum for the second year, and 12 percent per annum for the third and any subsequent year*** upon the whole amount of the recorded lien from the date of execution to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:71, the interest shall be computed on the unpaid balance, together with redemption costs and costs for identifying and notifying the mortgagees, if any. In case the tax collector who executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his ***or her*** bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

6 Collection of Taxes; Tax Liens; Interest Rate. Amend RSA 80:75, III to read as follows:

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and

to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of [~~18 percent per annum~~] ***6 percent per annum for the first year, 9 percent per annum for the second year, and 12 percent per annum for the third and any subsequent year,*** from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

7 Effective Date. This act shall take effect April 1, 2019.

2018-1626s

AMENDED ANALYSIS

This bill provides that the interest on delinquent property tax payments shall be 6 percent for the first year, 9 percent for the second year, and 12 percent for the third and any subsequent year of nonpayment.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1673 Ought to Pass with Amendment. This bill sought to change the interest rates charged by the municipalities for delinquent property taxes. The bill as passed by the House would have tied the interest rate charged for delinquent taxes to the annual underpayment rate, determined by the Commissioner at the Department of Revenue Administration based on the rate specified in the Internal Revenue code. The committee came up with an amendment which I am going to ask you to vote down so that I can bring forward another amendment which has bipartisan support as well as the support of the Tax Collector's Association. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Failed.

Senator Daniels offered a Floor Amendment.

Sen. Daniels, Dist 11
Sen. Feltes, Dist 15
April 26, 2018
2018-1805s
05/10

Floor Amendment to HB 1673-FN-LOCAL

Amend the bill by replacing all after the enacting clause with the following:

1 Apportionment, Assessment, and Abatement of Taxes; Interest. Amend RSA 76:13 to read as follows:

76:13 Interest. Interest at [~~12~~] ***8*** percent per annum shall be charged upon all taxes except resident taxes, except as otherwise provided by statute, not paid on or before December 1 after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill sent to the taxpayer on or after November 2 and before April 1 of the following year interest shall not be charged until 30 days after the bills are mailed. Interest due in an amount up to $25 may be waived by the collector, with the approval and consent of the board of selectmen and the board of assessors, if in the collector's judgment the administrative and collection costs involved do not warrant collection of the amount due. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on the list. The collector shall notify the board of tax and land appeals in writing of the date on which the last tax bill was sent.

2 Property Taxes; Quarterly Billing. Amend RSA 76:15-aa, IV to read as follows:

IV. Interest at the rate of [~~12~~] ***8*** percent per annum shall be charged on all taxes not paid on or before their due dates or 30 days after mailing, whichever is later.

3 Collection of Taxes; Tax Sales; Redemption; Interest Rate. Amend RSA 80:32 to read as follows:

80:32 Redemption. Any person with a legal interest in land so sold may redeem the same by paying or tendering to the collector, or in his ***or her*** absence, at his ***or her*** usual place of abode, at any time before a deed thereof is given by the collector, the amount for which the land was sold, with interest at [~~18~~] ***14*** percent per annum upon the whole amount for which the land was sold from the time of sale to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:33-a, the interest shall be computed on the unpaid balance, together with redemption costs and costs for notifying the mortgagees, if any. In case the tax collector who sold the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his ***or her*** bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

4 Collection of Taxes; Tax Sales; Subsequent Tax; Interest Rate. Amend RSA 80:37 to read as follows:

80:37 Payment of Subsequent Tax. For purposes of this section, "subsequent tax" shall mean any tax assessed upon the real estate subsequent to that for which it was sold by a municipality, a county or the state. The purchaser of real estate at any tax sale may pay to the collector any subsequent tax and the collector shall, within 30 days after such payment, notify the register of deeds thereof, giving the date and the amount of such payment and the name of the person so paying together with the date of the tax sale, the name of the person taxed and a description of the property sold as shown in the report of sale recorded in the registry of deeds. The collector of taxes shall receive $1 for such notice to the register of deeds of the payment of subsequent tax plus $1 to be paid to the register of deeds. The purchaser, within 30 days of payment of the subsequent tax, shall personally, or by certified mail, notify in writing any mortgagee who was notified of his purchase at the tax sale of this payment of the subsequent tax. The purchaser paying the subsequent tax shall receive the same fees prescribed for notifying the mortgagee of his ***or her*** purchase at the tax sale to be included in [~~his~~] ***the*** costs to be paid by the person making redemption, except that when a town is a purchaser at a tax sale and the town pays a subsequent tax and the selectmen direct the collector of taxes as agent for the town to give notice of payment of a subsequent tax to any mortgagee who was notified of the purchase by the town at the tax sale, the collector shall be paid the sum of $5 for this service. Any amounts so paid on account of subsequent taxes, together with interest thereon at the rate of [~~18~~] ***14*** percent per annum from the date of payment shall, in addition to the purchase price at the time of sale with accrued interest and costs, be paid by the person making redemption.

5 Collection of Taxes; Tax Liens; Redemption; Interest Rate. Amend RSA 80:69 to read as follows:

80:69 Redemption. Any person with a legal interest in land subject to a real estate tax lien may redeem the same by paying or tendering to the collector, at any time before a deed thereof is given by the collector, the amount of the real estate lien, with interest at [~~18~~] ***14*** percent per annum upon the whole amount of the recorded lien from the date of execution to the time of payment in full, except that in the case of partial payments in redemption made under RSA 80:71, the interest shall be computed on the unpaid balance, together with redemption costs and costs for identifying and notifying the mortgagees, if any. In case the tax collector who executed the tax lien against the property in question shall have died, become incapacitated, been removed from office or removed from the town or city or shall have been discharged from his ***or her*** bond by the selectmen or assessors, then the person with the legal interest in redeeming the property may tender such sums to the tax collector then in office of said city or town. Upon advice from the selectmen or assessors that the amount tendered is the correct amount due, the tax collector shall accept said amount for the redemption of the property.

6 Collection of Taxes; Tax Liens; Interest Rate. Amend RSA 80:75, III to read as follows:

III. When a municipality is the lienholder and the municipality pays a subsequent tax and the selectmen direct the collector of taxes, as agent of the municipality, to give such notice of said payment to any owner and to any mortgagee as provided above, the collector of taxes shall receive the same fees provided for the lienholder for his service. The amount of subsequent taxes paid, together with interest on such taxes at the rate of [~~18~~] ***14*** percent per annum from the date of payment shall, in addition to the tax lien amount at the time of execution with interest and costs, be paid by the person making redemption.

7 Applicability. The interest rate of 8 percent established in sections 1 and 2 of this act and the interest rate of 14 percent established in sections 3-6 of this act shall apply to taxes assessed on or after April 1, 2019.

8 Effective Date. This act shall take effect April 1, 2019.

2018-1805s

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.

SENATOR DANIELS: Thank you. This very simply takes the interest rates which are now set at 12 and 18 percent and lowers them to 8 and 14 percent respectively. We did receive a letter from New Hampshire Tax Collectors Association this morning who said they will support the rate of 8 percent and 14 percent for taxes assessed on or after April 1, 2019. That language on that date has been put into the amendment before you. Look for your support. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I appreciate the effort to reach a compromise on this and I understand that it was a controversial piece of legislation, but this is a reasonable compromise taking the pre-lien down 4 percent, taking the post-lien down 4 percent. I know people want to go further, the House certainly does but I think this is a reasonable compromise and encourage us to support it.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HB 1686-FN, relative to applications for and the use of education tax credits.
Ought to Pass, Vote 3-1. Senator Giuda for the committee.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1686 Ought to Pass. This bill expands the education tax program to allow tax credits earned for donations made under this program to be utilized against the interest and dividends tax. Also removes the cap escalator and caps the program at $5.1 million. This will open up the program to a new area of donations thus enabling more students to attend schools better suited to their learning needs. I ask for your support in the motion of Ought to Pass. Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I rise in opposition to the pending motion. There are two issues that need to be brought up. Number one, based on this existing program, it's important to note that the constitutionality of it is still something that's looming and it's something that I think we need to at least flag for the body before we dramatically expand this program. Certainly some have been helped through it but it's something we need to think about. Number two, based on the way that it's written, people by claiming this interest and dividends at the federal level and by doing this at the state level, in some situations can double count and get a net benefit. Think about that. Some situations you can double count based on the claim at the federal level and doing this at the state level and get a net benefit. That's a little odd. I don't think it's actually what it was intended but that's a fatal flaw in the bill. Wasn't corrected in committee. So what this will do in the end though, is result in our interest and dividends because of that in part, interest and dividends receipts will go down, probably in the order of 3 or 4 million a year for the general fund. There is no offset in the general fund for this, none. So where is the fiscal responsibility in this? I don't think it's here; I don't think it's here. So I don't think this is ready for prime time, I know we say that a lot around here, but this clearly isn't so vote no on this.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and ask the body to support this. If you look this is an initiative that has been here for a long as I have and I haven't been here that long but we started this back in 2010. We tried to recognize that not every family has the means to make sure their kid gets the education that's right for them. So, to provide a little bit of assistance for a family, not on the government back, but encouraging businesses and in this case, what will be individuals, to make that decision that they're going to invest in the kids as well. This is a program that has been so constrained and yet continues to flower just a little bit. Continues to help disadvantaged kids in Manchester, in New Boston, in Berlin. Make sure that they can get some help that they can find some way to make that little educational system work for them. It would be great if every single kid on earth performed identically in every single school. But we know that doesn't happen. So having and supporting a program which will allow us to continue to support the kids of this state who need it most in the educational system, is a worthy thing for us to do. I would ask the body to support this reasonable accommodation whose time is come and is here to my friend in District number 15. And let's take a vote that says we support kids in education. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. To date the total expenditures out of this fund have been about less than half a million dollars, okay? And this is a program that takes people who are also paying property taxes and allows them to put money out of their pocket directly into a fully legislated part of our public-school system. These funds are used according to the director exclusively based on need. This goes to folks in tough districts that don't have the money to put their kids in schools that they think their kids will do better in. This is a total win for everybody, and I would encourage the members of the Senate to please pass this amendment and the bill. Thank you, Mister President.

(The Chair recognized Senator Feltes for a question of Senator Sanborn.)

SENATOR FELTES: Thank you, Senator. Can you certify that folks won't double count this and end up with a net benefit under our tax laws?

SENATOR SANBORN: Senator, thank you so much for the question, although you know I've got a couple of decades in commercial banking and finance, I did not stay at Holiday Inn last night, and I am not a CPA or personal financial adviser. That said, this new concept of us having to certify things every single day is a very unique concept that's been happening today. So I can't tell you that I'm qualified as a financial adviser or tax attorney to make a certification per se, but what I can tell you is that creating a program to allow those people that have needs and have some flexibility in their life to support kids that have needs, there are barely much more worthy programs that exist and I'm sure you would agree with that.

SENATOR FELTES: Thank you, Mister President. And because certification is a new standard can you certify that the general fund or our local school districts aren't going to lose money as a consequence of this?

SENATOR SANBORN: Senator, again thank you so much for the question. And the certification thing I don't think is a new standard, I think it's a new marketing term in this room, because it's not about certification, it's about making good policy. So the policy we have to ask ourselves, is this good policy that we're fitting a scholarship program for the kids that need it most, the families that don't have a lot of money to make sure that they can get a good education. To make sure they can find that place where their square meets the square peg in the hole. That's what this is about, Senator. And I know, I know you want what's best for the kids in this state, and I know you know every kid in this state isn't the same, and yet I understand your struggle that you're struggling with a new reality of not assigning kids to their education by zip code. And it's something we discuss on a regular basis around here. But the world is different today, and some kid in a zip code might not be the best school for them. So giving just a tiny little financial scholarship can change their world, and I know you support that, Senator.

SENATOR FELTES: Thank you. Would you believe conceptually but I would, but would you also believe that because we can't certify to the revenue loss, we can't certify to the hit to our schools and we can't certify to the double counting, I can't support this, would you believe?

SENATOR SANBORN: I would believe, so.

SENATOR FELTES: Thank you. Thank you, Mister President.

(The Chair recognized Senator Soucy for a question of Senator Sanborn.)

SENATOR SOUCY: Senator it's my understanding that when the Department of Revenue Administration testified, although they were neutral as to the legislation, they pointed out a technical concern which is that the program runs on a calendar year and yet the effective date of this legislation is July 1. Can you tell me why the committee chose not to fix that technical problem?

SENATOR SANBORN: Senator, thank you so very much. We actually looked to fix this problem in the next bill and obviously this is why we're taking up 1686 first and we'll be taking 1819 second so you'll see fixes coming up in 1819.

SENATOR SOUCY: And I don't have the other bill in front of me, so the effective date of the other bill is January 1 of 2019?

SENATOR SANBORN: Senator I apologize I can't answer that on top of my head, 1819 is also July 1, 2018.

SENATOR SOUCY: So would you believe I don't see that as a fix if the program actually does run in a calendar year as pointed out by the department?

SENATOR SANBORN: Senator, thank you very much.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in opposition. I understand that we've got a cap of $5.1 million, we allow the businesses and through any of their two major revenue sources that they pay to the state to deduct from those in order to fund this program. We have collected maybe $725,000 a year, that's last year, that's its peak ever. And believe it or not we had money left on the table at the end of the last year, $15,000 that could have been spent, wasn't spent. So that's our current state. I know that some of us in this room, my colleague to my right, would just as soon we eliminated interest and dividends tax, but you know the real losers in all that are the property taxpayers. So, it's not just a win, win, win here. When we have funds that we can apply to education and we aren't helping support our schools, our public schools, our school districts that are seeing their tax rates go up because we're downshifting costs, on retirement on other things, eliminating stabilization aid. You know we're making choices. I don't think this is a good choice and I don't think that it's a necessary choice for us to be making at this time. I recommend we vote against this. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Giuda, seconded by Senator Fuller Clark.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators were excused: Daniels.

Roll Call, Yeas: 13 - Nays: 10. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

TRANSPORTATION
HB 1614, relative to the international registration plan.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Senate Transportation
April 18, 2018
2018-1609s
03/05

Amendment to HB 1614

Amend the title of the bill by replacing it with the following:

AN ACT relative to the international registration plan and relative to registration of semi-trailers.

Amend the bill by replacing all after section 4 with the following:

5 Surety Bonds. Amend RSA 41:6, I-III to read as follows:

I. Town treasurers, trustees as provided in RSA 31:22 and [~~23~~] ***RSA 31:23***, trustees as provided in RSA 53-B:8-a, I, library trustees including alternate library trustees, if any, town clerks, tax collectors and their deputies, agents authorized to collect the boat fee, ***nongovernmental registering trailer agents appointed under RSA 261:74-t,*** and persons delegated treasury functions under RSA 41:29, VI shall be bonded by position under a blanket bond from a surety company authorized to do business in this state. The bond shall indemnify against losses through:

(a) The failure of the officers covered to faithfully perform their duties or to account properly for all moneys or property received by virtue of their positions; or

(b) Fraudulent or dishonest acts committed by the covered officers.

II. A blanket bond may exclude the town treasurer if a separate fidelity bond for the faithful performance of his ***or her*** duties is furnished by the surety writing the blanket bond.

III. Premiums shall be paid by the town***, except that premiums for bonding of a nongovernmental registering trailer agent shall be paid by such agent***.

6 New Paragraph; Expiration of Registration. Amend RSA 261:62 by inserting after paragraph III the following new paragraph:

IV. Multiyear registrations may be issued for semi-trailers in accordance with RSA 261:141, XI. Multiyear registrations shall expire in the anniversary month otherwise applicable under this section in the final year of the registration.

7 New Subdivision; Registrations by Nongovernmental Registering Trailer Agents. Amend RSA 261 by inserting after section 74-s the following new subdivision:

Registrations by Nongovernmental Registering Trailer Agents

261:74-t Registrations by Nongovernmental Registering Trailer Agents.

I. Out-of-state semi-trailer registrations may be issued, renewed, or transferred through nongovernmental registering trailer agents appointed in accordance with this subdivision. Trailer agents shall be residents of and have a verified business address in this state. The director is authorized to limit the number of nongovernmental registering trailer agents appointed under this subdivision based on resource limitations, provided that at least 3 trailer agents are appointed and provided that any limitation established shall not be the basis for revoking any appointment previously made.

II.(a) Each applicant for appointment as a trailer agent shall furnish the following to the department:

(1) Whether the application is an original, renewal, or change of location;

(2) Corporate or business name;

(3) Trade name, if applicable;
(4) Legal address;
(5) Mailing address;
(6) Telephone number;
(7) Business hours;
(8) Name, address, and date of birth of at least one owner, partner, or officer, and title, if applicable;
(9) Name of the person who will be responsible for filing daily reports;
(10) An agreement to notify the department of any change of ownership, address, or corporate or trade name; and
(11) Signature and title of the person identified in subparagraph (8) and date signed.

(b)(1) Upon submission of an application that is incomplete or might indicate lack of fitness or qualification for appointment as a trailer agent, the director or his or her designee shall require an applicant to appear for an interview.

(2) The director or his or her designee shall inform the applicant in writing of the interview. The written notice shall include the date, time, and location of the interview.

(3) At the interview, the director or his or her designee shall:
(A) Explain any discrepancy or concerns to the applicant.
(B) Answer any questions that the applicant may have about the process.
(C) Allow the applicant to make corrections to the application or address any concerns expressed.

(4) If an applicant refuses or neglects to appear for a scheduled interview, the director shall deny his or her application.

(5) If an applicant fails to explain any discrepancy or concerns at the interview, the director shall deny his or her application.

(c) In order to be appointed as a trailer agent by the director, each applicant shall:
(1) Complete the application.
(2) Complete the training requirements.
(3) Complete an interview if applicable.
(4) Obtain a surety bond.
(5) Agree to allow the director or his or her designee to enter the agent's premises during business hours for the purposes of auditing or verifying compliance with the terms and conditions of this section.
(6) Agree to keep current with forms and software as determined by the department.

(d) Trailer agents:
(1) Shall furnish registration information concerning vehicle information as the director may require.
(2) Collect fees.
(3) Issue registrations.

(e)(1) Each trailer agent shall maintain a record of all trailer registration certificates issued by him or her, including:
(A) Date of registration.
(B) Full name of the registrant.
(C) Identifying number.
(D) Address and phone number of record.

(2) The trailer agent shall maintain all records for a period of 15 years.

(f)(1) Prior to being appointed as a trailer agent, each applicant shall complete a training program conducted at the division of motor vehicles, or such other location as the department shall determine.

(2) The training program shall include the following instruction:

(A) Completing a trailer registration.

(B) Filing daily reports.

(C) Collecting trailer registration fees.

(D) Maintaining records.

(E) Retaining the agent fee.

(F) Posting office hours.

(g)(1) If a trailer agent is deficient in any area, the department shall request the trailer agent to undergo retraining.

(2) Depending upon the areas of deficiency, retraining shall consist of one or more of the following:

(A) Repeat the training program.

(B) Repeat any portion of the training program.

(C) Undergo further training, the substance of which shall be determined by the department.

(h) Before any appointment shall become effective, each trailer agent shall file a surety bond with the department, pursuant to RSA 41:6.

(i)(1) Each trailer agent shall mail a daily report of nonresident registrations to the department containing:

(A) The physical address and telephone number where the trailer agent is located;

(B) Period the report begins and ends;

(C) Number of trailers registered; and

(D) Amount of registration fees collected.

(2) The daily reports shall be submitted along with all fees due to the department in the form of a check or money order.

(j) Whenever a trailer agent's office is closed or unattended, all decals, stamps, and other registration materials shall be placed in a locked file cabinet or other secure container.

III. A nonresident may register a semi-trailer in this state through a nongovernmental registering trailer agent, even if the trailer is not garaged exclusively in this state in accordance with RSA 261:46. Registrations of nonresidents for semi-trailers that are not garaged exclusively in this state shall bear the address of the owner's residence and the address of the nongovernmental registering trailer agent.

261:74-u Fees.

I. A nongovernmental registering trailer agent may collect and retain an agent fee for each registration processed as compensation for processing the registration.

II. The nongovernmental registering trailer agent shall collect and remit to the department the registration fee established in RSA 261:141, XI.

261:74-v Revocation of Agency Status.

I. If the director determines that a trailer agent has not continued to fulfill the requirements of RSA 261:74-t or has violated any of the rules adopted pursuant to RSA 261:74-w, the director shall commence the procedure established in paragraph II.

II. Any trailer agent whose appointment is sought to be revoked shall be afforded the opportunity of a hearing before the director or designee prior to such revocation. Following the hearing, the director may revoke the appointment as a trailer agent upon satisfactory evidence that the provisions of this subdivision have been violated and that the revocation is in the best interest of the state. A written statement outlining the evidence and violations shall accompany the revocation.

III. Upon the revocation of such agency, the person shall surrender to the department or its authorized agent all materials issued by the state under the provisions of this subdivision and all records pertaining to all matters authorized by this subdivision.

IV. Whenever an authorized auditor of the department, with the approval of the commissioner, determines that the public interest requires immediate action, the director may issue a temporary order suspending the authority of a nongovernmental registering trailer agent to issue, renew, or transfer registrations, pending a hearing.

261:74-w Rulemaking. The director shall adopt rules pursuant to RSA 541-A relative to application forms for appointment as a nongovernmental registering trailer agent.

8 New Paragraph; Fees; Multiyear Semi-Trailer Registrations. Amend RSA 261:141 by inserting after paragraph X the following new paragraph:

XI.(a) Persons may register semi-trailers for up to 12 years. Multiyear registrations for semi-trailers shall be subject to the following fees:

(1) One year: $20.
(2) Two years: $40.
(3) Three years: $55.
(4) Four years: $65.
(5) Five years: $85.
(6) Ten years: $160.
(7) Twelve years: $190.

(b) Semi-trailers owned by nonresidents of New Hampshire registered under this paragraph shall not require a municipal permit for registration and shall not be subject to any municipal fees.

9 Nonresident Registration. Amend RSA 261:46 to read as follows:

261:46 Nonresident Registration. Notwithstanding RSA 261:45, a nonresident who garages a vehicle exclusively in this state ***or who registers a semi-trailer through a nongovernmental agent, whether the semi-trailer is garaged in this state or not,*** may register such vehicle in this state as a nonresident. No exemption from the payment of a permit fee shall be granted by reason of nonresidence except by the director, who shall in all cases require proof satisfactory to him or her of residence elsewhere, and of the liability of a nonresident owner, otherwise entitled to such exemption, to pay a property tax on the vehicle for the current year in the state of his or her residence.

10 New Paragraph; Fees for Registration Permits; Multiyear Registrations. Amend RSA 261:153 by inserting after paragraph VI the following new paragraph:

VII. A resident registering a semi-trailer for multiple years in accordance with RSA 261:141, XI shall, when offering the semi-trailer for registration, pay all permit fees and other municipal fees associated with the registration for the entire multiyear period. Permit fees for the multiyear period shall be determined under paragraph I. If the registration is for 12 years, the permit fee shall be reduced by 10 percent.

11 Inspection of Trailers; Exemptions. Amend RSA 266:1-b, II to read as follows:

II. ***Semi-trailers shall be exempt from periodic vehicle inspection requirements under this chapter if the semi-trailer is fully compliant with the regulations of the Federal Motor Carrier Safety Administration.***

III. The director may authorize properly qualified dealers holding utility dealer registrations to inspect trailers of more than 10,000 pounds gross vehicle weight, to determine whether they are fit to be driven, and

to issue inspection stickers, under rules adopted for this purpose pursuant to RSA 541-A. This section shall not apply to full trailers as defined in RSA 259:37-a [~~or semi-trailers as defined in RSA 259:98~~], and shall not prohibit other official inspection stations from inspecting trailers.

12 Registration Fees. Amend the introductory paragraph of RSA 261:141, III((j) to read as follows:

(j) For [~~semi-trailers or~~] automobile utility trailers (the weight of the trailer shall include the maximum load to be carried thereby):

13 Repeal. The following are repealed:

I. RSA 261:141, III(i), relative to registration fees for semi-trailers.

II. RSA 261:141, III(k), relative to registration fees for semi-trailers.

14 Effective Date.

I. Sections 5-13 of this act shall take effect July 1, 2018.

II. The remainder of this act shall take effect 60 days after its passage.

2018-1609s

AMENDED ANALYSIS

This bill:

I. 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.

II. Authorizes registration of semi-trailers through nongovernmental agents of the department of safety.

III. Authorizes multiyear semi-trailer registrations.

IV. Provides discounts on fees for semi-trailer registrations.

V. Allows registrations through the agents by nonresidents for semi-trailers not garaged exclusively in this state.

SENATOR BIRDSELL: Thank you, Mister President. House Bill 1614, this bill would repeal statutory provisions of the international registration plan and authorize the Department of Safety to implement the plan through rules in order to bring the state into compliance outside the legislative process. As amended the bill would also authorize registration of semi-trailers through private agents of the Department of Safety, authorize multi or semi-trailer registrations, provide discounts on fees for these legislations and allow registrations through the agents by nonresidents for semi-trailers not garaged exclusively in New Hampshire. This amended legislation will bring important revenue to our state and Mister President, on policy alone the Transportation Committee voted in favor of the amendment. This legislation has been stated to have the ability to generate substantial revenue, however there are concerns on the costs of implementing this program. So with that concern, we passed it with the stipulation that it goes to Finance for review. I have spoken with the Chair of Finance and he has agreed to review House Bill 1614. So the Transportation Committee asks for your support in passing House Bill 1614 and moving it into Finance for review. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President I rise in opposition to the committee amendment. We've debated this a couple years ago. It's an idea that sets people up who are registering trailers through third party agents in the state of New Hampshire and counter to other state laws. I think it's bad policy, we've debated it

over and over again. And also represents a significant, a significant hit to municipalities. So it's bad policy, it's bad financials, Mister President, I respectfully disagree with the committee amendment and I hope we can vote it down. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I understand if this bill passes it is going to go to Finance to have some discussion, but I think it's important to say, we talk in this room every day about, or some people talk favorably, about our state needs more money. More money, can't live without money, got to have more revenue. Some people want to do it through raising taxes, fortunately there's a little bit of a firewall here that's not in the mood to raise a lot of taxes today. So this is a program, except my good friend from District 7 seems to want to. This is a program that will bring in revenue from out of state. It doesn't affect in state registrations, it doesn't affect in state trailers. This is a program like we see in Maine today that is raising some I think $15 million a year registering trailers from other states around the country. If we can create a program if we need to recognize that we need to be competitive because other states are being competitive for registration fees and we have that ability to set a program up to try and capture some of the what, two and a half million new commercial trailers sold every year? Shouldn't we try to find that way for people who are in Montana and Texas and Alabama and Massachusetts that we become a vehicle that makes it more affordable to them, long term haulers to register their trailers here which are not as the bill says garaged in New Hampshire, that it becomes a revenue source for us? Or are we going to say let all the other states take the money? Mister President, I ask this body to support passage of this amendment and again I understand it's going over to Finance for some additional review, but if this body wants more revenue without raising taxes, this is a vehicle by which to do it with. Thank you very much, Mister President.

(The Chair recognized Senator Gannon for a question of Senator Sanborn.)

SENATOR GANNON: Thank you, Senator. Are you aware that our Transportation Department believes that Maine, which you spoke about and their 19 million that they've brought, they're poaching our money right now, and there's a comedy clause if the other attorneys can help me, that we're supposed to recognize the laws of other states so just like they're poaching our money now, you're asking us to pretty much illegally under the federal laws, poach other states revenue?

SENATOR SANBORN: So Senator, thank you for the question. I'm not sure I agree with your premise. There's no question, I know companies, I know companies in the state of New Hampshire today that are registering their trailers in Maine.

SENATOR GANNON: And are you aware that that's against according to our Department of Transportation, that's in violation of state of New Hampshire laws?

SENATOR SANBORN: Senator, thank you so much for the question. I am not aware of that, but I know if you make the penalty, you've made the cost of business so high, the business community's going to react to that. Just like we hear every single day, we've got manufacturers across this state that say I'm moving my company out of New Hampshire because our electricity bills are too high, our health insurance is too high, our taxes are too high.

SENATOR GANNON: You answered my question I thank you.

SENATOR SANBORN: We hit the business community so hard and they have to find a more affordable place to do it.

SENATOR GANNON: Thank you.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SPECIAL ORDER

Without objection, the following bills are special ordered to Wednesday, May 2, 2018. Adopted.

WAYS AND MEANS
HB 324, establishing a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire.
HB 1276, adding an exemption for certain raffles conducted by charitable organizations.
HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7.
HB 1502, adding the utility property tax exclusion for exempt water and air pollution control facilities to tax expenditure review.
HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes.
HB 1819-FN, relative to administration of the education tax credit.

PUBLIC AND MUNICIPAL AFFAIRS
HB 1307, relative to the presentation of a default budget.

TRANSPORTATION
HB 1549, relative to the availability of vehicle accident reports.
HB 1595, relative to the use of the left lane of a multilane roadway.

PRESIDENT MORSE: Don't go anywhere. I just want everyone to understand before we get to final messages, we're going to try to go through Senate and House messages. We'll go slow. Just to help the clerk out over the next week. But next Wednesday all Senators should understand we're going to be here well into the night.

Without objection, the Clerk shall read the first complete House Message and thereafter only the title of each bill shall be read. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 84, relative to payment of workers' compensation benefits by direct deposit.

Senator French moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Innis, French and Soucy.

SB 351, relative to managed care programs under workers' compensation.

Senator French moved Concurrence. Adopted.

SB 553-FN, establishing a commission to study the incidence of post-traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation.

Senator French moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Innis, French and Soucy.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Soucy for a parliamentary inquiry.)

SENATOR SOUCY: Mister President, it is traditionally the policy of this Senate to have committees actually review the messages prior to these recommendations being made and I know this previous committee had not. I wonder if you could tell me if any of the committees actually convened to do that?

PRESIDENT MORSE: Senator it was my assumption every committee ruled on this. So if that hasn't happened, we can stop the process right now.

SENATOR SOUCY: Mister President I can only tell you that it didn't happen for Commerce. I was not consulted on any of these, so that's why I'm asking.

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 D'Allesandro: HB 628-FN
Senator Sanborn: HB 101-FN, HB 124-FN, HB 135, HB 141, HB 169-FN, HB 267, HB 314, HB 317, HB 324, HB 388, HB 407-FN, HB 476, HB 485-FN, HB 500, HB 559-FN, HB 628-FN, HB 1101-FN, HB 1103-FN, HB 1201, HB 1216, HB 1237, HB 1251, HB 1262-L, HB 1276, HB 1288, HB 1295, HB 1307, HB 1329, HB 1332, HB 1340, HB 1361, HB 1365, HB 1411-FN-A, HB 1415-FN-A, HB 1416-FN, HB 1418-FN, HB 1428-FN, HB 1450, HB 1458, HB 1483, HB 1501-FN, HB 1502, HB 1549, HB 1554-FN, HB 1555, HB 1565-FN, HB 1589, HB 1595, HB 1613, HB 1614, HB 1615, HB 1636, HB 1673-FN-L, HB 1686-FN, HB 1700, HB 1715-FN, HB 1718-FN, HB 1756-FN-A, HB 1763-FN-A, HB 1766-FN, HB 1775, HB 1786-L, HB 1791-FN, HB 1807-FN, HB 1809-FN, HB 1819-FN
Senator Soucy: HB 407-FN

ANNOUNCEMENTS

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President, and my colleagues, whom I have the greatest respect and affection for. I wanted you to hear it from me because we all know that things here in this building are not very privileged. I have had the honor and privilege to work in this building for more than twenty years, but it is now time for me to announce my retirement. It's been a difficult decision. I will miss the work.

I will miss the honor and privilege of representing my constituents, and I will miss all of you and staff, and clearly everybody who in all of these buildings have been my family for all this time. So, again, I wanted you to hear it from me because it is buzzing around, I think, and I thank you for all your kindnesses, and I will not be a lame duck Senator for the next week. And, again, thank you.

PRESIDENT MORSE: Thank you, Senator Lasky. I didn't know if I should clap or cry.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 124-FN, relative to aircraft registration fees.
HB 267, establishing the New Hampshire transportation council.
HB 1329, relative to eyewitness identification procedures.
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 1415-FN-A, making an appropriation to the public school infrastructure fund to improve security in public schools.
HB 1416-FN, repealing the prohibition on bottle rockets.
HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs.
HB 1428-FN, relative to roadside memorials.
HB 1450, relative to retention of job applications and personnel files.
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 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 1700, relative to the procedure for placing a security freeze on a consumer credit report.
HB 1756-FN-A, relative to a one-time allowance for certain state retirees.
HB 1766-FN, requiring the department of environmental services to report to the general court regarding bedrock testing and perfluorochemical contamination in the Seacoast area and at other landfills and hazardous waste sites.
HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.

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 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 314, relative to regulation of mortgage bankers, brokers, servicers, and originators.
SB 323, relative to rehiring of laid off classified state employees.
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 369-FN, relative to the publication of the rulemaking register.
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 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 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.
SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers.
SB 593-FN, relative to the penalty for capital murder.

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 335, establishing a committee to review compensation in asbestos litigation and to study ways to promote transparency, fairness, and timeliness of payment in asbestos litigation.
SB 497-FN, relative to breast-feeding.
SB 501, relative to immunity for campground owners.
SB 522, relative to alteration of speed limits.
SB 548-FN,relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome.

SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 298, relative to the mechanical licensing board.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bill sent down from the Senate and has indefinitely postponed the Bill:

CACR 22, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 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 1473-FN, relative to the timber yield tax.
HB 1577, relative to the administration of anesthesia by dentists.
HB 1661, relative to a marriage petition by a party under age.
HB 1719-FN, relative to donations of liquor to nonprofits.
HB 1738, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 71, relative to the law governing alimony.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: K. Rice, Itse, Spencer and Walz

April 25, 2018
2018-1808-EBA
04/01

Enrolled Bill Amendment to SB 170

The Committee on Enrolled Bills to which was referred SB 170

AN ACT relative to the authority of towns to issue bonds for the expansion of broadband infrastructure.

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 170

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 170

Amend the bill by replacing section 8 with the following:

8 Repeal. RSA 38:38, I(b), relative to the definition of areas not served by broadband, is repealed.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2018
2018-1819-EBA
04/01

Enrolled Bill Amendment to SB 429-FN

The Committee on Enrolled Bills to which was referred SB 429-FN

AN ACT establishing a consumer services program within the insurance department.

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 429-FN

This enrolled bill amendment inserts a contingency to avoid a numbering conflict with HB 1379 of the 2018 regular legislative session.

Enrolled Bill Amendment to SB 429-FN

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingency. If HB 1379 of the 2018 regular legislative session becomes law, then RSA 400-A:15-e, as inserted by section 1 of HB 1379, shall be renumbered as RSA 400-A:15-f.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2018
2018-1801-EBA
06/04

Enrolled Bill Amendment to SB 482-FN

The Committee on Enrolled Bills to which was referred SB 482-FN

AN ACT relative to confidential emergency medical and trauma services data.

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 482-FN

This enrolled bill amendment makes a technical change.

Enrolled Bill Amendment to SB 482-FN

Amend RSA 153-A:35, I as inserted by section 2 of the bill by replacing line 10 with the following:

part 160 and part 164. This shall include the requirement that all proposed releases of emergency

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2018
2018-1812-EBA
06/03

Enrolled Bill Amendment to HB 1322

The Committee on Enrolled Bills to which was referred HB 1322

AN ACT relative to risk-based capital for health maintenance organizations.

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 1322

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1322

Amend section 2 of the bill by replacing line 3 with the following:

III-a. A health organization's RBC shall be determined in accordance with the formula set

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2018
2018-1818-EBA
03/05

Enrolled Bill Amendment to HB 1564-FN

The Committee on Enrolled Bills to which was referred HB 1564-FN

AN ACT 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.

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 1564-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1564-FN

Amend RSA 632-A:2, I(n)(1) as inserted by section 1 of the bill by replacing line 4 with the following:

psychiatric unit, [~~or~~] ***a*** juvenile detention facility [~~where the actor is employed~~]***, or any other setting***

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 19, 2018
2018-1653-EBA
10/08

Enrolled Bill Amendment to HB 1593

The Committee on Enrolled Bills to which was referred HB 1593

AN ACT authorizing a school district meeting to adopt an article authorizing the trustees of the trust fund to charge certain expenses against capital reserve funds.

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 1593

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 1593

Amend the title of the bill by replacing it with the following:

AN ACT authorizing a school district meeting to adopt an article authorizing the trustees of trust funds to charge certain expenses against capital reserve funds.

Amend RSA 35:9-a, III as inserted by section 1 of the bill by replacing line 1 with the following:

III. The school district meeting may adopt an article authorizing the trustees of trust funds,

Amend RSA 35:9-a, III as inserted by section 1 of the bill by replacing line 7 with the following:

funds as expenditures out of capital reserve funds.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 25, 2018
2018-1797-EBA
06/04

Enrolled Bill Amendment to HB 1720-FN

The Committee on Enrolled Bills to which was referred HB 1720-FN

AN ACT relative to the storage of beverages produced by contract brewers.

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 1720-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment t HB 1720-FN

Amend RSA 178:12, XI as inserted by section 3 of the bill by replacing line 6 with the following:

with the commission.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2018
2018-1811-EBA
03/10

Enrolled Bill Amendment to HB 1808

The Committee on Enrolled Bills to which was referred HB 1808

AN ACT repealing certain inactive dedicated funds.

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 1808

This enrolled bill amendment makes a technical correction and adds gender-neutral modifications.

Enrolled Bill Amendment to HB 1808

Amend RSA 172:14 as inserted by section 5 of the bill by replacing line 7 with the following:

or persons chargeable with his ***or her*** support, are able to pay only a part of such expense, the

Amend RSA 172:14 as inserted by section 5 of the bill by replacing line 17 with the following:

treatment and rehabilitation of any of his ***or her*** clients, or clients of a certified substance abuse treatment

Amend RSA 21-P:21 as inserted by section 9 of the bill by replacing line 1 with the following:

21-P:21 Civil Penalties[~~; Revolving Fund~~]. Any person who violates any of the provisions of this

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 1719-FN, relative to donations of liquor to nonprofits.

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 151, establishing a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers.
HB 523, establishing a committee to study the use and regulation of biometric information.
HB 1247, relative to administering oaths to certain state officers.
HB 1289, relative to trespassing domestic fowl.
HB 1331, relative to incidental uses for agricultural plates.
HB 1335, relative to the cybersecurity software used by the state of New Hampshire.
HB 1352-FN, eliminating the nonresident freshwater bait dealers license and relative to hunting adventure permits.
HB 1357, relative to the delivery of articles to a prisoner in a state or county correctional facility.
HB 1401, relative to the New Hampshire accountancy act.
HB 1407, repealing the prohibition on the use of milk containers.
HB 1484, relative to late fees in manufactured housing parks.
HB 1499, relative to the focus and components of New Hampshire kindergartens.
HB 1606, relative to naturopathic health care practice.
HB 1623, relative to criteria for debarment of vendors.

HB 1651, establishing a committee to study the use of liquid de-icers and solid salt on roads.
HB 1660, relative to delinquent accounts of liquor licensees.
HB 1665, relative to the authority of the governing boards of allied health professionals.
HB 1684, relative to criminal background checks for emergency medical services license applicants.
HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services.
HB 1698-FN-LOCAL, relative to the cost of special education services for foster children.
HB 1744, authorizing a parent to exempt his or her child from participating in the statewide assessment program.
HB 1746-FN, relative to the practices of pharmacy benefit managers.
HB 1777-FN, relative to energy infrastructure corridor revenue.
HB 1782-FN, establishing a committee to study insurance payments to ambulance providers and balance billing by ambulance providers.
HB 1810, establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them.
SB 165-FN, authorizing periodic payments as security after a motor vehicle accident.
SB 310-FN, establishing a committee to study the feasibility of establishing community-based services pilot programs.
SB 316, relative to the regulation of online auctions.
SB 319, relative to exempt securities.
SB 320, relative to checklists used at elections.
SB 327, relative to the medical review subcommittee of the board of medicine and time limits for allegations of professional misconduct before the board.
SB 332, relative to medication synchronization.
SB 341, relative to the veterans' property tax credit for service-connected disability.
SB 348, relative to senior-specific certifications or designations for securities broker-dealers.
SB 356, adding a representative from the community college system to the apprenticeship advisory council.
SB 363, prohibiting political expenditures by foreign nationals.
SB 367, relative to public utilities commission review of group host agreements.
SB 372-FN-A, establishing positions in the office of professional licensure and certification and making an appropriation therefor.
SB 389, relative to administrative fees on restitution.
SB 396-FN, relative to gold star number plates.
SB 417, relative to days of rest for employees of recreation camps and youth skill camps.
SB 428, relative to the payment of weekly and biweekly wages.
SB 455, relative to state employees injured in the line of duty.
SB 458, authorizing the purchase of retirement system creditable service by a certain surviving spouse.
SB 503, relative to increasing the maximum amount of the optional veterans' tax credit.
SB 504-FN, relative to sales of tax-deeded property.
SB 505, requiring abutter notice of the construction of a crematory.
SB 511, establishing an optional tax credit for combat service.

SB 515, relative to commemorative license plates.
SB 519, relative to the purchase of property for the construction of roads.
SB 533-FN, relative to the composition and compensation of the personnel appeals board.

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 410, relative to the legislative youth advisory council.
HB 1252-FN, relative to certificates of insurance.
HB 1256, relative to decal fees for multi-use veterans decal plates.
HB 1258, relative to the advanced manufacturing education advisory council.
HB 1284, relative to the reports required by the incapacitated and vulnerable adult fatality review committee.
HB 1304, relative to the authorization for forensic audits by a county convention.
HB 1378, relative to domestic insurance company investments.
HB 1389, relative to commercial lines modernization.
HB 1420-FN, relative to a criminal penalty for driving after certification as an habitual offender.
HB 1453, relative to the traffic safety commission.
HB 1471-FN, relative to telemedicine and establishing a committee to study health care reimbursement for telemedicine and telehealth.
HB 1474, designating the New Hampshire Red as the official state poultry.
HB 1533, relative to termination of variances and special exceptions.
HB 1551, relative to the retention of records of individualized education programs.
HB 1571, authorizing an alternative recovery monitoring program for nurses licensed by the board of nursing.
HB 1575, permitting hunting with an air rifle.
HB 1598-LOCAL, relative to the vote to withdraw from a cooperative school district.
HB 1599, relative to the governor's commission on disability.
HB 1622, relative to organization of the department of information technology.
HB 1638, declaring April 28, 2018 as tabletop gaming day in New Hampshire.
HB 1664, relative to terms of appointment of members of governing boards for allied health professionals.
HB 1674, relative to computer science and digital skills required for an adequate education.
HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund.
SB 315, relative to the definitions of beverage and of mead.
SB 333, relative to pharmacy interns and vaccinations.
SB 345, naming a bridge in the town of Lincoln in honor of the Clark Family.
SB 360, establishing a commission to study whether the department of education should be required to conduct criminal history records checks, via a fingerprint check, on all applicants for teacher certification.
SB 392, establishing a commission to study and evaluate the impact of the discharge of state prisoners.

SB 436, relative to tuition in the community college system.
SB 442, relative to surety indemnification requirements for private post-secondary career schools.
SB 469, relative to the appropriation of funds from the equipment inventory fund.
SB 470-FN, relative to positions within the insurance department.
SB 474, establishing a committee to study group home rate parity.
SB 484, reestablishing the commission to address child hunger in New Hampshire.
SB 516, prohibiting motorcycle-only checkpoints.
SB 517, establishing an electric vehicle charging stations infrastructure commission.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

May 2, 2018

The Senate reconvened at 1:00 p.m., a quorum being present.

The Reverend, Pastor Mark Warren, chaplain to the Senate, offered the following prayer:

Let us pray.

God, on this amazingly beautiful day we are reminded of who you are, and your goodness to each one of us. God, I'm also mindful of our Senators' work; the tireless work for the betterment of the population of our citizen residents of New Hampshire. As we're coming to the end of this session, this season, we might be feeling a little tired; but God give us the strength today to continue to contend for what is right, continue to contend for what is good for our population, that New Hampshire would prosper. God, I pray for clarity of mind, conviction of heart, and the unity of spirit, in Jesus' name–my apologies–in the name of the Father. Amen.

Senator Feltes led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Watters for an introduction.)

SENATOR WATTERS: Thank you, Mister President, and colleagues. It is my privilege and pleasure to introduce Gerri Cannon, a constituent and a dear friend who is the at-large member on the School Board in Somersworth. Welcome.

(The Chair recognized Senator D'Allesandro for an introduction.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Today I'm pleased to introduce a group of young political leaders from Macedonia. The crew from Macedonia. Avanti. Come up so people can see you. They're visiting New Hampshire as part of an exchange through the American Council of Young Political Leaders. I had the opportunity to meet with them over the weekend and was so impressed with all of them. One of

whom is a Member of Parliament, there's a mayor and a couple of city councilors. We got the whole base covered. We got them all covered. All are under thirty-five years of age. That's a killer. Welcome.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I would like to request, because of the heat of the afternoon that we allow the gentlemen in the chamber to remove their jackets.

INTRODUCTION OF PAGES

(The Chair recognized Senator Birdsell for an introduction.)

SENATOR BIRDSELL: Thank you, Mister President. I'd like to introduce our pages from Pinkerton Academy. First we have Catherine McCarthy. She's seventeen years old, eleventh grade she's from Hooksett, New Hampshire and she attends Pinkerton Academy. Go Pinkerton. Her favorite subject is math, her extracurricular activities as student council, dance, and she's a regular volunteer at the Hooksett Community Food Pantry. In the future she'd like to go to college for political science. So can I have a round of applause for Catherine.

And we also have Cole Fournier also from Pinkerton. He's seventeen, in the eleventh grade and hails from Chester, New Hampshire. His favorite subject is Chemistry or U.S. History. He's the President of the World Affairs Council in which they discuss politics and study topics like NAFTA. He is the vice president of Model U.N. and he's on the varsity math team and he's also a member of the student council. In the future he plans to study for his Master's or PHD at an Ivy League Institution or educational equivalent. After that he would either enter academia, join a scientific industry or enter politics in some way. So welcome.

MOTION OF RECONSIDERATION

Senator Soucy, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 84, relative to payment of workers' compensation benefits by direct deposit.: Nonconcur with the House Amendment; Requests Committee of Conference. Adopted.

MOTION OF RECONSIDERATION

Senator Soucy, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 351, relative to managed care programs under workers' compensation.: Concur with the House Amendment. Adopted.

MOTION OF RECONSIDERATION

Senator Soucy, having voted on the prevailing side, moved to reconsider the following action taken by this body on SB 553-FN, establishing a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation.: Nonconcur with the House Amendment; Requests Committee of Conference. Adopted.

PRESIDENT MORSE: The bills that we reconsidered by Senator Soucy will be ordered to be taken up at the appropriate time with the additional committee work.

SPECIAL ORDER

Without objection, all bills in the following committees are special ordered to Thursday, May 3, 2018. Adopted.

ENERGY AND NATURAL RESOURCES
HB 114, relative to minimum electric renewable portfolio standards.
HB 317, relative to changes in the system benefits charge.
HB 1233, preempting local regulation of seeds and fertilizer.
HB 1402, relative to ordinances regarding forestry activities.
HB 1458, relative to exempting certain rules governing marine species from the administrative procedures act.

FINANCE - CALENDAR 19
HB 1104-FN, relative to dredge and fill permit time limits; relative to time limits under the administrative procedure act; and relative to online filing with the secretary of state's office.
HB 1316-FN, relative to revenue collected from concealed carry licenses.
HB 1356, relative to data sharing between the department of environmental services and the department of health and human services and making an appropriation to the department of business and economic affairs for relocation costs.
HB 1427-FN, relative to the reduction in the calculation of state retirement system annuities at age 65.
HB 1468, establishing a commission to study legislative oversight activities related to the department of health and human services.
HB 1592-FN, requiring the commissioner of the department of environmental services to review standards relative to arsenic contamination in drinking water.
HB 1626-FN, requiring the governor's commission on alcohol and drug abuse prevention, treatment, and recovery to report on the cost effectiveness of funded programs.
HB 1743-FN, relative to funding for the Sununu Youth Services Center, and unfunded positions in the department of health and human services.

FINANCE - ADDENDUM CALENDAR 19A
HB 169-FN, relative to limits on wagers in charitable games of chance.
HB 407-FN, requiring workers' compensation to cover prophylactic treatment for exposure.
HB 1101-FN, regulating groundwater pollution caused by polluting emissions in the air and relative to standards for perfluorochemicals in drinking water, ambient groundwater and surface water.
HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians.
HB 1103-FN, relative to financial responsibility for voluntary services provided pursuant to a report of abuse or neglect that is "unfounded but with reasonable concern."
HB 1565-FN, requiring the secure psychiatric unit to be accredited as a behavioral health facility.
HB 1614, relative to the international registration plan and relative to registration of semi-trailers.
HB 1673-FN-L, relative to the interest charged on late and delinquent property tax payments.
HB 1686-FN, relative to applications for and the use of education tax credits.
HB 1775, relative to the appointment of guardians ad litem in parenting cases.
HB 1817-FN, establishing the position of state demographer and a commission on demographic trends; requiring state agencies to prepare 10-year current services cost projections; and relative to the inclusion of a demographic analysis as part of the legislative fiscal note process.

HEALTH AND HUMAN SERVICES
HB 1476, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.
HB 1562-FN, relative to the role of foster parents.
HB 1791-FN, allowing pharmacists to disclose information relative to lower cost drugs under the managed care law.
HB 1809-FN, relative to balance billing under the managed care law.
HB 1816-FN, relative to Medicaid managed care.
HB 1822-FN, making hormonal contraceptives available directly from pharmacists by means of a standing order.

CONSENT CALENDAR REPORTS REMOVED

ENERGY AND NATURAL RESOURCES
HB 1238, by Senator Giuda
HB 1515, by Senator Woodburn
HB 1550, by Senator Bradley

JUDICIARY
HB 1313, by Senator Daniels

PUBLIC AND MUNICIPAL AFFAIRS
HB 1392, by Senator Gray

CONSENT CALENDAR

Senator Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought-to-Pass be ordered to Third Reading.

ENERGY AND NATURAL RESOURCES
HB 1309, relative to transferring dogs, cats, and ferrets by animal shelter facilities.
Ought to Pass, Vote 5-0. Senator Bradley for the committee.

> This bill is a housekeeping measure to correct an omission that occurred during the re-write of RSA 437 (Sale of Pets and Disposition of Unclaimed Animals) during the 2017-2018 budget process. This bill adds back the requirement that all shelter facilities have a microship scanner on site and shall maintain a list of recognized pet retrieval agencies.

HB 1488, establishing a committee to study the public utilities commission's role and scope of duties in a deregulated environment.
Interim Study, Vote 5-0. Senator Fuller Clark for the committee.

> This bill establishes a committee to study the Public Utilities Commission's role and scope of duties in a deregulated environment. The committee believed it best to blend the duties of the proposed study committee into HB 1796, which renames and restructures the duties of the current Legislative Oversight Committee on Electric Utility Restructuring.

HB 1796, relative to the legislative oversight committee on electric utility restructuring.
Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

> This bill renames and redefines the goals of the Legislative Oversight Committee on Electric Utility Restructuring. This committee has met regularly since its inception to review the progress of New Hampshire's effort to restructure its electricity industry. The bill maintains the existing committee and alters its duties to ensure

oversight of the transformations expected from grid modernization. This amendment further expands its duties to examine the Public Utilities Commission's role in a deregulated market.

Energy and Natural Resources
April 25, 2018
2018-1798s
06/05

Amendment to HB 1796

Amend RSA 374-F:5, III as inserted by section 1 of the bill by replacing it with the following:

III. The committee shall provide an interim report on or before April 1, and an annual report on or before November 1 to the governor, the speaker of the house, the senate president, the state library, and the public utilities commission on [~~the status of electric utility restructuring, including the status of core energy efficiency programs monitored under RSA 374-F:6~~] ***activities before the public utilities commission and other cognizant state agencies in regard to evolving changes in the provision of electric services to New Hampshire customers, including modernization of the electric grid, development of technologies for electric storage, electrification of transportation, the growth of distributed generation, the commission's role in a deregulated market, and such matters as may arise that may present opportunities to improve the delivery of electric services or to reduce cost***.

HEALTH AND HUMAN SERVICES

HB 1261, relative to record management of abuse and neglect reports.
Ought to Pass, Vote 5-0. Senator Hennessey for the committee.

This bill revises the retention requirements for founded, unfounded, unfounded but with reasonable concern, and screened-out reports of abuse and neglect. Under this bill, screened-out reports would be held for 4 years, unfounded held for 10 years, unfounded but with reasonable concern held indefinitely and founded held indefinitely. This bill is similar to Senate Bill 63, which the Senate already has passed. This will be another step forward in ensuring we do what is best for New Hampshire families.

JUDICIARY

HB 1373, relative to an individual's property right in his or her DNA.
Interim Study, Vote 5-0. Senator Carson for the committee.

This bill would declare that an individual's genetic information and DNA sample are the property of the individual. This is an important issue to address, however the language is confusing and there is potential that this will lead to negative unintended consequences regarding law enforcement investigations.

HB 1377, relative to emancipation by marriage and establishing a committee to study the emancipation of minors.
Ought to Pass with Amendment, Vote 5-0. Senator Hennessey for the committee.

The bill as amended establishes a committee to study the emancipation of minors. The Committee amended the bill to remove the automatic emancipation of minors by marriage, as the issue of emancipation needs to be examined as whole.

Senate Judiciary
April 9, 2018
2018-1404s
05/06

Amendment to HB 1377

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the emancipation of minors.

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

2018-1404s

AMENDED ANALYSIS

This bill establishes a committee to study emancipation of minors.

HB 1404, relative to the competing harms defense.
Inexpedient to Legislate, Vote 5-0. Senator Lasky for the committee.

This bill would amend the statute regarding the defense of competing harms, which allows the defense the ability to argue that not acting would be worse than following the law. This is currently allowed in rare cases at the judge's discretion, but this bill would unnecessarily broaden the scope of the statute to any case. Therefore, the Committee supports the motion of Inexpedient to Legislate.

HB 1467, relative to the penalty for driving after revocation or suspension.
Inexpedient to Legislate, Vote 5-0. Senator Hennessey for the committee.

This bill would modify the penalty for driving after revocation or suspension. Due to the seriousness of a DWI conviction and the subsequent revocation or suspension of a license, it is essential to maintain this penalty within the statute in recognition of the significance of the charge.

HB 1537, relative to a second opinion on health care matters for state or county prisoners.
Interim Study, Vote 5-0. Senator Carson for the committee.

This bill would permit state and county prisoners to have a second medical opinion from a licensed health care provider. The Committee had significant concerns regarding the inequity this would create due to prisoners' different financial capabilities and the day-to-day application of the law. Therefore, moving this bill interim study will allow those concerns to be examined.

HB 1586, relative to judicial review for underage marriage.
Ought to Pass, Vote 5-0. Senator Lasky for the committee.

This bill prohibits the court from granting permission for a marriage involving a minor if the other party, except for the marriage, would be guilty of sexual assault. Essentially, this will enshrine in law that if sexual contact between two parties seeking to be married would otherwise be sexual assault, the marriage will not be granted.

HB 1587, relative to the minimum age for marriage.
Ought to Pass, Vote 5-0. Senator Gannon for the committee.

This bill requires a person to be at least 16 years of age to marry. Currently, NH treats men, women, and same-sex couples all differ-

ently in terms of marriage age laws. This establishes one age for all marriages and reinforces the gravity of the decision to marry in regards to our younger citizens.

HB 1774, relative to parenting plans and relocation of a child's residence.
Ought to Pass, Vote 5-0. Senator French for the committee.

This bill requires parenting plans to include a detailed parenting schedule, revises factors for determining the best interests of the children, and revises the statutory criteria governing relocation. These added requirements will add clarity to these proceedings and help to eliminate contention in these potentially emotionally charged situations.

PUBLIC AND MUNICIPAL AFFAIRS
HB 1294, relative to religious societies.
Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

This bill repeals certain obsolete statutes relative to the powers and authority of religious societies. The bill also repeals the majority of RSA 307, relative to pew ownership and the sale and repair of meetinghouses.

Public and Municipal Affairs
April 25, 2018
2018-1775s
05/08

Amendment to HB 1294

Amend the bill by replacing section 6 with the following:

6 Repeal. The following are repealed:
I. RSA 306:2, relative to taxes raised by religious societies.
II. RSA 306:3, relative to donations to religious societies.
III. RSA 306:5, relative to joint donees.
IV. RSA 306:6, relative to parsonage land.
V. RSA 306:10, relative to limitations on donations as church income.
VI. RSA 307:1-6 and RSA 307:8-9, relative to the sale of meetinghouses.
VII. RSA 307:10-20, relative to the repair, alteration, and removal of meetinghouses.

The question is on the adoption of the Consent Calendar. Adopted.

Recess. Out of recess.

REGULAR CALENDAR

COMMERCE
HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire.
Interim Study, Vote 5-0. Senator Sanborn for the committee.

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise to address the motion of Interim Study as the bill came out of the Commerce Committee. I'd like the body to understand that we made the decision to bring the bill out as an Interim Study basis, so we could actually bring forth an amendment, because we didn't want you to pass or kill the bill as it came out. So I'd ask the body to turn down the motion of Interim Study so I can make a further motion of Ought to Pass and introduce an amendment. Thank you very much, Mister President.

The question is on the adoption of the motion of Interim Study. Failed.

Senator Sanborn moved Ought to Pass.

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9
May 2, 2018
2018-1871s
04/10

Floor Amendment to HB 1100

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Commission to Review and Evaluate Workforce and Job Training Programs in New Hampshire. Amend RSA 273 by inserting after section 27 the following new subdivision:

Commission to Review and Evaluate Workforce and Job Training Programs in New Hampshire

273:28 Commission Established.

I. There is established a commission to review and evaluate workforce and job training programs in New Hampshire. The purpose of the commission is to review and evaluate all government funded workforce and job training programs in New Hampshire to ensure that they are effective, not duplicative, and that they are contributing to the needs of the workforce and the labor market.

II. The commission shall consist of the following members:

(a) Two members of the house or representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) The commissioner of the department of labor, or designee.

(d) The commissioner of the department of education, or designee.

(e) The commissioner of the department of employment security, or designee.

(f) The chancellor of the community college system of New Hampshire, or designee.

(g) One member of the public, appointed by the governor, who shall be appointed from a list of 5 nominees from organized labor consisting of one from each of the following: New Hampshire AFL-CIO, New Hampshire Building Trades Council, AFT-New Hampshire, NEA-New Hampshire, and the State Employees' Association of New Hampshire.

(h) One member representing the National Federation of Independent Businesses, appointed by that organization.

(i) One member who owns an automobile dealership in New Hampshire, appointed by the governor.

(j) One member representing the manufacturing industry, appointed by the governor.

(k) One member representing the New Hampshire Lodging and Restaurant Association, appointed by the association.

(l) One member representing the Associated Builders and Contractors, appointed by that organization.

(m) One member representing the New Hampshire Nurses Association, appointed by the association.

(n) One member representing the New Hampshire High Technology Council, appointed by the council.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall:

(a) Receive testimony and request data from each state agency that administers a workforce or job training program funded in the state budget.

(b) Receive testimony from individuals who have participated in such programs and determine if the program satisfied their needs and expectations, and review the data to determine the cost per enrollee in each program.

(c) Review the occupations each program is training individuals to perform and determine if there is overlap in training.

(d) Review methods of achieving more successful outcomes and promote such programs to increase public awareness.

(e) Review opportunities to direct enrollees into occupations facing a shortage of workers in the state.

(f) Study existing job training programs to determine the efficiency of the program, the cost per job resulting from a job training program, an analysis of job retention rates for individuals obtaining jobs through a job training program, the historical results of such programs, and a comparison of the costs and results of government-funded and privately-funded job training programs.

(g) Review and make recommendations on the consolidation of the following job training programs, and any other job training program, into one comprehensive job training program that will meet the needs of the public and New Hampshire employers, and determine the cost savings, if any, from such consolidation:

(1) Department of health and human services, division of family assistance, accounting unit 05-95-45-450010-6127-employment support program.

(2) Department of health and human services, Supplemental Nutritional Assistance Program, employment and training.

(3) Department of education, division of career technology and adult learning, accounting unit 06-56-56-565010-6031-apprenticeship training program.

(4) Department of education, division of career technology and adult learning, accounting unit 06-56-56-565010-6030-career and technical education/vocational education (CTE/VOC ED-State).

(5) Department of education, division of career technology and adult learning, accounting unit 06-56-56-565010-6032-career technology education/vocational education (CTE/VOC ED-Perkins).

(6) Department of education, division of career technical and adult learning, accounting unit 06-56-56-565010-4095-Youth Title I-Workforce Investment Act.

(7) Department of education, division of career technology and adult learning, 7004-adult education.

(8) Department of education, division of career technical and adult learning, accounting unit 06-56-56-565010-2538-vocational rehabilitation field programs match.

(9) Department of education, division of career technical and adult learning, accounting unit 06-56-56-565010-2539-supported employment, Title VI-C.

(10) Department of safety, fire standards and emergency medical services training courses under RSA 21-P.

(11) Department of employment security, job training funds from the department of health and human services.

(12) Department of business and economic affairs, job training program for economic growth pursuant to RSA 12-O:30-37.

(13) Police standards and training council training programs pursuant to RSA 106-L.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Eight members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2018.

SENATOR SANBORN: Thank you, Mister President. I'll do my song and dance while I wait for the amendment. Here it is. Thank you very much. Mister President, and members of the body, we all understand that workforce training is very important to us, and it's something that this body has always supported although there have been some questions relative to whether we should look at it and if we do look at it, how do we look at it. So the bill as it came from the House had five Senators, I'm sorry five House Reps, two Senators, a lot of commissioners but really no one that actually does workforce training and no entities that actually derive the benefit from workforce training. So before you you'll see an amendment that reconstitutes the committee to put people on there, for example, from the community college system that does training, from people in several different industries that actually have had a benefit of workforce training. What we're really trying to do with this amendment is to actually look at all of our workforce training programs to see which ones are successful, to see which ones although may be well intended, but maybe they haven't been so successful and we need to rein them in. Now Mister President, you might know that we've had discussions on several occasions as to how many workforce training programs we have in New Hampshire and we've always kind of bounced around to what the numbers are, but my good friend who lives in Milford, actually finally coughed up his report and I appreciate the work that he did so I just want the body to know quickly. These are the existing job training programs we have being funded by the state of New Hampshire.

Over at Health and Human Services, we have a TANF job training program that we spend $8.6 million on, in Education, we have an apprentices training. We spend $600 million on that provides curriculum coordination development of apprenticeships programs. We happen to have another education apprentices training program that we spend $239,000 a year on for electrical machinists. We have a CTE, VOC Ed program we spend $2 million on a year, between Pathways and Seamless Transitions for secondary career. We have a youth Title 1 WIA program we spend $1.6 million on a year. We have an adult education program we spend $5 million on a year. We have a VOC rehab field program that we spend $250 million a year. We have a supportive employment title 5C program we spend $300,000 on a year. Over in Safety, Mister President, Fire Standards and Emergency Medical Services has a training program we spend $7.3 million on. At Employment Security we have yet another job training program we spend $125,000 on. Over at DRED, is it still named DRED, Mister President? We have a job training program we spend $2 million on a year, and that's under RSA 1258. Also our Police Standards and Trainings Mister President, we spend another $3.5 million a year. So this totals the fact that today in our government we have thirteen individual job training programs that we're spending just shy of $34 million a year

for. And I'd point out to the body, that in addition we spend another $3 million bringing the total to just under $37 million a year Mister President, on thirteen different job training programs. So what this amendment looks to do is to actually bring forth a committee, finally, to look and consider all of these programs and their efficacy and whether or not it's a good use of the people's money and how we might be able to use the money better. So with that I would submit to the body Amendment 1871 and ask for the body's approval. Thank you, Mister President.

(The Chair recognized Senator Feltes for a question of Senator Sanborn.)

SENATOR FELTES: Thank you, Mister President. Thank you, Senator. Senator, I'm sure you're aware that the bulk of these programs are federally funded, that they have very intensive reporting and evaluation requirements that they've been found to be cost effective return on investments. My question is, why not just read those reports and then move forward? Why do we have to form a commission to read the reports that they already do?

SENATOR SANBORN: Senator, thank you so much for the question. I appreciate it. Being past Chair of the Commerce Committee, I have never seen a report on efficacy of any of these programs, and I'll point out to you, Senator, that of the $37 million in programs we have, only $13 million of it actually comes from federal funds, 8.8 million comes from the general fund and just under $12 million comes from other funds. So Senator, I agree with you. Because I got the report. I agree with you, at some level each of these job training programs should have some sort of accountability for the taxpayer, and what we're hoping through this commission is to look at them and actually set some standards up.

SENATOR FELTES: Are you aware that the demand for job training public-private grants to skill up workers to fill available positions far exceeds available resources in the state of New Hampshire right now?

SENATOR SANBORN: Senator, thank you so much for the question. I would remind the good Senator that this is not a question as to whether or not we should be having or doing job training programs, I think everyone is supportive of it. But knowing as you have indicated that financial resources are limited, even though we're spending almost $40 million a year on all of these programs, that I think it's important for us and for the legislative body to look at these programs and see if they're being effective, because if a program isn't working maybe it's our time to have that policy discussion, that we move the money towards another program or create another type of a program. I know you yourself have introduced several over the years. So again, this is not meant to discredit or look negatively at any of the programs, it's actually kind of our time to kind of look at the programs in general to see which ones are working and which ones might need some help.

SENATOR FELTES: Thank you.

(The Chair recognized Senator Watters for a question of Senator Sanborn.)

SENATOR WATTERS: Thank you, Mister President, and thank you, Senator for taking my question. I wanted to take a look for a moment with you on page 2, lines 25 to 29, which say review and make recommendations on the consolidation of the following job training programs, and you have them listed here. Now I note in particular that the list includes the WIOA program that is funded by federal funds and under

their own standards as a discrete entity. So are you aware of the fact that we would not be, it would not be allowed under statute for us to consolidate these?

SENATOR SANBORN: Senator, thank you so much for the question. Exactly the reason we're charging a commission to look at all of these programs holistically. We know there are many programs throughout the state that use both general and federal funds. There are other programs that only use federal funds. And clearly if there are specific restrictions that federal funds couldn't be used in a cross pollination act, I completely understand. And again, this amendment is not, is specifically not designed to create a policy consideration. This is an amendment to make a commission to look at all of these different job training programs and basically do what I would assume you would do, just take the assessment, see where we are and what ultimately might make some recommendations that make it all better.

SENATOR WATTERS: Thank you. So you know, I guess it's my own curse to pay attention to words. But it was my career. If you knew that one could not consolidate the WIOA programs, why would your bill say that the commission is supposed to make recommendations on consolidations?

SENATOR SANBORN: Senator, thank you so very much. So words do matter. And I agree with that even though, you know I joke regularly that literacy is a worldwide epidemic, I read this part of the statute as a charge of the commission to make recommendations as they do in every single report they do. Now their recommendation may well be we can't consolidate any of these programs. Their recommendation might come back and say they all stand up on their own two feet, they all are incredible use of the money and our average cost per job is lower than the national average and everything is great. But it also might come up and say look, there are a couple other job programs that maybe we could consolidate functions, save the taxpayer a little bit of money, re-allocate the money to a program that's working, and literally that's all this program's really looking to do, is to take a look at all the programs we have, because remember we had long debates in this room relative to how many programs we had and obviously now we have some list of some of them. The question just is what one's working, what one's not working, can we make it work better, should there be some consideration for consolidation or not. We should always look at everything government does, Senator, to see if there's a better way to make it work.

SENATOR WATTERS: So just so we have it in the record here, that if we pass this, the first message to this commission is they don't have to pay attention to this language right here particularly?

SENATOR SANBORN: Senator, thank you so much for the question. Just for the record, as you know legislative intent's very important to me, my position is in the position of this document to charge a commission of people who I think are well skilled to take a look at all of our job training programs and take a good hard look at them, and let's see which ones are working or not working and let's prove to the taxpayer and this body that it's money being well spent. I do not believe for the legislative intent, that this is a commission that we're looking to specifically make consolidations or eliminations of programs. But I do think, sorry Mister President, I do think that we need to look at them, and that's what this commission's really looking to do.

SENATOR WATTERS: Thank you for the clarification, that's very helpful. Thank you.

(The Chair recognized Senator Kahn for a question of Senator Sanborn.)

SENATOR KAHN: Thank you, Mister President. I rise with a question for my colleague from Senate district 9. Were there hearings on this commission? On the forming of this commission, that the agencies might have had some opportunity to review this?

SENATOR SANBORN: Senator, thank you so much for the question. As you know, this is a bill that came over from the House that had a public hearing, was voted on the House, and came over to the Senate and is a bill specifically about a workforce training commission, to look at these things. So all this bill looks to do is to expand the players on the commission and to ask the same questions. In fact, most of the duties in there actually came from the House Bill.

SENATOR KAHN: Thank you.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. So first off we've formed a commission, this would form a commission, must have at least twenty-five members on it, and to me, this looks a lot like a body that I've seen operate for the last twenty years at least, which is the Workforce Investment Opportunity Board. Same membership. Almost the same membership. All the actors in the job training world, all of the agencies that administer them. This is duplication. There is just no doubt in my mind that we are creating something to duplicate something that already exists, that if they were brought into the conversation, we could have used the data that they've already collected and ask them to provide more. That's the case. I agree that these words matter, and I'm glad that my colleague from District 4 has pointed us to page 2 because it definitely says, a consolidation into one comprehensive job training program. Impossible, just not possible. I've got the list, probably it looks a little different than my colleague's from District 9, but the same list. Five different state agencies, administering funds from what I can see is the U.S. Department of Education, U.S. Department of Health and Human Services, U.S. Department of Labor. I mean they're following federal statutes, in carrying out these programs. So, I guess I would encourage the body, vote this down, this is not a necessary action and let's bring these agencies and the WIOA Board into the conversation. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise against the Floor Amendment 1871s. New Hampshire has a very easy way of dealing with this problem. We have a budget process. And we do it every two years, and we examine every department in state government and we examine every dollar that's spent in state government. We look at reports from every department. What do we need another commission for? We're going to commission ourselves to death. Let's have legislators do what they're elected to do: examine what's going on in the state. We have a process. That process has been in place as I understand it for like two hundred years. It's worked for two hundred years. We do it every two years. The Governor submits a budget, he evaluates every department, he sends out a memorandum. This is what I ask of you for the next biennium. If there are problems, they're noted. The legislature does the same thing. We bring in every department, we ask every department to elucidate on what you are doing, how much money you need and what

is your success rate. It's worked out well. I don't see another commission. I've been around here for a long time. How many of you can remember one significant thing that a commission gave us with the exception of the Royden Sanders Commission, commissioned in 1968 to look at the tax structure of the state of New Hampshire? Now it's the only one I've seen that's really come forward and made a dramatic difference in the state. When we left the inventory tax, we abandoned it because it was bad, and we created the business profits tax which has made us an economically successful state for a number of years. We don't need another commission. What we need is good audits. We need good efforts in terms of our departments, holding our department heads accountable and making sure that a legislature performs properly. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Once again, I rise and ask the body to support this amendment. It's amazing we're getting off to such a wonderful start on a beautiful hot day. But to my colleague from District 20, I have lost count of the number of commissions he has sponsored or co-sponsored in my time in this body. So of course they matter. In fact I think we have 800 commissions floating around this building today. Because this is how we investigate things. This is how we bring people to the table. So the process, the process has always been about charging the legislature and the business community to review how we operate and then make recommendations to the body. So again, as I would say, when we look at this, you know this commission receives testimony from individuals who have participated in the programs to determine if they're satisfied with the program. Review each occupation's training individuals, review methods for achieving more successful outcomes. Are you saying we don't want to do this type of stuff? Are you saying we don't want to ask the people that have actually gone through job training programs and see if they were successful? Do we not want to reach out to the business community and say, hey, did you get a good employee after the training program? Seriously, look, let's roll this thing back up Mister President, get us back in the box. Simple commission to look and see if we're doing a good job, helping people to get better jobs. That's what the amendment does. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14
April 27, 2018
2018-1821s
04/10

Floor Amendment to HB 1100

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to review and evaluate workforce and job training in New Hampshire and relative to veterans' preference in public employment.

Amend the bill by replacing all after section 2 with the following:

3 Veterans' and Disabled Veterans' Preference in Public Employment. Amend RSA 99-F:5, III to read as follows:

III. A public employer that does not appoint a veteran or disabled veteran to a vacant position for state employment, shall upon written request of the veteran or disabled veteran, provide an explanation of

its decision. ***The explanation shall include information for the veteran or disabled veteran regarding other public employer positions within the hiring agency for which the veteran or disabled veteran may be qualified to apply.***

4 New Paragraph; Veterans' and Disabled Veterans' Preference in Public Employment. Amend RSA 99-F:5 by inserting after paragraph III the following new paragraph:

IV. A public employer shall conduct a review and publish a listing of all positions for which active duty veterans or disabled veterans who have been honorably discharged shall be acceptable and who fulfill the minimum experience required for the position. The listing shall include law enforcement, security, and corrections positions for which the public employer regularly conducts recruitment at the entry level. The bona fide occupational qualifications for the position, including the acceptance of active duty service as experience, shall be determined by the employer.

5 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

II. Sections 3 and 4 of this act shall take effect 60 days after its passage.

III. The remainder of this act shall take effect upon its passage.

2018-1821s

AMENDED ANALYSIS

This bill establishes a commission to review and evaluate workforce and job training programs in New Hampshire. This bill also requires a public employer who does not appoint a veteran or disabled veteran to a position to provide information on other public employment positions for which the veteran or disabled veteran may be qualified and publish a list of other public employment jobs for which the veteran or disabled veteran may be qualified to apply.

SENATOR CARSON: Thank you very much, Mister President. This might look a little familiar to some of you. It is a bill that we passed earlier this session dealing with veterans and giving veterans preference in state employment. It passed this body on a voice vote but unfortunately in the House, they got stuck on what is a public employer. They didn't really seem to understand what it is. So just for clarification purposes RSA 99-F: 2 V, a public employer means the state, or any department of the state and any person authorized to act on behalf of the state or any department of the state with respect to control, management or supervision of an employee. So I think that I'd like to send this back to the House, that hopefully we can clear up whatever misconceptions that the House has on this because I think this body over the time that I have been here, has stood strong with veterans. They are a vital part of our workforce and if we can give them a preference in state employee, we all benefit. Thank you very much, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
April 30, 2018
2018-1836s
04/05

Floor Amendment to HB 1100

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to review and evaluate workforce and job training in New Hampshire and relative to workforce development and job training.

Amend the bill by replacing all after section 2 with the following:

3 Unemployment Fund; Employer Rates. Amend RSA 282-A:87, IV(a) to read as follows:

IV.(a)(1) Each employer subject to payment of contributions pursuant to RSA 282-A:69, I shall have its rate reduced by [~~2/10~~] ***2/5*** of one percent beginning in the [~~second~~] ***third*** quarter of [~~2007~~] ***2018***. An administrative contribution equal to the amount of this reduction shall be paid by all such employers.

(2) Commencing [~~July 1, 2007~~] ***September 1, 2018***, after deduction of all costs incurred in the collection of the administrative contribution, 1/3 of the quarterly administrative contribution collected, not to exceed [~~$2,000,000~~] ***$5,000,000*** annually, shall be deposited each quarter in the fund established by RSA 282-A:138-a and shall be expended only as provided by and for the purposes provided in that section***, provided that commencing April 1, 2020, the amount shall not exceed $2,000,000 annually***. The remaining quarterly administrative contribution collected shall be ***divided so that the proportional share of the quarterly administrative contribution resulting from the increase over 2/10 of one percent shall be deposited in the unemployment compensation fund established under RSA 282-A:103 and the remaining amount*** deposited in the fund established by RSA 282-A:140 and shall be expended only as provided by and for the purposes provided in that section, and not for any other purpose.

4 Training Fund. Amend RSA 282-A:138-a, I to read as follows:

I. There is hereby created in the state treasury a special fund to be known as the training fund. Commencing January 1, 2002, the moneys in this fund may be used, solely as determined by the commissioner of business and economic affairs in accordance with rules and guidelines adopted by the commissioner of business and economic affairs, ***after consultation with the governor's state workforce innovation board,*** for funding training under the job training program for economic growth, established under RSA 12-O:30 through 12-O:37. Rulemaking authority relative to administration of the grant award process shall be with the commissioner of ***business and economic affairs*** pursuant to RSA 12-O:33.

5 Job Training Program for Economic Growth; Training Programs. RSA 12-O:32 is repealed and reenacted to read as follows:

12-O:32 Training Programs.

I. Training programs may include, but shall not be limited to:

(a) Structured, on-site laboratory or classroom training.

(b) Basic skills.

(c) Technical skills.

(d) Quality improvement.

(e) Safety.

(f) Management and supervision.

(g) English as a second language.

II. Pursuant to rules adopted by the commissioner of business and economic affairs under RSA 541-A, not to exceed $250,000 annually may be provided to further support programs offered as of January 1, 2018, and in addition to programs offered as of January 1, 2018, funding shall be provided for:

(a) Training individuals not otherwise eligible for state or federal training funds available as of January 1, 2018, including the cost of

certificate programs and occupational skills training of individuals not currently employed with an employer in order to fill current in-demand employment in New Hampshire with employers having immediate employment needs, with a priority for jobs identified through the state's sector partnership initiative.

(b) The WorkReadyNH program established by the community college system of New Hampshire in an amount not to exceed $250,000 annually, including expanding the WorkReadyNH program to current high school students in grades 10 through 12 on a pilot basis.

(c) Recruitment for and program availability of certificate programs and occupational skills training opportunities for New Hampshire high school students upon graduation in order to fill current in-demand employment in New Hampshire.

(d) Marketing of New Hampshire's workforce development initiatives to employers and business community representatives in New Hampshire and for support of the education and acceleration programs within New Hampshire's non-profit business incubators.

(e) Recruitment and coordination of services provided in this subdivision to populations with higher than average unemployment in New Hampshire, including persons in need of training to change careers, persons with substance use disorders who are in recovery programs, persons with disabilities, inmates transitioning to the general population, senior citizens, legal immigrants and speakers of languages other than English, with priority given to persons with substance use disorders who are in recovery programs.

6 Job Training Program for Economic Growth; Eligible Costs. Amend RSA 21-O:35, IV to read as follows:

IV. The department may use no more than [~~10 percent, or $200,000,~~] ***7.5 percent*** of any moneys received from the training fund established [~~at~~] ***in*** RSA 282-A:138-a[~~, whichever is less,~~] to administer this program.

7 New Paragraph; Job Training Program for Economic Growth; Report. Amend RSA 21-O:37 by inserting after paragraph III the following new paragraph:

IV. The commissioner shall annually provide a report to the governor's state workforce innovation board, the speaker of the house of representatives, the president of the senate, the chairperson of the senate committee with jurisdiction over commerce issues, and the chairperson of the house committee with jurisdiction over labor issues concerning the effectiveness of all job training programs and services.

8 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

II. The remainder of this act shall take effect upon its passage.

2018-1836s

AMENDED ANALYSIS

This bill establishes a commission to review and evaluate workforce and job training programs in New Hampshire and expands job training programs offered by the department of business and economic affairs.

SENATOR FELTES: Thank you very much, Mister President. We heard from my friend from District 10 that there is a workforce investment opportunity agency. That agency, that board, and our job training professionals have worked together on enhancing our job training programs for the last few years. Cost effective job training programs. What this does is it reflects some conversations that were had since the last time we worked on this, including sunsetting. To be clear, sunsetting the increase in support for the job training programs that have a huge demand right

now. Sunsetting that support, coincided with testimony about the unemployment insurance tax careers. So it's been pared back significantly, it's reflected those concerns. You may have a letter here from the High Tech Council, actually formerly known as the High Tech Council, New Hampshire Tech Alliance, in support. So these are very valuable job training programs. I will note though that after the adoption of Senator Carson's amendment, if we adopt this we're going to have to perhaps special order and re-bundle or deal with the sections appropriately. But the goal is not to erase Senator Carson's amendment. The goals is to add this. And again, high demand for these. This is our last chance to act on this before even January or whatever. It's been pared back to reflect the concerns. I'd encourage us to pass it. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise with respect and I appreciate my friend from District number 15 putting the bill in, but I ask that the body not support the amendment and vote it down for a couple of reasons. The first would be this would be a tax increase on the business community and more important or just as important is the fact we just had this discussion earlier on this bill about what are we doing with workforce training. And are we at a place that we should be investing more money into what we know now today is thirteen different programs that I am not convinced and many other people are not convinced that we actually have our hand around how they're operating. So I would ask the body again to vote down the committee amendment. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. It's not a tax increase and the only potential impact would be on the unemployment insurance tax trigger which the Senate President and others have raised concerns about. We sunset the program, sunset the increase to coincide with the testimony on that. So there's no increased taxes, this is something that we need, right now. It's been studied for years and this has been, there's an outstretch demand right now in this program, public-private partnerships, fifty-fifty, a very valuable program. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and ask the body to consider line 10 of the bill which changes the rate and for the business community, when we have to pay any money into our government, we don't necessarily look at it as a gift, it's typically a tax, fee, fine, penalty or an assessment, and it changes the trigger from two tenths to five tenths, which would be two tenths to four tenths and moves it out by a month. So in a sense, this is an expense laid on the business community. But again, more important than all of this is with all of the programs we have today, shouldn't we be taking a step backwards and looking at the efficacy of them versus trying to continue to expand them, when we're not even sure what we have. So again, I'd ask the body to turn down the amendment. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. I rise again to correct the Senator from District 9. This is not a tax increase. When you look at line 10, that's the amount that otherwise goes into the unemployment insurance trust fund. It doesn't increase taxes, it changes the amount that goes to the job training fund, which is cost effective, return

on investment, has demand that outstrips the supply of public-private partnership grants right now. It doesn't increase taxes and we sunset the increase going to job training out in quarter one I believe in 2020, which is what is consistent with the testimony. Thank you, Mister President.

(The Chair recognized Senator Kahn for a question of Senator Feltes.)

SENATOR KAHN: Did I hear you say that the current program is oversubscribed, sold out for programs that business leaders are using to train their current and incoming employees to meet their workforce demands?

SENATOR FELTES: Yes, that's correct Senator. In fact it's been a frustration of the business community for quite some time. We haven't taken action on it. The other thing that this bill does as you may know Senator, is under the existing requirement, there's a burdensome bureaucratic requirement that requires that businesses actually employ the person before they get that job training. This eliminates that requirement. So in other words, if you're applying for a job and you want to get skilled up for that available position, that opens up some flexibility for businesses and that's something businesses wanted so that's built into the bill.

SENATOR KAHN: Thank you. Thank you, Mister President.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Feltes, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
May 2, 2018
2018-1892s
04/06

Floor Amendment to HB 1100

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to review and evaluate workforce and job training in New Hampshire and making an appropriation to the department of employment security for an actuarial study of family and medical leave insurance.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Actuarial Study for Family and Medical Leave Insurance; Appropriation.

I. On or before July 30, 2018, the department of employment security and the insurance department shall jointly issue a request for proposals to complete an actuarial study evaluating mandatory, opt-out, and opt-in statewide family and medical leave insurance models for New Hampshire, including, but not limited to, estimated costs and benefits, premiums, participation rates, and take-up rates for each. The request for proposals may be informed by any responses to requests for information received prior to July 30, 2018. The actuarial study shall be completed on or before January 1, 2019.

II. An amount not to exceed $500,000 is hereby appropriated to the department of employment security for the biennium ending June 30, 2019, for the purpose of funding the actuarial study required under paragraph I. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2018-1892s

AMENDED ANALYSIS

This bill establishes a commission to review and evaluate workforce and job training programs in New Hampshire and makes an appropriation to the department of employment security to conduct an actuarial study of family and medical leave insurance.

The Chair ruled sections of the Floor Amendment non-germane.

Without objection, Senate Rule 3-17 is suspended to allow consideration of the non-germane Floor Amendment. Adopted by the necessary 2/3 vote.

SENATOR FELTES: Thank you very much, Mister President. Again, the intent of this is not to supplant Senator Carson's amendment, so if this does pass we'll have to adjust the sections accordingly. The major argument that at least I heard coming from Governor Sununu and some of my Republican colleagues in opposition to family and medical leave insurance was that an additional actuarial study needed to be completed. What this does is funds an additional actuarial study with mandatory opt out and opt in, which some of my Republican colleagues prefer, family and medical leave insurance models. So with that Mister President, I encourage us to adopt amendment 1892s. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in opposition to this Floor Amendment. Considerable amount of work is already ongoing on a committee that I am working with and I've invited Senator Feltes to join me with. We don't need an actuarial study on a model that doesn't yet exist. And this is the problem we're trying to solve. Working with the stakeholders, I'm working with Roger Sevigny, the Commissioner of Insurance, I'm working with Rich Labors, the Assistant Commissioner of Employment Security and a number of other people that are engaged in the process and we are moving forward with meetings to establish an RFI, Request For Information, from the insurance companies so that we can then go with an RFP. I'm working with the labor unions because we are seeing a model evolved in which and perhaps we can get the state employees to buy into this. And we are meeting with the heads of those unions to establish them potentially as a core base from which we will then develop an actuarial model not based on hypothesis or supposition but a real base into which anyone else can by choice join. So there are a number of models under consideration, public-private partnership as well as private. But there's no need for an actuarial study until you have a model, okay? To actually actuarialize for lack of a better word. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you. Just briefly. I'd point my good friend from District 2 to lines 15 and 16. The request for proposals may be informed by any responses to request for information received prior to July 30 2018. In addition to that, we heard that we cannot, even though I disagree whole-heartedly as you probably know from the discussion last week, the supposition was we can't predict or estimate or certify

to an exact participation rate or take up rate under different kinds of opt in opt out. What this does is look at that. So regardless of how it's administered, take up rate and participation rate, there's something in an actuarial study that people have said they wanted. The Governor said he wanted an additional actuarial study, people in this chamber have said it. So it's time to put our money where we say it is, where our mouth is or whatever the saying is. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. In the process moving forward we are actually developing the questions and those questions will be going out to all employers in the state, through the Department of Employment Security to poll their employees. What would you like, what are you willing to pay, those types of questions. So that whole process is going to get a much better sample size, much larger, much broader, much deeper into the working people of our state that will enable an actuarial model to be that much better. And so again for those reasons it's premature to ask for an actuarial study until we have a model and the data that will enable them to get a much better job done with that study. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark for a question of Senator Giuda.)

SENATOR FULLER CLARK: Thank you for taking my question. I'm interested to know how that poll is going to be conducted, who's conducting it and what is the cost?

SENATOR GIUDA: Thank you for the question. That will be determined in the course of this study that we're doing, and RFI, Requests For Information and if we do this right, an actuarial study will be done by the insurance companies, not paid for by the state. It will save us nominally half a million or whatever it might be. And it will be done by the people that actually will be offering the product based on real data based on the sample size taken throughout the state. So that methodology will be developed in the course of the coming months.

SENATOR FULLER CLARK: But as I understood it from your previous remarks, you said that there would be a poll going out as a means of shaping the model that would then be used. So is that whole initiative also being undertaken by insurance companies, Insurance Department or who's initiating that and paying for it?

SENATOR GIUDA: That whole process, while generally spoken to, will be specifically fleshed out in the course of the meetings that we're having. Because we're going to involve the state's labor force, we're going to involve private sector labor force that will involve employers. Employment Security is willing to do this and able. They have all the companies that pay into the unemployment fund. So the mechanisms to cost and so forth, that will come from the study that's being done this summer with the intent to bring in legislation next fall.

SENATOR FULLER CLARK: Thank you.

The question is on the adoption of the Floor Amendment. Failed.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1285, relative to dancers and entertainers in premises serving alcoholic beverages.
Ought to Pass, Vote 4-0. Senator Innis for the committee.

SENATOR INNIS: Fifty-five minutes in Mister President. Thank you. I move Ought to Pass on House Bill 1285. This bill clarifies language in the existing statute that will protect entertainers and dancers who perform in this state. Currently there is an incorrect interpretation that would classify entertainers such as musical groups, comedians and other artistic acts as employees of the state of New Hampshire. Presently entertainers are not permitted to consume alcohol while performing because the interpretation of the statute by the liquor commission classifies them as employees. Entertainers are not on a venue's payroll as a paid employee of the establishment, they do not complete employment paperwork or receive a paycheck. They are not required to work a certain amount of payable hours, and do not receive traditional benefits. They're private contractors and work for themselves. Currently, the liquor commission supports this bill because they don't have the manpower to effectively enforce the current statute. The scope of the law is burdensome to small businesses in this state as well as the entertainment industry. The bill clarifies that in the state of New Hampshire an entertainer would not be considered an employee under the current statute. There is comedian Ron White who does his act with scotch on a chair next to him. If we pass this I'm sure he will be thrilled. So please join the committee in voting House Bill 1285 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1382, repealing the requirement that restaurants provide separate bathrooms for each sex.
Ought to Pass, Vote 3-2. Senator Innis for the committee.

Senator Innis moved to Lay on the Table HB 1382. Adopted.

HB 1487, relative to banks and credit unions.
Ought to Pass, Vote 4-1. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. I move Ought to Pass on House Bill 1487. This bill makes several changes to the New Hampshire banking laws including authorizing the department to conduct background investigations of department contractors. It authorizes the commissioner to release reports to government sponsored banks created under the Federal Home Loan Bank Act and requires depository and foreign banks to notify the department of relocation of loan production offices. For these reasons I hope you will join the committee in voting House Bill 1487 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1519, relative to the conduct of condominium unit owners' associations votes without a meeting.
Ought to Pass, Vote 5-0. Senator Lasky for the committee.

SENATOR LASKY: Thank you, Mister President. I move Ought to Pass on House Bill 1519. This bill adds a new section of law to the statute regarding examination and recount of a condominium unit owner's association vote taken without a meeting. This bill requires that all ballots cast in an association vote shall be counted using a tally sheet for the vote. If more than one ballot item was voted on, the board may elect to keep a corresponding tally sheet for each ballot item. The ballots and tally sheets shall be made available for examination and recount by request of any owner participating in the vote immediately following

announcement of the results of the vote taken. Please join the committee in voting House Bill 1519 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1521, relative to the definition of an emergency for a special assessment in a condominium.
Ought to Pass, Vote 5-0. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on House Bill 1521. This bill defines the term emergency for purposes of a vote for a special assessment in a condominium unit. For the purposes of this section, an emergency means a situation that requires the immediate action of the Board of Directors, where a danger to the structural integrity of the common areas is discovered. Or to the life and safety of property unit owners or as required by court under order or to respond to any legal or administrative proceeding brought against the association that could have been reasonably foreseen by the board in preparing and distributing the annual operating budget. Please join the committee in its recommendation of Ought to Pass on HB 1521. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1578, relative to samples from nano breweries.
Interim Study, Vote 4-1. Senator Lasky for the committee.

SENATOR LASKY: Thank you, Mister President. I move House Bill 1578 Refer to Interim Study. This bill allows a nano sized craft beer manufacturer to provide samples of their products and sell them on the premises of a licensed wine manufacturer. We've had several beer and wine bills over the last two years and the committee felt that this is providing special treatment for nano breweries that other licensees are not receiving. It is not the New Hampshire way to choose a benefit some get while excluding others. So the committee asks that you vote Refer to Interim Study for House Bill 1578. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study. Adopted.

Recess. Out of recess.

HB 1601, relative to a declarant's options for condominium expansion.
Ought to Pass, Vote 3-2. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Ought to Pass on House Bill 1601. This bill was a request of the committee to study the laws relating to condominium and homeowners associations. This bill adds a time limit for the conversion of convertible spaces pursuant to a condominium instrument and clarifies that the clearance options for adding additional units or common areas in a condominium. The bill also amends the law in how the land proposed for future expansion must be identified within the declaration. Please join the committee in voting House Bill 1601 Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and ask this body to stop for a second and take a very deep breath, and consider unintended consequences here. While the bill is well-intentioned and the bill looks to make some sort of a recognition of further expansion of condo projects, the truth of the matter is if we pass this

bill, we are telling every developer of condo projects in New Hampshire that if they cannot build it out within five years from the date of the declaration, they can't build it out. There are condo projects all over the state in every single one of our districts. Every single one of our districts have condo projects that have gone for some period of time. In Hooksett, you've got those condos up on the hill behind the quarry. In Manchester, you've got the Strawberry Hills. In Portsmouth, in Derry, in Windham, in Londonderry, all over this state. Every community, there are condo projects that have taken years upon years upon years to finish. We also cannot forget that although the economy's doing very, very well today, it doesn't always do well. There's these little things called recessions, Senators. Happen about every ten years, where the real estate market stops for six or seven years. If we have a recession that lasts for some period of time, it's telling the developer and just as important Mister President, it's telling the bank for the developer, that the project is never going to pay for itself, because they can't build and sell the units. Because we're about to pass a law if you pass this, that says after this five-year declaration period, you've got to stop. You've got to stop. You can't build anymore. Senators, again I ask you to vote down this not because the rest of the bill isn't good. There are other good parts of the bill. But this issue came up very recently and we have to truly consider the ramifications of this bill and the ramifications are as black and white as the pages we read. If we pass this bill, it is going to stop the development of any condo project that goes out five. It is going to stop the development of any condo project that happens during a recession. It is going to turn to the banking community and fundamentally change how development happens. I don't know of this provision being anywhere else in the country. Never seen it before. This steps us on incredibly thin ice and I'd ask the body to vote down the motion of Ought to Pass and if you guys want to take it up next year and look at it some more that would be great but this is incredibly dangerous ground for us to be standing on today. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. Just to expand a little bit on some of the comments made by the Senator from District 9. There is a five-year time limit on these expansions and other activities, but it's possible for the owner to get a five year extension as well. So you can have up to ten years to make the decision on what you're going to do. And having been involved in real estate, I think those in here who may be have been, ten years is a long time. If you can't find a sweet spot in ten years to expand or do something with that condominium, you ain't going to find it. So this is plenty of time for condominium owners to have the freedom and flexibility that they need to get this done. Thank you, Mister President.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I rise against the motion of and I believe that we should not pass this bill. This bill hurts the people in my area. Ten years is nothing when you live in Franklin. Some of these projects just never fill out. They go on ten, fifteen years and I remember the recession of the 80s. The good Senator from 15 doesn't, he was in high school, but they were rough. And it took years to get through them and we shouldn't put these, grade school, thank you, and we really shouldn't be limiting the developers of the state by passing this. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in opposition to the committee report. At a time when we are crushed for housing of all sorts, we are contemplating adding yet another regulation to discourage the enterprise of construction and building and development when we need it. Why would we do this? Why would we do this? I would encourage you to vote down the committee amendment so we'll move the bill Inexpedient. Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise a second time and I appreciate your indulgence and I ask my Senators that live in Hooksett or Manchester, I ask all you as Senators, if you've ever driven down Second Street, Second Street in Manchester, there's a condo project and we know for two decades, during that last big recession, they built out half of the condo project and nothing but red pig iron stood out on that street for a dog's age, which is over five years ladies and gentlemen. We know that in Hooksett, up behind the quarry, there are several development projects. Those projects themselves have been going on for decades. And I'm sure the Senators from Manchester and the Senators from Hooksett and other Senators in this room all know real estate developments that have been going on for a long time. Having the ability to have one five year extension does not provide sufficient time. In addition to that, even speaking with Senate Counsel just a few minutes ago, he said yes, you could make an amendment to put additional five-year limits on it. There are things that could happen but today as this bill stands before us Mister President, they're not in there. Every one of us has developers in the districts we live in, we have developers we know who develop all over this state, that putting this hard stop after five years will be catastrophic to the development of real estate in our state. And again I ask the body to turn down the amendment. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. I rise to support the Ought to Pass on House Bill 1601 and I guess I should say that I live in a condo so I might have a, just declaring it. But I will say this is a state, we're trying to get young people in to live in this state. We have condos that up to ten years. The condos are what our kids can be buying. My step-daughter and her husband, they have a condo. We live in a condo. This is basically kind of workforce housing. We're looking to try and bring young kids in to be able to live here and I don't think five years with a five year extension is too much to ask to start bringing in some younger kids so that they can afford to live in here. So with that, I support House Bill 1601. Thank you, Mister President.

(The Chair recognized Senator Soucy for a question of Senator Birdsell.)

SENATOR SOUCY: Senator, would you believe one of the issues raised is this five-year provision in the extension? And would you further believe that our existing law since at least 1991 provides that the conversion of convertible land with respect to condominiums has this exact same language?

SENATOR BIRDSELL: I would believe that, Senator.

SENATOR SOUCY: Thank you.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Watters, Hennessey, Gray, Ward, Kahn, Lasky, Carson, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark, Innis.

The following Senators voted No: Woodburn, Giuda, Bradley, French, Sanborn, Daniels, Avard, Feltes, Reagan, Gannon, Morse.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

Senator Sanborn moved to Lay on the Table HB 1601. Adopted.

HB 1605, relative to reinsurance.
Ought to Pass, Vote 5-0. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on House Bill 1605. This bill was a request of the Insurance Department. The National Association of Insurance Commissioners adopted changes to their model law on credit for re-insurance that provides and describe rulemaking authority for the Insurance Commissioner concerning certain captive re-insurance transactions involving specific forms of life, annuity and long-term care insurance. Incorporating these changes into the statute is an NAIC accreditation standard. Maintaining these accreditation standards is important for the department because they assure a level playing field for carriers domiciled in other states who practice in New Hampshire, while offering the same assurance to New Hampshire companies doing business in other accredited states. Please join the committee in voting HB 1605 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

PRESIDENT MORSE: Let me explain the situation. House Bill 1601 which is currently on the table, when I read the report, maybe it was wishful thinking, I declared that it was defeated 13-11. It would have passed 13-11. I recognize Senator Bradley for a motion.

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove HB 1601 from the Table. Adopted.

COMMERCE
HB 1601, relative to a declarant's options for condominium expansion.

The pending motion is Order to Third Reading.

President Morse Ordered HB 1601 to Third Reading.

HB 1654, relative to automobile medical payments.
Ought to Pass, Vote 4-1. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. A very interesting bill and I move Ought to Pass on House Bill 1654. This bill allows insurance carriers to pay health care providers a reasonable fee for services covered under motor vehicle liability insurance. The injured driver and the passengers would not be responsible for medical cost beyond the reasonable costs that have been reimbursed. So please join the committee in voting House Bill 1654 Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Soucy for a question of Senator French.)

SENATOR SOUCY: Thank you, Senator. Can you tell me in this legislation who makes the determination of what's reasonable?

SENATOR FRENCH: The insurer I believe.

SENATOR SOUCY: So if someone disputes what the insurer is saying,1682 would they have to go to a hearing at the Department of Insurance. Is there a provision in this change for that?

SENATOR FRENCH: I didn't see one but I would assume that's the way it usually is handled.

SENATOR SOUCY: Thank you.

The question is on the adoption of the motion of Ought to Pass.

A division vote was requested.

Yeas: 12 - Nays: 11. Adopted, bill ordered to Third Reading.

HB 1682-FN, establishing a committee to study the pervasiveness of foreclosure practices that violate state or federal law.
Inexpedient to Legislate, Vote 4-1. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Inexpedient to Legislate on House Bill 1682-FN. This bill establishes a study committee to study foreclosure practices that violate state or federal law. A study commission was created four years ago for this very issue and resulted in a nearly 300 page long report discussing foreclosure processes in New Hampshire. As a result of that study commission, two separate pieces of legislation were passed for consumer protection; the Dodd-Frank Act which was in response to mortgage markets in 2008, and it regulates every aspect of banking foreclosures. Another study commission is unnecessary and would be quite frankly redundant. Please vote Inexpedient to Legislate on House Bill 1682-FN. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 1687, relative to banking and consumer credit.
Ought to Pass, Vote 5-0. Senator Soucy for the committee.

SENATOR SOUCY: Thank you, Mister President. I move Ought to Pass on HB 1687. This legislation was a request of the Banking Department and makes several technical corrections to our consumer credit statutes. The bill would clarify that the department may review advertisements for three years after the date of publication for retail sellers and sales finance companies. Section 3 expands the definition of clerical or support duties, to increase the number of people who classify as loan processors or loan underwriters that will now not need to be licensed. Expanding the definition will decrease the number who need to apply for a license. It would provide for, the legislation would provide for a dual licensure pursuant to 397-A and RSA 399-D. And ensures that those who are licensed pursuant to 397-A and refer their clients to mortgage modification companies are in fact licensed to do that adjustment in 399-D. Sections 6 and 15 clarify the jurisdiction of the Banking Department and New Hampshire Department of Justice over credit service corporations which provide service to their customers to improve their credit scores. It clarifies that the department's focus is on those entities who actually make loans. And further it incorporates into the small loan statute terms which shall be included in notes, agreements or promises to pay. Lastly, the bill makes several corrections for statutory reference changes and corrects spelling errors. Please join the committee in voting House Bill 1687 Ought to Pass. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1690-FN, relative to liquor licenses.
Ought to Pass, Vote 4-0. Senator French for the committee.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass on House Bill 1690. This bill clarifies certain liquor statutes. Current law for a premise licensee requires a sectioned off area for patrons. In situations where there is a large area, such as a winery, people want to be able to walk around with their glass of wine. This bill allows them to do so as long as they stay within the line of sight. This bill also allows for the commission to issue a supplemental wine festival license or a supplemental liquor festival license to the holder of a wine or liquor manufacturer license, or responsible person representing a voluntary non-profit group. And establishes the fee for liquor festivals at the same levels charged for wine festivals. The one, two or three day fee is 250, 300 or $350. Please join the committee in voting HB 1690 Ought to Pass. Thank you, Mister President.

Senator Sanborn offered a Floor Amendment.

Sen. Sanborn, Dist 9
May 2, 2018
2018-1876s
08/03

Floor Amendment to HB 1690-FN

Amend the bill by replacing all after section 5 with the following:

6 Direct Shippers Licenses; Commission to Sell. Amend RSA 176:11, II to read as follows:

II. In the event that the commission determines New Hampshire liquor revenues are being diverted by actions taken by persons holding either liquor and wine representative licenses[;] ***or*** liquor and wine vendor licenses[~~, or direct shipper licenses~~] who compete directly or indirectly with the commission for market share, the commission may take such marketing or merchandising action, or both, as it deems necessary, including sanctions against the competing entities.

7 Effective Date.

I. Sections 1-5 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

2018-1876s

AMENDED ANALYSIS

This bill:

I. Allows certain licensees to serve alcohol in certain areas the licensee operates.

II. Allows for the operation and licensing of liquor festivals.

III. Repeals provisions licensing cocktail lounges on airships.

IV. Removes direct shipper licenses from consideration for diversion of revenues by the liquor commission.

SENATOR SANBORN: Thank you, Mister President. Mister President, I ask the body to consider amendment 1876. The body might remember that several months ago, that we had debate relative to whether or not we would allow direct shippers of wine to be able to ship into New

Hampshire, which has been a practice we've allowed for a long period of time. This comes on the heels of a bill that was passed two years ago that gave the Liquor Commission sweeping powers that if it felt that it was seeing too much competition, that part of those powers would allow it to restrict the marketing or merchandising of other importers or direct shippers of alcohol. This bill we had a couple of months ago looked to expand that process and this body tabled that bill as a policy that it did not want to support. Unfortunately, we have now found out that there has been significant activity that direct shippers in the state of New Hampshire have been denied renewals of their license and in fact, as of this morning more than fifty direct shippers and what I'm being told is every single renewal from February until today has been denied. I believe this is contrary to the policy that this body considered a few months ago. So what this amendment does, it looks at the legislation that we have passed two years ago and again nearly strikes out the direct shipper licensee, which should therefore allow those wine manufacturers and direct shippers to actually sell directly into our state as they have been doing for some long time. Remind the committee members that if you have your favorite wine or your favorite beverage that the state of New Hampshire does not stock, and they have complete discretion of what to stock, but yet you still want it, or your constituents still want it, passage of this amendment would allow them to go back and continue to get it, because it's being inhibited today. So I'd ask the body to support passage of amendment 1876. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Having just seen this I do want to rise and say some words that I think perhaps we're not ready to vote in support of this. The language of the amendment notes that the Liquor Commission has this authority in the event that the commission determines New Hampshire liquor revenues are being diverted by actions taken by certain persons. Now we depend on the Liquor Commission to produce substantial amounts of revenue for the state. Now if they are being capricious here, or if they have not been able to demonstrate that revenues are being significantly diverted, well let's hear about that and then maybe this is needed. But presuming that they are doing this without justification given in the statute to protect the revenues that come to our state coffers, why should we pass this now? Thank you, Mister President.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Gray, French, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 12 - Nays: 12. Failed.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1740, relative to costs of blood testing orders.
Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

Commerce
April 24, 2018
2018-1760s
08/04

Amendment to HB 1740

Amend the title of the bill by replacing it with the following:

AN ACT relative to costs of blood testing orders and licensing historic racing.

Amend the bill by replacing all after section 2 with the following:

3 Limitation; Application of Chapter to Historic Racing. Amend RSA 284:1 to read as follows:

284:1 Limitation. This chapter shall be construed to apply only to running or harness horse racing, whether live***,*** [~~or~~] simulcast***, or historic***, or simulcast dog racing.

4 Racing and Charitable Gaming; Historic Racing. Amend RSA 284:6-a, VI to read as follows:

VI. The lottery commission shall not authorize the use of any electronic gaming device in connection with the acceptance of wagers on running or harness horse racing, whether live***, historic,*** or simulcast, or simulcast dog racing, the type of which was not in use prior to January 1, 2011, unless specific authorization for such electronic gaming device is enacted by the general court. Electronic gaming devices shall mean and include all electro-mechanical instruments and devices used for the purposes of gaming, other than wagering on live***, historic,*** or simulcast horse racing or simulcast dog racing, whether in physical presence or through the Internet, and such shall include, but not be limited to, video slot machines and other gambling devices which function or are designed to function to emulate a video slot machine[~~ or historic racing machine~~]. This section shall not be interpreted to prohibit licensees under RSA 284 from replacing equipment used in the conduct of wagering on live***, historic,*** or simulcast horse racing or simulcast dog racing, which type of equipment was in service prior to January 1, 2011, with updated or new equipment which are the functional equivalent of the machines which are being replaced, provided the equipment is not an electronic gaming device as described in the previous sentence. This section shall not be interpreted as prohibiting licensees from accepting account wagers in compliance with applicable rules and regulations.

VII. Notwithstanding the provisions of RSA 284:6-a, VI, the lottery commission shall authorize wagers on historic horse races, whether on an electronic gaming device or otherwise, so long as such wagers meet the requirements of this chapter.

5 Rulemaking; Historic Horse Racing. Amend RSA 284:12, IV to read as follows:

IV. The sale of pari-mutuel pools as authorized under RSA 284:22***,*** [~~and~~] RSA 284:22-a***, and RSA 284:22-b***.

6 Investigation Fees. Amend RSA 284:12-a, I to read as follows:

I. No person, association, corporation, or any other type of entity shall hold any live running or harness race or meet, ***shall offer wagers on historic horse races,*** or shall conduct any simulcast running or harness horse or dog race or meet, at which pari-mutuel pools are sold without a license from the lottery commission.

7 New Section; Requirements for License to Conduct Historic Horse Race Wagering. Amend RSA 284 by inserting after section 15-d the following new section:

284:15-e Requirements for Conducting Historic Horse Race Wagering.

I. Any person, association, corporation, or other type of entity who holds a license under RSA 284 to accept pari-mutuel wagers may accept wagers on historic horse races.

II. Any person who holds a license under RSA 287-D may accept wagers on historic horse races.

8 New Section; Parimutuel Pools on Historic Horse Racing. Amend RSA 284 by inserting after section 22-a the following new section:

284:22-b Pari-mutuel Pools on Historic Horse Racing.

I. In this section:

(a) "Historic horse race" means:

(1) Any horse race, whether running or harness, that was previously conducted at a licensed pari-mutuel facility;

(2) Concluded with official results; and

(3) Concluded without scratches, disqualifications, or dead-heat finishes.

(b) "Licensee" means:

(1) Any person who, as of December 31, 2017, holds a license under RSA 284; or

(2) Any individual, association, partnership, joint venture, corporation, or other organization or entity which holds a license under RSA 287-D and meets the requirements of RSA 284:15.

II. A licensee under this chapter or RSA 287-D may sell pari-mutuel pools on historic horse races provided such sales are within the enclosure of the facility at which the licensee holds a license.

III. In accordance with the provisions of RSA 284:6-a, wagering on historic horse races may take place on electronic gaming devices provided that:

(a) All wagers use the pari-mutuel method of wagering;

(b) A licensee at all times maintains at least 2 terminals offering the same type of wager on historic horse races;

(c) The terminal makes available true and accurate past performance information on each historic horse race prior to the patron making his or her selections;

(d) The terminal displays a replay of each race, or a portion thereof, whether digital or by way of a video recording, and the official results of each race. The identity of each race shall be revealed to the patron after the patron has placed his or her wager;

(e) The terminals have been tested by an independent testing laboratory to ensure integrity and proper working order; and

(f) Each terminal displays pool amounts that the patron will receive for a winning wager on each pari-mutuel wagering pool.

IV. Racing officials, any employee or owner of the person who provides the 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 credited to the lottery commission. Each licensee shall pay the tax provided for in RSA 284:23.

VI. Each licensee shall collect an amount equal to the tax provided for in RSA 284:23, I(b). Each game operator employer as defined in RSA

287-D who is licensed to conduct wagering on historic horse racing under this chapter shall distribute 35 percent of the amount collected to charitable organizations with whom the game operator contracts on each licensed game date. The remainder of the total amount collected by the game operator employer under this paragraph shall be credited to the lottery commission for use according to the special fund established in RSA 284:21-j.

9 Effective Date. This act shall take effect upon its passage.

2018-1760s

AMENDED ANALYSIS

This bill clarifies the provision of law relating to the costs of blood testing orders when certain individuals have been exposed to another person's bodily fluids.

This bill also defines and regulates pari-mutuel pools on historic horse racing.

SENATOR FRENCH: Thank you, Mister President. I move Ought to Pass with Amendment on House Bill 1740. Last session legislation was enacted to allow first responders who have been exposed to another person's bodily fluids to be tested. This bill repeals the provision requiring the cost of the blood testing orders to be paid for by auto or health insurance policies under certain circumstances. Workers' compensation insurance is now the only inappropriate insurance to pay for the testing. The committee amendment attaches my historical racing bill to the end of this bill. That bill was passed overwhelmingly by the Senate but unfortunately the House sent it to Interim Study. So possibly if you can't support that amendment which would be a great addition to this bill, please support the underlying bill by joining the committee in voting for HB 1740. Thank you, Mister President.

(The Chair recognized Senator Bradley for a question of Senator French.)

SENATOR BRADLEY: Senator, are you suggesting to the body that the horses want to run on a different day in a different venue and that we should vote down the committee amendment so that it can arise like a phoenix on a different day?

SENATOR FRENCH: I was and I was thinking when I added it to this bill Senator, that bloodletting on a person was the same as bloodletting at a casino. But I don't think they go well together, so that would probably work. Thank you, Senator for your question.

The question is on the adoption of the Committee Amendment. Failed.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1781, relative to condominiums with 10 or fewer residential units. Interim Study, Vote 4-1. Senator Innis for the committee.

SENATOR INNIS: Thank you, Mister President. I move Refer to Interim Study on House Bill 1781. This bill establishes meetings and insurance requirements for small condominiums with ten or fewer residential units. It also establishes a default 50 percent cost split for units without a master casualty policy. The committee felt this bill was confusing and may cause unintended consequences. And that's the reason we ask for your vote of Refer to Interim Study on House Bill 1781. Thank you, Mister President. All the periods were in the right place here. Thank you.

The question is on the adoption of the motion of Interim Study. Adopted.

EDUCATION
HB 1498, relative to alternate certification pathways for career and technical education instructors.
Ought to Pass, Vote 4-0. Senator Kahn for the committee.

SENATOR KAHN: Thank you, Mister President. I rise to put on the table an Ought to Pass recommendation from the Education Committee. So this bill is recommending an alternative certification career and technical education educators that would enable local boards to offer a three year certificate in specialty areas in career and technical education centers. So right now, the RSA delegates to the Board of Education to adopt certification standards for teachers subject to RSA 541-A rulemaking. And current education rules require all teachers including CTE educators to successfully complete a core assessment. This bill provides that schools can request a waiver of a formal core competency assessment and can formulate the terms of certificates of eligibility on their own. While the committee recommends support of the Ought to Pass on House Bill 1498, I believe the chairman of the committee would like to address this recommendation further. Thank you, Mister President.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. I encourage the chamber to defeat the Ought to Pass motion so I may offer an Inexpedient to Legislate motion.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. And I, in following up on this bill with commissioner of education, it became clear that the Board of Education has already started and initiated the process under 541-A on rulemaking to accomplish this same end. So this legislation and the need for it is passed, it's not necessary, I recommend as the chairman has said that we vote down the Ought to Pass so a motion of Inexpedient to Legislate can be introduced.

The question is on the adoption of the motion of Ought to Pass. Failed.

Senator Reagan moved Inexpedient to Legislate.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 1636, establishing a committee to study teacher preparation and education programs.
Ought to Pass with Amendment, Vote 3-1. Senator Giuda for the committee.

Senate Education
April 10, 2018
2018-1427s
04/06

Amendment to HB 1636

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study teacher preparation and education programs and relative to chartered public school use of unused school district facilities.

Amend section 2 of the bill by replacing paragraph I with the following:

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

Amend the bill by replacing all after section 5 with the following:

6 New Subdivision; Chartered Public School Use of Unused District Facilities. Amend RSA 194 by inserting after section 60 the following new subdivision:

Chartered Public School Use of Unused District Facilities

194:61 Unused District Facilities.

I. For the purpose of this section, "unused facility" means a school building owned by a school district in which less than 10 percent of the square footage of the school building is used during a school year for direct student instruction and for which no purchase and sale contract has been executed.

II. The superintendent of each school district shall annually report to the department of education each unused facility owned by the school district. The department shall establish and maintain a list of unused facilities owned by each school district and make such list available on the department's website. If a school district plans to reuse an unused facility within a 12 month period, the school district may exclude the facility from the annual report to the department. However, a school district may exclude an unused facility from the school district's annual report only once.

III. Each school district shall make an unused facility available to a chartered public school if the facility has been unused for 2 consecutive school years.

IV. A school district that owns an unused facility shall decide whether to sell or lease the facility or unused part of the facility. Once a school district has decided to lease an unused facility, the chartered public school shall have the right of first refusal. If a chartered public school leases the unused facility, it shall be at fair market value or less for a term of 10 years. The chartered public school may renew the lease for one additional 10 year term. The lease shall include ingress to and egress from the facility, and where a part of a facility is leased, the right to access and use of the common area shared by all tenants and users of the facility. If a chartered public school leases the entire facility, the chartered public school may incur debt to make improvements to the facility, and the school district shall subordinate its interest in the lease to such debt.

V. During the term of a lease, a chartered public school shall be responsible for direct expenses related to the facility or the part of the facility leased, including utilities, insurance, maintenance, property taxes, and repairs. If the chartered public school fails to apply for a property tax exemption, a lien shall not attach to the property.

VI. If a school district decides to sell an unused facility a chartered public school shall have the right of first refusal. A school district shall

publicly disclose the amount of debt owed on an unused facility within 7 days of an inquiry from a potential buyer. The chartered public school has 6 months after the date of making an offer in writing to complete the purchase of the facility for a price negotiated with the school district. If a chartered public school acquires an unused facility for an amount that is less than the appraised value of the facility, and resells such facility within 10 years of purchase, any amount exceeding the original purchase price, plus any outstanding debt, real estate commissions, and closing costs shall be paid to the school district.

7 Effective Date.

I. Section 6 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

2018-1427s

AMENDED ANALYSIS

This bill establishes a committee to study teacher preparation and education programs. The bill also makes unused school district facilities available to chartered public schools.

The Chair ruled sections of the Committee Amendment non-germane.

Without objection, Senate Rule 3-17 is suspended to allow consideration of the non-germane Committee Amendment. Adopted by the necessary 2/3 vote.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Soucy for a parliamentary inquiry.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise with a Parliamentary Inquiry. I'd like to know if the question on the amendment can be divided? And I'm just getting to the page. My request, Mister President, if possible would be to vote on the first two parts of the amendment labelled as "Amend section 2 of the bill", and then "Amend the bill by replacing section 4", taking those up as one motion and then the balance of the amendment as a separate motion?

PRESIDENT MORSE: Senator, the motion is divisible.

SENATOR SOUCY: Thank you, Mister President.

PRESIDENT MORSE: Let me state where we are. We're first voting on section 7, lines 6 through 12 and section 7, lines 15 through 18. Is that your request Senator Soucy?

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: If I'm looking at the amendment on my iPad, it appears that it's the language that begins on line 6, amending the section and it goes all the way through to line 18. So it would be those two sections of the amendment which specifically deal with the committee and then the balance beginning on line 22 and the subsequent pages which deal with the separate issue?

Senator Soucy moved to divide the question: Committee Amendment 2018-1427s; Section 2, I. (a) and (b), Section 4, and Section 7.

The Chair ruled the question divisible.

Recess. Out of recess.

PRESIDENT MORSE: We are discussing Section 2, I. (a) and (b), Section 4 and Section 7. Is it clear?

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I'm interested in particular in the passage of the first portion of the amendment and the original language of the committee. I would encourage my colleagues to support that, it seems to make common sense. I think there might be some differences of opinion regarding the policy of the changes beyond that and I think there are others of my colleagues that would like to address those changes. So with that I would ask that for at least the first part of the amendment, people vote yes and then we can have debate on the second half. Thank you, Mister President.

The question is on the adoption of Committee Amendment 2018-1427s; Section 2, I. (a) and (b), Section 4, and Section 7. Adopted.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in opposition to the Committee Amendment. There may be more amendments. But there are reasons here that we should not approve this amendment or other amendments that attempt to take away local control on school buildings. And that's what this does, I mean this is really restricting free enterprise and the decision making abilities of local school boards. It does so without good definitions, it restricts the uses of underused facilities to only 10 percent, if 10 percent of it is used for direct instruction. If it's that or less, then it must be offered to chartered public schools and there are a whole host of other kinds of direct instruction kinds of uses. It's not a term that has good definition. So I encourage us to look at that term, because it's excluding, if that direct instruction could be offered by a preschool, public or private, it's excluding whether direct instruction could be offered by a CTE or a community college. And what if that building is reused for an administrative purpose? Or for some other government program. The point here is this amendment that is going on to a study of teacher preparation programs is not helping the amendment and in fact is setting up restrictions on local districts that I don't believe act in the best interests of our local districts. So I ask that you defeat this amendment and if there are subsequent amendments on this I'll rise again to speak because these definitions do not serve free enterprise nor our local control by our school boards. Thank you, Mister President.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Soucy for an introduction.)

SENATOR SOUCY: Thank you, Mister President. Mister President, at this time I'd like to introduce not only a former State Senator, a former Governor and our current United States Senator, Jeanne Shaheen.

SENATOR SHAHEEN: Well, President Morse asked me if I'd like to say hi, I said of course. You know I never pass up this opportunity. It's always so nice to be back in the State Senate. This is one of the things that I have enjoyed the most in my time in politics and you are still able to do in New Hampshire what I think we don't do so well in Washington which is figure out how to get along and get some issues moved. So thank you all for that. I know you have some very serious issues you're considering today. I know you're going to vote right. But I hope that if there are things that I or my office can help you with as you're looking at the challenges facing New Hampshire that you will take the opportunity and give us a call. That's why we're there, to provide service to the people of the state and to work with the state with local communities to move

things forward in a way that benefits the people of New Hampshire. So thank you all very much for what you do. Mister President, thank you for giving me this opportunity.

PRESIDENT MORSE: Senator before you leave, I received a phone call from a twenty-two-year-old this morning, she happens to be related, she did contact your office, she said "Dad, did you read my message?" I said "Em, I'm driving. What is your message?" She says, "Well, there's these two bills in Washington that I want you to approve." And I said, "Emma, you're out of my league," I said, "but maybe I can call the President today and just ask him to do it." And you showed up today and I'm going to ask you on behalf of my daughter to follow up on this legislation. I know she sent you a letter, I'm not sure she might be getting a political bug, so.

SENATOR GIUDA: Thank you, Mister President. I ask the body to approve the amendment so that I can introduce a Floor Amendment to this legislation that will settle the issues which are raised of concern. Thank you, Mister President.

(The Chair recognized Senator Watters for a question of Senator Kahn.)

SENATOR WATTERS: Thank you, Senator. If it's not inconvenient for you I'm referring to page 24 in the calendar. And I wanted to ask you questions about a couple provisions here. I'm looking down in section 4, the last couple lines there that say that if the charter school incurs a debt to make improvements to a facility and just to note that we did pass a bill which I supported to allow charter schools to take on debt for new facilities. And the school district shall subordinate its interest in the lease to such debt. Now would it be my understanding that that would create essentially an unfunded mandate on the school district in terms of having to take perhaps less than it had contracted for the lease in order to subordinate that interest to the debt?

SENATOR KAHN: And the way that I would interpret this is that it would subordinate its interest to the debt and whoever is the creditor of that debt. So were that to be a bank, the school district would subordinate its interest in that building to the creditor.

SENATOR WATTERS: And similarly, if you look down to section 5 a few lines down, and again, you being on Public and Municipal and have more experience perhaps you can address this question where it says that the chartered public school fails to apply for property tax exemption which one would assume as a school they would be able to achieve, a lien shall not attach to the property so that, doesn't this essentially mean also another unfunded mandate to the municipality that if for any other property would have attached a lien if taxes were not appropriately paid, here it could not do so?

SENATOR KAHN: Yeah, this section is confusing to me as well as implied by your question. There is some potential that I mean, we have other legislation that has defined that a public tax-exempt entity needs to report to the town any lease of its property and would need to do so if necessary a tax exemption were this not an exempt entity, would need to be applied for. And you would think that the entity itself ought to be the applicant for the exemption.

SENATOR WATTERS: Thank you.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and would like to address the questions that my friend from Dis-

trict 4 has. Some of you know in full disclosure, I spent a fair amount of time in commercial banking, so I know a little bit about mortgages and liens. And what we typically see that if an entity is going to borrow money from a bank, that bank requires a first position on the mortgage instrument so there could be many things that are on that docket that have been recorded, a lease could be one of them and a bank would always look to be in first position since they're the primary provider of funds. Now just because an entity like a school system or a community takes a subordinate position, which is normal customary practice of what you see all over the place, it's not considered to be an unfunded mandate. It's just a recondition of priority on ownership of the product. We also have to remember that a lease itself might not actually have a financial obligation or there could be a lease to a different entity that say, is leasing equipment and as security take some sort of position on the property. So, Senator, again just for clarification, this is not meant to be an unfunded mandate but just to recognize existing commercial transactional property basis of just making sure that the priorities are there. And in all of my years, I've never seen a subordinate position become an unfunded mandate to another entity including the municipality. Just haven't seen it, but I appreciate the question.

(The Chair recognized Senator Watters for a question of Senator Sanborn.)

SENATOR WATTERS: Thank you, Senator for the clarification. And so I think perhaps I used an inappropriate term. Let me phrase it this way. And I think a distinction really is that this is different from your normal commercial lease and I understand what you told me about that. But here we have municipal school property paid for by the school taxpayers who bought in and so on. And now I you know, and I think there's an argument to be made for the possibility when available, it's happened in my community, a charter school wants to get into an unused facility, that's a great thing. But isn't there a danger here that let's say the school goes belly up, and it has not paid its lease rent for several months and it's not paid its mortgage and so, of course, the bank is going to foreclose. And so what it says though then to the school district is that you are second in line on the money that you're out, so the taxpayers in that school district wouldn't essentially have to eat that loss because of this clause.

SENATOR SANBORN: Senator, thank you so much for the question. I think it's important that we recognize the fact that a lease is a different instrument than a mortgage. So in mostly all commercial transactions and for the record, based upon our current ethics laws, I have relationships with banks and leases, my leases are subordinate to the bank position, so I live this, right? So recognizing that a lease is different than a mortgage instrument, a mortgage is just when you borrow money, they take a subordinate position on the real estate. Typically, a lease is just a recognition of part of that cash flow. So again with respect I understand your concern but I'd like to try to allay that fear that having a lease as a recorded document or anything else recorded on the property, will not put the municipality in an adverse financial position except recognizing that if a school district sells a piece of real estate and retains the mortgage so is getting rental income from that way, then yeah, there's always that potential. But if the school district is selling the real estate, they are essentially are lose giving up the ownership of it and the bank would have that first prior position in it. So your question back on lease is whether or not a lease by subordinating the lease, will it disadvantage, you know financially disadvantage or pit a school

district or a municipality in a subservient position, respectfully I don't think that happens, unless there's some other financial condition that I personally had never saw in my decades.

SENATOR WATTERS: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. As I said earlier, I would ask the body to pass this amendment so I can introduce a Floor Amendment that allays all of the concerns of the committee amendment. Thank you, Mister President.

The question is on the adoption of the remainder of the Committee Amendment.

A roll call was requested by Senator Avard, seconded by Senator Giuda.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
May 1, 2018
2018-1851s
04/06

Floor Amendment to HB 1636

Amend the bill by replacing sections 6 and 7 with the following:

6 New Subdivision; Chartered Public School Use of Unused District Facilities. Amend RSA 194 by inserting after section 60 the following new subdivision:

Chartered Public School Use of Unused District Facilities

194:61 Unused District Facilities.

I. For the purpose of this section, "unused facility" means a school building owned by a school district in which less than 10 percent of the square footage of the school building is used during a school year for direct student instruction and for which the school district has no school board-approved written plan for future use. In order to comply with this paragraph, such school board-approved plan shall include direct student academic instruction within 2 years of the plan's approval.

II. On July 1, 2019, and on July 1 every year thereafter, the superintendent of each school district shall report to the department of education each unused facility owned by the school district. The department shall establish and maintain a list of unused facilities owned by each school district and make such list available on the department's website. A school district may exclude an unused facility from the school district's annual report only once.

III. Pursuant to paragraph I, a school district shall offer an unused facility to a chartered public school for purchase or lease as follows:

(a) If a school district's school board extends an offer to purchase or lease an unused facility to a party, other than an approved chartered public school operating in this state, the contract shall include a provision which makes the purchase or lease subject to the right of first refusal by an approved chartered public school operating in this state.

(b)(1) If the offer to purchase or lease is accepted, the school district selling or leasing the unused facility shall, by first class certified mail, notify all approved chartered public schools in this state, as listed on the department of education's website, of the contract to purchase or lease the unused facility. The certified mail notice shall contain clear language that the unused facility is available to any approved chartered public school in this state only, and shall list the offering school district's name and location, the square footage of the unused facility, the contact information of the offering school district's representative, and the expiration date of the right of first refusal which shall be 60 days after the date of the certified mailing.

(2) The offering school district shall also post notice of the contract for the purchase or lease of an unused facility in a newspaper of statewide circulation for at least 5 days.

(3) A chartered public school that fails to exercise its right of first refusal shall forfeit such right as it pertains to the specific unused facility and any future right or interest in the specific unused facility.

(c) If the offering school district has not received an offer to purchase or lease an unused facility from a party, other than an approved chartered public school operating in this state, a chartered public school may initiate, and the school board of the offering school district shall engage in, good faith negotiations for the purchase or lease of the unused facility.

(d) If 2 or more chartered public schools notify the offering school district indicating an interest in the unused facility, to lease or purchase, the offering school district shall make the final selection of the purchaser or lessee.

(e) The criteria used to evaluate parties interested in the purchase or lease of an unused facility shall be public information and shall not be subject to RSA 91-A.

IV. In right of first refusal negotiations with a chartered public school, it shall be the option of the offering school district whether to sell or lease the property under consideration, at fair market value or less, for a term to be agreed upon by the parties. A lease shall include ingress to and egress from the facility, and where a part of a facility is leased, the right to access and use of the common area shared by all tenants and users of the facility. If a chartered public school leases the entire facility, the chartered public school may incur debt to make improvements to the facility, and the school district shall subordinate its interest in the lease to such debt.

V. The chartered public school shall have 6 months after the date of making a written offer to complete the purchase or lease of the unused facility for a price negotiated with the school district.

VI. During the term of a lease, a chartered public school shall be responsible for direct expenses related to the facility or any part of the facility leased, including utilities, insurance, maintenance, property taxes, and repairs.

VII. If a chartered public school plans to sell an unused facility which it has purchased, it shall first offer the facility to the school district from which it was purchased. Such offer shall be governed by the procedures set forth in paragraphs III, IV, and V.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 2019.

II. The remainder of this act shall take effect upon its passage.

2018-1851s

AMENDED ANALYSIS

This bill establishes a committee to study teacher preparation and education programs. The bill also makes unused school district facilities available to chartered public schools.

SENATOR GIUDA: Thank you, Mister President. As we all know, charter schools are an integral part of our public-school education system. And for that reason, if we have a traditional public-school district that has unused properties it'd be advantageous to the children who get a better education using the charter school system by their choice, for the school district of the charter school to be able to utilize those facilities. What this bill does is give that charter school district, or a charter school district, the right of first refusal if a school district chooses to sell or lease property, that is unused by definition in statute. This amendment takes away everything except the subordinated lease piece, the subordinated debt piece, because banks aren't going to do anything that would be a fatal poison pill to this bill, if we didn't ensure that the bank that might be lending the money wouldn't have as it always does in normal transactions, that priority position. This bill significantly reduces the strictures. I felt, as did the Senator from District 10, that the bill as originally amended introduced too much interference in the ability of the districts to negotiate and so this language is much, much less restrictive, allows the owning district if you will, puts requirements on them to notice that they are going to lease or sell the property but allows them to negotiate the terms. We don't put any time limits on it, we just say whatever the two parties can agree to. And we also add a clause that says if the charter school district chooses to sell the property or lease it, same conditions apply to the public-school entity. So turnabout is fair play. And so for those reasons Mister President, I would ask the body to approve this Floor Amendment that will do a great deal to move the education process of an integral part of our education system, the charter schools, forward for the kids that depend on them to get the education they need. Thank you.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise and I don't see a lot of improvement in this amendment, so here I'll try again. Try line 9 on page 1. The definition of direct student instruction, 10 percent of the building. If any other part of the building is used by a pre-school, public or private, if any of the building is used by a community college or a career technical education center, it is not included in the definition of direct student instruction. Why? It doesn't make sense. And we want to pass this? It's a school building, it could be used by any educational institution and then why not? Why not let it be used for other community purposes, by not -for-profit entities in your communities, by government entities in your community. Why would we become so restrictive? Let's try paragraph 3, line 20. If you extend an offer for a purchase and lease on an unused facility, that dropped down to 22, it's subject to the right of first refusal by the charter public school. I've negotiated on things like this. It kills the lease; it kills the purchase. Nobody is going to give you a deposit that you're going to hold on to for six months, while somebody else is going to wait and exercise their right of first refusal. You've just killed a property transaction. If this was just about notification throughout the state, that was the one slice in this that I saw had some virtue. Yet we still come down to on page 2, line 19 and 20

which subordinates the interest of the public school in the least, when there's debt. Now I voted in favor of taking the restriction, the five-year restriction off charter school debt. That made sense. They're taking on buildings that might be 120 years old and need to enter into debt. But as soon as they enter into debt, this is saying, oh, subordinate the lease, subordinate the property to whoever has lent the money. Look, there are two principles at hand here that I find myself so much to the side of that I can't believe the body is not going to stand up for free market principles and for local control. This should be a decision at a local school district level, and this should enable the free market to determine who has the best proposal for the use of a school building if the school board decides that it ought to have additional uses. Well, in any case, I think that this amendment is not an improvement. I'm sorry that we passed the previous amendment, it's not helping this bill and I think we're, I'm in a quandary now with an amendment that's approved that I don't think is good and another amendment that I don't think does it much better. Thank you, Mister President.

(The Chair recognized Senator Sanborn for a question of Senator Giuda.)

SENATOR SANBORN: Senator, thanks for taking a question. I have two if the President would allow. The first one comes back to the question on page 9, Senator, where I understand my friend from District number 10 had some concerns about whether or not there was enough potential input from a school district as to whether or not the property could be used for other purposes. But I read in here on line 9 to line 10, the second half of that sentence was …"and for which the school district has no school board approved written plan for future use". So my question is, if the school wanted to use the property for something else, wouldn't this provide that catchall that the school board would say we have a property and although it's not being used to some degree over 10 percent but we're going to use it for kindergarten or daycare or some community service?

SENATOR GIUDA: I would interpret it that way. Certainly, what we're trying to accomplish here again, is to use school properties for the education of our children. At the end of the day, the tacit resistance to charter schools remains, despite the fact that those schools are now an integral part of this state's education system. And this does nothing more than enable a charter school, which has students in it that do not get what they need in traditional public schools, to gain an education to equip them for the travails of life moving forward earning a living and otherwise. And so, this, I am cured by the claim of free enterprise. I would support vouchers, would you? That's free enterprise. We don't, and so the answer to your question is, yes. Thank you.

SENATOR SANBORN: Thank you. Senator, thank you for taking my follow-up. Down on line 22 it also talks about the facts of right of first refusal of which my friend from District 10 indicates could create significant barriers and blow up a deal and Mister President, at this point I guess I have to declare that as business owner, I own real estate and condo associations that actually have right of first refusals so for twenty-five years of my life I've been dealing with these every couple of months so it seems. So would you believe that just because someone has a right of first refusal, that these rights of first refusal happen to commercial transactions every single day, and they just provide for that exception that someone has a right to either say yes or pass, and in virtually every case that I've ever heard of, you've got thirty or sixty days by which to make that decision?

SENATOR GIUDA: I would agree with that. Let me say again that the right of first refusal is not just a general, it's reserved to an education institution, a charter school that is an integral part of the state's education suite, the kids we're trying to educate. Thank you, Mister President.

SENATOR SANBORN: Thank you, Mister President.

(The Chair recognized Senator Watters for a question of Senator Kahn.)

SENATOR WATTERS: Thank you, Senator. As the sponsor knows and as you know from our discussions, I am generally a supporter of the possibility of finding a way to provide our public charter schools with use of facilities, but I have concerns about the process on this bill and some things that I wanted to ask you about. Is it the case that although there is a public hearing posted in the calendar on this non-germane amendment, that that hearing was never opened in Senate Education?

SENATOR KAHN: It's true that there was no testimony taken.

SENATOR WATTERS: Thank you. And second, another follow-up if I may. If we looked on page 1, lines 22 to 23, about the right of first refusal, by an approved charter public school operating in this state. Now I just wanted some clarification. Despite what it says about multiple possibilities on the second page, if two or more public schools, might it not be the case that if once they enter negotiations for one and they've got six months to try to close the deal and they can't that the one that was not selected might be able to then argue that they too can get in line, so we might have, and then might somebody else some along so this period where it's tied up in first refusals might extend for a considerable amount of time?

SENATOR KAHN: Yes. Thank you for the question, and in response to the answer that I just heard from, on a previous question, this is not thirty to sixty days right of first refusal. This is six months, and you're absolutely correct in saying that it could be multiple six months periods. That line there has some further interesting language in it relative to 91-A and disclosure of the conditions of previous agreements, which further just undermines the ability of the local school board to negotiate the best agreement which capital contracts would be exempt from 91-A.

SENATOR WATTERS: I was going to get to that one too, but first look down a few lines on line 27 about the certified mail notice here. Now isn't it absolutely clear, this is an unfunded mandate?

SENATOR KAHN: Yes.

SENATOR WATTERS: Thank you. And one more follow-up if I may. On this next page, if we may look at lines 12 to 13, do you share, could you elaborate on or do you share my astonishment at the fact that here we have a public school and a school board being exempted from 91-A in which issues of taxpayer dollars are being discussed?

SENATOR KAHN: I don't know the purpose for wanting to exempt property purchase or lease from 91-A.

SENATOR WATTERS: Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise to address the issue of 91-A. Let's be perfectly clear and read the language. It says that

the criteria used to evaluate the parties interested in the purchase of the lease. It doesn't say anything about the terms or the negotiations it just says this is what we're going to base our decision on. And that should be public knowledge. The mischief occurs if we don't make that public knowledge. The negotiations themselves, all the information remains under 91-A. But the criteria should be public so that everybody knows what the ball field is, what ball field they're playing. Thank you, Mister President.

(The Chair recognized Senator Watters for a question of Senator Giuda.)

SENATOR WATTERS: Thank you for taking my question and I may be just misunderstanding so I thought I was hearing a clarification there and if I was, I'd have to know more about it. It just seems to me, and my question, isn't this written to say that the criteria would not be subject to 91-A? So therefore, let's say the criteria whereby they selected whether they would enter into discussion and choose a charter school might be terrible, you know, or based on bad decisions and yet we're not going to know that because right to know won't cover it.

SENATOR GIUDA: I think that just the opposite is in fact true. That this says that the criteria. Okay, are not subject to 91-A. So it will be public. So if they are terrible, everyone will know that. Thank you for the question.

SENATOR WATTERS: Thank you, I guess.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

Recess. Out of recess.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

Recess. Out of recess.

Senator Giuda moved to Lay on the Table HB 1636. Adopted.

ELECTION LAW AND INTERNAL AFFAIRS
HB 1264, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."
Ought to Pass, Vote 3-2. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you Mr. President. I move House Bill 1264 Ought to Pass. This bill modifies the statutory definitions of "resident or inhabitant" and "residency or residency" with the removal of the phrase "for the indefinite future". In a recent court case, the State Supreme Court determined that those four words caused confusion for the public when considering the definition of resident or inhabitant. This bill simply removes those words. New Hampshire has a proven record of being the friendliest voting state and this bill does not change that. Everyone that could vote before this bill will be able to vote after this bill. I ask that you please support the majority of the committee's recommendation of Ought to Pass. Thank you, Mr. President.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
May 2, 2018
2018-1890s
03/05

Floor Amendment to HB 1264

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2019.

SENATOR BIRDSELL: Thank you, Mister President. This amendment simply changes the effective date to take effect July 1st of 2019. Based on the litigation of SB 3, we're hoping that it will be through litigation by that time. Thank you, Mister President.

(The Chair recognized Senator Feltes for a question of Senator Birdsell.)

SENATOR FELTES: Thank you, Senator Birdsell for taking my question. Can you explain again the purpose of this effective date? Is it just to go to a committee of conference?

SENATOR BIRDSELL: No, no. The change, because of the litigation with SB 3, we're anticipating that the litigation might be done by July 1st. So I want to make sure that the AG has enough people to work on it.

SENATOR FELTES: Okay. Thank you, thanks.

The question is on the adoption of the Floor Amendment. Adopted.

(The Chair recognized Senator Feltes for a question of Senator Birdsell.)

SENATOR FELTES: Thank you, Senator for taking my question. Last year the legislature passed your bill, Senate Bill 3 which was nineteen pages, purporting to tighten up voting laws. Why is this bill necessary, when we already passed Senate Bill 3?

SENATOR BIRDSELL: This does something different. Basically this bill aligns us with frankly forty-nine other states in the nation. Forty-nine states equate residency with domicile with inhabitant. We're lining up with the rest of the forty-nine states.

SENATOR FELTES: Why wasn't this in Senate Bill 3?

SENATOR BIRDSELL: This, Senate Bill 3 was a Senate Bill. This is a House Bill.

SENATOR FELTES: Thank you. Thank you.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the pending motion and I do so for a number of reasons. This legislation changes the definition of resident by deleting a key phrase in our current statute, which says "for the indefinite future". This change is purported to be made to our election laws; however the change isn't made in the statutes relative to election laws. The change is made in the statutes relative to statutory construction, RSA 21. So what this bill would do is compel constitutionally eligible voters who may or may not have plans to stay in New Hampshire indefinitely to pay residency fees, specifically licensure and registration. Who are the people we're talking about? Well certainly students. They came out in droves to come to the hearing in opposition to this legislation, but this legislation would also impact various professionals, be they visiting professors, people working in the medical profession who come and stay for a duration. It would affect a large number of people.

And what are we really talking about? We're talking about legislation that would impose a post-election poll tax. You know, New Hampshire driver's licenses cost as much as $50. Car registrations, anybody paid those lately? Several hundred dollars, depending on the type of vehicle you drive. The impact of those fees could have a chilling effect on constitutionally eligible voters decision to vote in New Hampshire, and if the costs alone don't have a chilling effect, the potential of knowing that the failure to pay these costs within sixty days means you've committed a crime and could be convicted of a misdemeanor, could be extraordinarily chilling, and could cause people to hesitate, and to pause and to perhaps not exercise their constitutional right. When a similar bill was heard last year before the Senate Election Law Committee, we were warned by the Attorney General's office that the definition of residency in the statutory construction chapter, change of that definition could have unanticipated consequences. For things like in-state tuition, to Fish and Game licenses and to many other parts, because although the proponents of this bill have said this is about voting in elections, that's not where the change is being made. The change is being made to our statutes across the board. And lastly, a lot of people have talked about our neighboring states, particularly Maine and Vermont. Well let me tell you what Maine and Vermont do with respect to this. Maine's secretary of state, Matthew Dunlap told the Bangor Daily News on March 8th that failure to comply with motor vehicle statutes after voting isn't a crime in Maine. And he's had to, on several occasions, clarify that point when others have tried to say that it was. In Vermont, the language of their statute states persons who live in the state for a particular purpose involving a defined period of time including students, migrant workers employed in seasonal occupations and persons employed under a contract with a fixed term are not residences for purposes of motor vehicle law only. My friends, this is an issue that as we said is being litigated and other pieces of legislation are being litigated. There are many, many questions. But I think what we can all agree on is that voting is a right. It is a fundamental constitutional right and all we are doing with these continuous pieces of legislation is trying to challenge and make it more difficult for residents of this state, for people of this state to exercise their right. I ask you to please vote against this legislation. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I think there's one thing we all agree on here and that is that voting is a constitutional right. Every single resident of New Hampshire has a constitutional right. I happen to live in a district, in District 5, where we have many, many people who will be and are being affected by this particular bill. We have in my town of Hanover and in the areas surrounding, professors who arrive, who don't know how long they'll be staying, they certainly can't say they'll be there indefinitely because they may not get tenure, which means they have to leave. They may be there for a year and discover that their spouse has a job somewhere else and they're going to leave. There is no way for anybody to say that they're going to be there indefinitely. We have hospital residents who are there from three to six years depending on what their specialty is. So they're going to be there for six years? They're not going to be considered residents or they're going to be afraid to register to vote. We also as you know have many undergraduates and graduate students, all of whom do not know how long they'll be there. They might be there for a minimum of four, they might

be there for a maximum of six to ten, depending on how long it takes, and we all know it takes a different length of time for people to finish graduate degrees. So these are all people I've mentioned who are renting homes, buying homes, living in my district. And they are spending a lot of money in our town and in our state. My town's eloquent town clerk, Betsy McClain said at the hearing many important things. One of the things she says is that she's getting calls from students about having to register their cars and therefore wanting to come off the voter rolls. So they don't have to pay exorbitant amounts to register their cars. That feels like people's voting rights are being suppressed to me. There's a perception of voter fraud, yes there's a perception we keep hearing of voter fraud. Just like saying it doesn't make it so, having a perception does not make it so. For heaven's sakes, we've got to stop saying that, well, we have to worry about the perceptions. Since when is that the way we operate in New Hampshire? Also, Betsy McClain said that in 2012, the voter registration forms stated a need for a license and many students decided not to vote because of that. Is this our goal, do you not want our best and brightest to be voting? I think you do not, and that is a real problem because they have a constitutional right and I think it'll be, with this passing it will be, there will be even more people who will not vote. So for that reason, Mister President, I urge you not to vote for House Bill 1264.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise in opposition. We make a lot of speeches here, about fundamental beliefs and fundamental values. What's the fundamental value of democracy? What's the basic fundamental value? It's the right to participate. It's the right to be part of a solution to a problem that evolves. Those problems evolve constantly and if indeed we restrict the number of people who can participate, we're creating another problem. We're creating a misconception that these people don't belong. When I first started in this business, I ran for the public office in 1972. In the town of Chester, you could not register to vote if you didn't have your passport or your birth certificate. I carry neither my passport or my birth certificate. And the polls used to open at eleven in the morning and close at five at night. Well guess what? Who didn't vote? The workers, because they were working in the morning and coming home late at night. We have made giant strides to improve the situation. Now we have some crazy perception that is being fed at the national level that we have enormous voter fraud. Not true, just not true. You know at one time we had a head and poll tax. Jeb, you and I remember that. Used to have to go to your city clerk and pay your head and poll tax, right? I remember that, ten bucks. We got rid of that because it was a problem. It was forcing somebody to pay for the right to vote. We have the right to vote. We have gone through a process in this country to create more and more opportunity. When I was in the South, before the Civil Rights Act passed, there was a real problem with the right to vote. A very significant problem. But we corrected that in '64 with the Civil Rights Act. Then we passed the Voting Rights Act. Many of our communities have been under scrutiny under the Voting Rights Act for a long period of time. And we talk about college kids and their participation in the process. Well we want them participating in the process. Who are the future citizens? Who's leaving our state? Isn't there an exodus of young people from our state? Sixty percent of our high school graduates choose another place to go to post-secondary education. What's the biggest age

cohort that we've lost in New Hampshire? It's the eighteen to twenty-five cohort. They're gone. Is the perception we don't want them? God, I hope not. Fortunately, mine have come back.

But why do we constantly try to create problems when problems don't exist? I think that's the issue, and that's the issue that we all think about. We work hard in this process to get people out to vote. Let's take a look at everybody's expenditure report. How much are you spending on direct mail, on radio, on television to get people to participate? And we all complain when they don't participate. And who doesn't participate? The younger people. We've got to stop the situation of putting roadblocks up. We've got to produce the open process and I thought we had done that in New Hampshire. We have uniform polling hours now, we never had that. We now have uniform polling hours. We have the ability to register, we have the ability to vote. Why do we try to in some way curtail that? That's a mystery. I'm not a mystery novel writer, but I'll tell you, that's one I'd like to solve. What's the mystery? What's so bad about letting people participate in the process? What is the harm in allowing people to be players? We all want to be players in the game. We don't want to be restricted one way or the other. We talk about colleges. Look at the colleges we have in New Hampshire. The post-secondary education institutions. We have Southern New Hampshire University, we 've got Saint Anselm College, we have the New Hampshire Community College, I mean they're all functioning entities, the New Hampshire College of Art. We induce people to come in here because we have quality education. We want them to stay here. And by virtue of these things, we force people out. That's not a good premise. That's just not a good premise.

You know Mister President, as I age, and boy I'm working on that every day, I remember when I went to the south, when I saw colored bathrooms and white bathrooms. I saw that when I was in the service. That was awful. Talk about discrimination. We're all the same, aren't we? When my drill instructor, when we left the base, could not go into the same restaurant or the same bar that I did, that was pretty sick. Here he's training me when we're on the base to be a better person and by giving me his level of expertise and we can't have the same responsibilities when we're outside. We've corrected those things to some extent. We've got a long way to go, but it seems to me, the one way that we can correct all of this is voter participation. People participating in the process because they believe in the process and they believe that they can make a difference. And if we put a kibosh on that believability, we have created a situation that is just going to be negative and pervasive. We can't let that happen. Listen, we all live with the one basic ingredient, hope. Our hope is it's going to get better. We can't take that away from anybody, we cannot do that. So Mister President, I ask my colleagues and you know, as I said, I've learned how to count since I've been in this business. It was a lot easier when I was on the Council and we only had to count to three. You have to count to thirteen here. I don't know if I've ever turned a vote, but I'll tell you, I hope and pray that we can do it. This isn't good for us. It's not good for you, it's not good for your families, it's not good for the people you represent. Thank you, Mister President.

(The Chair recognized Senator Gannon for a question of Senator D'Allesandro.)

SENATOR GANNON: Senator, my friend. Would you be surprised, you know I went to Saint Anselm College and back then when I was eighteen, I lived in Concord, Mass. That's where I was from, that's where

I have skin in the game, that's the town I knew. Would you believe that I voted in that town even though I was temporarily residing at Saint Anselm?

SENATOR D'ALLESANDRO: First of all, thank you for the question, thank you for the comment. You under the rules of the game could vote in Goffstown if you had not registered to vote in your hometown.

SENATOR GANNON: Would you believe that my son, Bill, who one day wants to be Governor here, isn't voting in Connecticut, where he is temporarily residing, because he views New Hampshire as his home and that the place that he's now residing is just a temporary occupation and he believes he should vote where he has skin in the game and resides in New Hampshire.

SENATOR D'ALLESANDRO: I thank you very much for the question and I think your son is exercising personal responsibility. Every person should be allowed to do that, and he does it. I applaud him, I applaud him for that.

SENATOR GANNON: So if someone from out of state is attending UNH and they don't really have skin in the game, they're only, they come here in September, you're telling me that a week or two later that they have an interest and understand New Hampshire enough to vote here?

SENATOR D'ALLESANDRO: Thank you for the question. I can't analyze every one of those students.

SENATOR GANNON: Thank you.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I too rise in opposition to the motion and you know having spoken at length with no discernible effect on Senate Bill 3, I'm not going to go back into why such restrictions are repugnant to the folks who founded our state and to freedom lovers since. But I did want to point most particularly to the potential consequence here on in-state tuition payment. Now, if you go back to the constitutional convention of 1774 and look at the report there where they original discussed domicile, inhabitant and resident. That's where all this came from. Now some were different then because there was a thirty day requirement then and they parsed out what's a domicile, what's resident, which is stronger and what's an inhabitant and the conclusion was that look, anybody who's been here for thirty days, demonstrates that they're an inhabitant and they should get to vote. Then they turned to the issue of well, what does it really mean to be domiciled here? And there's an interesting colloquy which they set up so they could talk about the issue of in-state college tuition, and they said that we must be sure not to tie our definition of domicile to taxation, because that would threaten the ability of the University of New Hampshire at that time to ask students to sign a contract or otherwise say that in-state tuition could not be claimed by someone who was from another state. Now, if we pass this, right, and it requires taxation. Then we have broached what was discussed in the constitutional convention about the defense of not letting students who are essentially citizens here, who vote here and pay taxes here not to claim in-state tuition. And I will note that I think that such students already would have standing to file a suit after they've voted and gone and registered their car. I think they now would have standing. But let me tell you, if we pass CACR 15 a little bit later today, you better believe they would have standing to bring that suit. And I would

advise actually a student that they go down and vote, register their car then they get together, file a class action suit or individual suits and go and claim that they can pay in-state tuition. What's the consequence of that? Well, I'll just speak for UNH, $50 million, $50 million, that's the out-of-state tuition. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise in opposition. I don't think that this bill is providing the kind of clarity that we ought to be bringing to our statutes and let me just give you a couple of examples. I went this week to the science student poster presentations at Keene State College. Great opportunity to see what students are doing in biogenetic research. Good stuff. I met a student from Concord, Anna. Anna is graduating this coming December, and she's going to enter the job market. Now she's from Concord. But this summer, I asked her what she's going to be doing this summer and she said well, I'm not really going to be registering for classes but I'm going to be working with my professor. I just want to continue my research before I take on my last semester in the fall. And it caused me to ask her, where do you feel is your home after nearly four years, is it Concord or is it Keene? She said I feel much more at home in Keene, alright? She's an in-state student. Where's she supposed to register? I mean are we discouraging her from declaring what her home is for the last four years? And if we were to discourage her from registering in Keene, isn't that in fact what my colleague from District 4 was just referring to, the basis of a constitutional challenge?

Here's another related story; I get this call this week or email this week from ARMI. ARMI is looking for employees that it can attract to the Manchester location, and they want to recruit Keene State College students. So, at what point is that Keene State College student trying to be recruited at ARMI considered to be eligible to vote in our state? It is personal judgement, it is something that the individual needs to determine for themselves. You know, we even eliminate, you know, if you registered in Keene and you register anywhere else in New Hampshire, we have an auto process. You're now de-registered from any other place that you previously might have been registered, because by virtue of having voted in that election. So we've got a cleanup process. And then the question of what happens if I did that internship that this student is trying to do, what if she went out of state for the summer? Is that a break in the residency? Is she questioning like my colleague from District 5 said about a faculty member or a student or doing any kind of externship that might require them to leave the state temporarily. And to the exclusion of all else. What if a parent claims me as dependent for tax purposes or for my financial aid or for my health care? Is that creating more confusion? We had an opportunity when we went through the hearings, our town clerks came out in droves. We should have asked them, is there a problem that we need to clean up and you know what their reaction to me has been is this seems like a solution in search of a problem. We've got 6600 people that support our election processes in this state every two years. It's, I'll borrow that word again, it's an army, it's a coterie of people who are well trained to make sure that you present evidence of a lease, of payments, of bills for that property that you in fact are living in the place that you claim that you're living. I don't see where this is any improvement on our process and I think that the terms that are used in 1264 are only adding confusion and not clarifica-

tion to our voter registration process and in that respect, I don't think that we're supporting the people that we want to encourage to remain in our state, to become productive citizens, not just while they're here in school and adopting this as their home, but as they continue into the workforce. So I'm going to be voting against, I hope you'll join me in that. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. There's been a lot of discussion about intent, about for the foreseeable future. If we look at the statute and you have the statute in front of you, you've got the bill in front of you. It talks about a current intent for the foreseeable future. A lot of the things that the good Senator from District 5 mentioned about college presidents, actually are improved by taking away for the foreseeable future. Their status is no longer in question. They are a resident if their current intent is to declare the state of New Hampshire that place. And the statute used to say that place more than any other, right? I think part of what we're also doing is that, that privilege of voting sometimes comes, in forty-eight other states comes with some obligations in that state. We heard from the good Senator from District 18 that some of the states have tried to do away with that, and that's their privilege. We've moved out the effective date of this. There'll be twenty-four people sitting in this chamber that can introduce legislation similar to the state of Maine, Vermont if that's a thing you wanted to do. But with exercising that privilege comes obligations. One of the things that we can't do is we can't look at the databases combined together, the motor vehicle one and the registration one. Except when we're looking at juries. Does that mean anybody who registers to vote is now, doesn't have to be, you know, on a jury? We don't make you pay if you're on a jury, we actually pay you. Maybe not much. Most of the kids that did testify at the hearing did not have cars that were registered in their names in New Hampshire. The ones that did had to register that car somewhere. It was certainly clear that if it is registered in Maine or Massachusetts or Vermont, that they are not meeting that point, that New Hampshire is that place more than any other, to the abandonment of all others. It's not there. Now the thing about voting is, is that every citizen has the right to vote. They make a choice of where to vote. And with that choice comes obligations. Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I didn't think I was going to speak but I feel that I must. We've heard a lot this afternoon about voting and I don't think there's any person in this room who believes that we should be not allowing people to vote. It is one of our fundamental constitutional rights. It is something that our founding fathers gave us so we don't have to pick up a rifle like they did and fight for their rights. We vote and that's very, very important. But also, within the constitution they gave states the right to set their own parameters about voting. Fast forward to 1984, the last constitutional convention we had. And it was during that constitutional convention, Mister President that the members decided to change the definition of residency and domicile because they believed domicile was a stronger term than residency. But unfortunately, what's happened since then, and it's been through a series of court decisions. It's been upended. The term "domicile" has been weakened. And what we see is an attempt over the years to re-strengthen that term "domicile". That one place

above all others that you call home. Now most of us, if not all of us, we chose to live here in New Hampshire. This is our home. We live here, we have our homes here, we've raised our families here. That's very important to us. But we don't have a choice as to where we vote. We have to vote where we live. The Senator from District 7's a good friend of mine. He does a great job in my opinion. I'd love to be able to go up to his district and vote for him. But if I was to show up, they would tell me go home. You don't live here; you can vote in Londonderry. And so I would go home and I would vote in Londonderry. But yet we have a group of people who say this is where I live but I don't have to register my car here, I don't have to get my license like everyone else in this room has to do. And yet we allow them to vote here. And I think that is the one sticking point, Mister President, with a lot of the people that live here in New Hampshire.

And let's talk a little bit about choice. We've had a lot of litigation over some of the bills that we've passed, and I've read the depositions, and there's one case that really stuck in my mind, and it was a young lady who was attending the University of New Hampshire, she was from Maine. Her first election while she was here, she made a conscious choice to vote in Maine. Why? Because there was an issue on the ballot that was very important to her, and she wanted her voice to be heard in Maine. So she did. Fast forward two years, she now has the choice. She's decided she wants to vote in New Hampshire. She still considers herself to be a resident of Maine, her car is still registered in Maine, her license still comes from Maine. But yet she wants to vote in New Hampshire because there's an issue that's very important to her, a person who's running for office that she believes in and she wants to vote for. Who in this room has that choice? We don't. I can't go to Massachusetts and say yeah, there's a really smart person running for office and I want to vote down there. I couldn't do that, and nobody in this room would be able to do that. There's one thing in here that I've heard over, that I haven't heard when we've had these discussions. And that is the term "absentee ballot". No one is preventing anyone from voting. Every single person has the ability to get an absentee ballot. Now, we have restrictions on that, Mister President. But if you come from Maine, you come from Massachusetts or you come from California and you find yourself here during an election time, you can get an absentee ballot from the state which you do call your home, and you can vote there. No one is suppressing the vote here in the state of New Hampshire. No one. I actively encourage people to vote. But you have to vote where you live. And the good Senator from District 20 asked, what's the harm? You know what the harm is? Is we have other people choosing who's going to represent us. That's the problem. And that's why I think there's so many New Hampshire citizens that are very angry about this and they want some change. They want it changed. So, Mister President I think I'm just going to stop here now because I think we've heard a lot of this already. So thank you very much, Mister President. I appreciate you taking the time to hear me.

(The Chair recognized Senator Feltes for a question of Senator Carson.)

SENATOR FELTES: Thank you, Senator for taking my question. You mentioned taking measures such as getting a driver's license and registering a car. How would this affect Granite State senior citizens, many of whom in assisted living facilities who don't have a driver's license and don't have a car?

SENATOR CARSON: Well, if they have declared New Hampshire to be their residency and they don't have a car and they don't have a license, they have to have some other proof that they live here in New Hampshire. That is my understanding of the law.

SENATOR FELTES: What would be that other proof?

SENATOR CARSON: Thank you for the question. They could probably get a statement from the assisted living facility in which they live that says that they live there in the facility.

SENATOR FELTES: Thank you. Thank you, Mister President.

(The Chair recognized Senator Gray for a question of Senator Feltes.)

SENATOR GRAY: Would you believe that there is an affidavit that any voter can sign, in fact four affidavits, one for their identification, one for their residency, one for their domicile and one for their citizenship, and not have any of those documents and still be allowed to vote in New Hampshire?

SENATOR FELTES: I would believe there's probably affidavits, very confusing like those that were passed in Senate Bill 3.

SENATOR GRAY: Thank you.

Senator Feltes moved to Lay on the Table HB 1264.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Feltes for a parliamentary inquiry.)

SENATOR FELTES: Mister President, if you oppose procedural roadblocks to voting, would you now support this procedural roadblock to this bill?

PRESIDENT MORSE: If you're in favor of tabling, you're going to say aye, if you're opposed, you're going to say nay.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Bradley for a parliamentary inquiry.)

SENATOR BRADLEY: If I believe in clean elections would I vote against the tabling motion?

PRESIDENT MORSE: If you're in favor of tabling, you're going to say aye, if you're opposed, you're going to say nay.

A roll call was requested by Senator Soucy, seconded by Senator Avard.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 10 - Nays: 14. Failed.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I rise in opposition to the bill that is before us and I'm here to ask you, what is our fundamental obligation in this country? I believe our fundamental obligation in this country is to protect our democracy. And the best way to protect that democracy is to make sure that we encourage young citizens in this country and in this state to vote. We have seen over the last several years a number of initiatives that come forward all of which are trying to make it more difficult for young people to vote.

And what has been the genesis for these types of legislation? Because we have heard that there is a problem with fraud. The actuality is that we heard our assistant secretary of state say that there is a very limited amount of fraud. We heard that research has shown that over 3 million votes that have been looked at in this state, there was an insignificant number of cases of fraud and again how do you define fraud? Sometimes it's someone thinking they have the right to vote and discovering after the fact that they don't have the right to vote. But I believe that what we've done over the last several years is really hurt New Hampshire, which is the state that has, as you all know, the recognition as being the first in the nation primary. But these various efforts on the basis of fraud that doesn't exist have really changed the attitude of people who live here and people who look to us as one of the core states that ensures the democratic process, particularly being the first in the nation primary. I speak today as representing the University of New Hampshire and I urge you to look at the testimony that came before this committee for the hearing of this bill and how many students spoke out about how they felt discriminated against, how they felt rejected, how they felt that they weren't being heard and yet we want students to come to this state. We want them to go to our university systems at a time when we're seeing demographics change so that we're having fewer and fewer students. But at the same time by bringing forth these types of legislation, we are discouraging those students. They're going to say I don't want to come to New Hampshire. They're going to say, you know, I live here for sometimes as long as three-hundred days during the year. This is my home while I am a student here and the decisions that you make in this legislature are decisions that impact on where I am going to school and the community that I live in while I'm here. And I deserve the opportunity to choose whether I feel it's more important for me as a student to vote where I'm spending most of my time as opposed to perhaps voting where I grew up, but I may no longer have the same emotional attachment. So, you know, I find this incredibly disingenuous because the reality is, we haven't seen outrageous fraud. We haven't seen abuse of our election process in this state. And yet every time we bring a bill forth like this, it implies that our voting system is fraught with problems. I don't believe that's the case. I believe that it's bills like this that make people in New Hampshire think that our voting system is not working the way it should. We should be passing legislation in here in this body and across, in the other chamber, that enhances every individual's ability to vote. But if you look at the legislation that we've seen this year and has been voted down, whether we wanted to have online voter registration, rather we wanted to do away with Crosscheck which has proved to be unreliable, those bills have been voted down as well. So I'm just here today to say, I would urge you not to buy in to the false premise of this legislation and to vote against it. Thank you.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition to the motion. In the committee I referred to this as a stink bomb on our democracy. And as I listen to debate here, I think my assessment may need to change, it's more like a smoke bomb. Because the smoke is stinging our eyes and we can't see what the magician's hands are doing. Because what we're doing here in this legislation, very crafty, very cynical, but what it is doing, it is linking not the resident to the voter but the voter to an act that costs money, and that act being is a driver's license or registering a vehicle. But when the smoke clears, like it often

does and the wisdom arrives and the truth emerges sometimes from an unusual source, we get that strike of wisdom and let me share it with you. I hate it, it would never survive in a court. I hope this legislature kills it. I will never support anything that suppresses student vote. At the end of the day, it could result in suppression of the vote. And who said that? Who said that? It was our Governor, the Excellency, Governor Chris Sununu's comments. You don't have to believe me; you can look at the YouTube video. There it is, right there for all of us to look at, to consider. The bottom line is Mister President, is this is a right-wing ruse built on trumped up charges of voter fraud that we know are not true. And we remember a year ago, we talked about the President's Commission, the commission that really attacked our grassroots democracy, what we do great in New Hampshire. And the leader of that, Kris Kobach, in the news these days. KK got CC; contempt of court. The charade is over. We know what this is all about. Call it what you want. The fancy way of saying it is disenfranchise, but the bottom line is this bill, like others like it, is created to make it harder for certain people who don't typically support Republican Candidates from voting. It does it by creating complicated barriers, long forms, long lines and long lies. The target here is college students. And who wants it, we heard this is in great demand. How many people showed up to testify? Two in favor, two. Both happened to be from the secretary of state's office. No public citizens. And there's no plan to enforce it.

There was a great article written here in the *Union Leader*. I'll share it with you. As the state draws closer to enacting a residency requirement for voting, one question remains unanswered. How would the obligation pay New Hampshire driver's license and vehicle registration after voting be enforced? No one seems to know. Secretary of state's office says check with the Division of Motor Vehicles and what do they say? When our friend here from the Union Leader called and asked them, they said, it has no impact on the DMV operations. No money, no plan for enforcement, but certainly a plan to make it harder for people to vote, young people to vote. People we need here in the state of New Hampshire as we hemorrhage young people. We need to welcome and invite them into the process. Mister President, I was a civics teacher. And I taught my students that government is a distribution of power. And what is power, power is influence, and who gets it? Each of us get twenty-four, each twenty-four of us get an opportunity to have power in this body. And each citizen has an opportunity to have power in our government. And in this debate, my friend from the Seacoast, he used the term "skin in the game". Another friend from Bedford, during our committee said vested interest, we want voters to have a vested interest. Now I come from a small town, three generations. Every town meeting people get up and they preface their comments with I've been here so long, I ran against a longtime resident and criticized me, said who's this guy think he is, he's only been here three generations. But I had the audacity to run and lose. But when you look up the word "vested", what does that mean? I think it tells the story. Vested: fully unconditional guaranteed legal right, benefit, privilege. Established, secured, settled, not in a state of contingency. Doesn't that speak about the way our voting started? You owned land, you were a man, you didn't receive any welfare, you were the right religion, you could vote. And we slowly expanded it. Contingency. Now this group, we're saying you're not, if you're vested you are part of this other group. Now what is this other group, where the origination of this word vested? Contingency, uncertainty, accident, chance,

emergency. In accounting, incidental expense. Some of our voters are incidental expense. You know in the questioning; we make this sound so simple. We want to link these things, indefinite future. And one of the students was there, I believe was from Dartmouth, and I asked him what are your plans after graduation? He said I have no idea, no idea. And I said well, let's be a little closer, what's your plan for lunch? He had no idea. Indefinite future doesn't mean anything to me, I'm going to die where I'm from. I'm going to be planted right next to my family. That's where I'm going, that's where I'll be. But when you're twenty years old, life isn't quite as simple. Mister President, this is a bad idea and I hope we vote it down. Thank you.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I quickly rise in support of this bill. I want these students to vote. I want them to vote in our local elections. And I want them to elect or vote for the selectman and the select people that serve us. I want them to vote on local bonding issues. I want them to vote in the state and federal elections if they live here. And if they live here, I want them to get that $50 million that they're overpaying for their tuition as out-of-state residents. So I'll be supporting this. Thank you very much.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. We've heard a lot of big words today so let me just go through some of the big words we've heard. "Voter suppression", "roadblocks", "confusion", "discrimination", "stink bomb", "smoke bomb", "cynical", "right-wing trumped-up charges", "attack on democracy", "a charade", "disenfranchisement" and "college students the target". I don't know about you my friend, it's inappropriate, it's wrong, it's divisive and you're better than that. So what are we trying to do here? No one's going to be denied the right to vote. Our friend from Derry or Hampstead, made that very clear. We're aligning ourselves with other states around us, we've made that very clear. We heard the same arguments about voter ID several years ago, that's widely accepted today and lastly, what I don't think has been brought up. The person that I believe has the most respect in this building, somebody that my friend from Manchester and I have nominated to be the secretary of state, says we need this bill. So we have a debate, but let's keep the language appropriate as opposed to some of these big words. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. We've heard a lot and I know people are getting tired and we've got a long day ahead of us but what I want to say is forty-nine states, forty-nine states equate residency with inhabitant with domicile, forty-nine. Twenty of those states actually, where a person, they twenty states, if a person registers to vote, claims domicile in New Hampshire, registers to vote here and votes, they lose their residency in their home state, including Maine, North Carolina, Louisiana. So this is not something that New Hampshire is trying to do, this is something that their home states are starting to care about. So for instance, the Maine student that the good Senator from District 14, she voted in Maine, then she voted in New Hampshire. If Maine had found out that she voted, she would have lost her residency in Maine. A Dartmouth college student voted, claimed domicile, voted in New Hampshire and the town clerk sent the information back to Penn-

sylvania. He lost his scholarship because it was a geographical based scholarship. So there are implications and the people putting this false narrative out are not being honest and they're not telling these kids that there are actually implications and ramifications if they do register in many states. If they do register here and vote here. And with that I'll end Mister President, and I hope that you can support the committee recommendation of Ought to Pass. Thank you.

(The Chair recognized Senator Feltes for a question of Senator Birdsell.)

SENATOR FELTES: Thank you very much, Senator. We heard talk about other states, but New Hampshire's constitution is different than other states and are you familiar with the case *Newburger v Petersen*? Court found that college students have a constitutional right to vote in New Hampshire, where they live regardless of whether they intend to live in New Hampshire indefinitely. Are you aware of that, and what is your response to that?

SENATOR BIRDSELL: I am aware of that, but their home states are not our constitution. So it's their home state that they have to worry about.

SENATOR FELTES: Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: A quick thing to speak. I promise it'll be quick. I just want to say, you know the talk about big words and all, the most insulting thing I have heard today, is when people are asking and questioning our honesty and integrity in fighting this. So I want you to know, saying we're being dishonest is by far the biggest insult I heard today. Thank you.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Giuda, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION
HB 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire.
Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Senate Executive Departments and Administration
April 25, 2018
2018-1776s
05/10

Amendment to HB 1254

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire and repealing the joint legislative oversight committee on the emergency management system.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Repeal. RSA 21-P:51, relative to the joint legislative committee on the emergency management system, is repealed.

2018-1776s

AMENDED ANALYSIS

This bill establishes a committee to study the procedures for adoption of national codes as part of the state building code and state fire code. The bill also repeals the joint legislative committee on the emergency management system.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1254 Ought to Pass with Amendment. The bill as amended, establishes a committee to study procedures for the adoption of national codes as part of the state building code and state fire code. The study committee will solicit information and testimony from any individual, agency, or organization deemed relevant to the study. In addition, the bill repeals the Joint Legislative Oversight Committee on the Emergency Management System. The ED&A Committee voted favorably, Ought to Pass with Amendment and asks for your support in their recommendation. Thank you, Mr. President.

The Chair ruled sections of the Committee Amendment non-germane.

Without objection, Senate Rule 3-17 is suspended to allow consideration of the non-germane Committee Amendment. Adopted by the necessary 2/3 vote.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2
Sen. Daniels, Dist 11
Sen. Avard, Dist 12
Sen. Sanborn, Dist 9
Sen. Innis, Dist 24
Sen. Reagan, Dist 17
May 2, 2018
2018-1887s
05/10

Floor Amendment to HB 1254

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire; establishing a moratorium on the adoption of changes to the state building code and state fire code; and repealing the joint legislative oversight committee on the emergency management system.

Amend the bill by inserting after section 5 the following and renumbering the original sections 6 and 7 to read as 7 and 8, respectively:

6 State Building Code and State Fire Code; Moratorium on the Adoption of Changes Pending the Legislative Study. Notwithstanding RSA 155-A:10, V, or any other provision of law to the contrary, no amendment to the state building code or state fire code shall be made prior to November 1, 2018, unless legislation is brought forth in either chamber

based on the findings and recommendations of the study committee established in sections 1-5 of this act, in which case the moratorium shall continue until such legislation has been enacted or rejected.

2018-1887s

AMENDED ANALYSIS

This bill:

I. Establishes a committee to study the procedures for adoption of national codes as part of the state building code and state fire code.

II. Establishes a moratorium on the adoption of changes to the state building code and state fire code pending the finding of the study committee.

III. Repeals the joint legislative committee on the emergency management system.

SENATOR GIUDA: Thank you, Mister President. In that the codes enactment and enforcement process is under question and has caused problems for significant numbers of our businesses and homeowners, this amendment would establish a moratorium on any additional code changes until such time as the study committee is complete and the filing period is done at the end of this year, or if bills are introduced, until such time as those bills are disposed of. And that would be the essence of the amendment, I would ask for your support, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, and perhaps we'll hear from the chair of the ED&A Committee on this one but let me just mention as a former member of that, I really think that this is a very precipitous move. We are going to establish a committee; we'll look at this. But, if we tie the hands of our fire departments and our building inspectors for the next how long, well what happens? Let's say that a new emergent threat come up does it identified, you know, that there's, we suddenly find that there's some kind of a piece of equipment or we suddenly find there's some chemical, or we suddenly find that there's emergent danger that's what we have the fire codes for and our fire chiefs for is to say wait a minute. And we know there are many examples. What if we have, you know, new instance of kind of mold treatment or what if, you know, just think of the things that can go wrong in a house or materials that we find, think back when there's aluminum wiring, huh? And now we're saying well, we won't let you deal with any emergencies if anything comes up, we're just going to wait until this commission. I think there are legitimate questions to be raised that you're asking about fire codes and building codes but let the commission do its work. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I rise to answer my good colleague from District number 5. There are provisions, emergency provisions in statute so that if there does, there is something that happens, they will be able to adopt the codes. This is I believe in part a reaction to something that happened last year where one of our boards arbitrarily adopted all the code updates without legislative input. There was a bit of going back and forth and back and forth because the attorney for that board felt that they had the authority to do that. So I rise to support this amendment, Mister President. I think that this work will be good, and they will straighten this out and I hope I've answered my friend from District 5. Thank you very much. Oh 4, excuse me.

(The Chair recognized Senator French for a question of Senator Giuda.)

SENATOR FRENCH: This might prevent what happened several years ago possibly and we had to put sprinkler systems in all new single-family construction and then had to fight and change all over it. Is that true?

SENATOR GIUDA: That is true.

SENATOR FRENCH: Great, thank you.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1310, establishing a committee to study all non-regulatory boards and commissions.
Inexpedient to Legislate, Vote 3-1. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1310 Inexpedient to Legislate. This legislation would create a committee to study all non-regulatory boards and commissions to determine which entities are still needed and which may be repealed or amended. A circuit court decision in North Carolina states that regulatory boards consisting of members of the profession which includes almost all of our states, are subject to federal anti-trust law if they do not have independent supervision. Presently, New Hampshire, we provide supervision through our committees and through the rules process. The majority of the committee believes this study is not necessary at the present time, thus the vote of Inexpedient to Legislate. Please join the ED&A Committee in their recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 1327, relative to apprentice electricians.
Ought to Pass with Amendment, Vote 4-0. Senator Gannon for the committee.

Senate Executive Departments and Administration
April 25, 2018
2018-1780s
10/05

Amendment to HB 1327

Amend the bill by replacing sections 2 and 3 with the following:

2 New Section; Supervision of Apprentice Electricians. Amend RSA 319-C by inserting after section 2 the following new section:

319-C:2-a Supervision of Apprentice Electricians.

I. A journeyman electrician may have 2 apprentice electricians under his or her direct supervision beginning on the first anniversary of the journeyman electrician's initial date of licensure.

II. Each journeyman electrician on a work site may have 2 apprentice electricians working under his or her direct supervision, to a maximum of 3 journeyman electricians per work site. Each additional journeyman electrician may have one apprentice electrician under his or her direct supervision.

III. Each master electrician on a work site may have 2 apprentice electricians working under his or her direct supervision, to a maximum of 6 master electricians per work site. Each additional master electrician may have one apprentice electrician under his or her direct supervision.

IV. The maximum number of licensed electricians with 2 apprentice electricians working under their direct supervision on a work site shall not exceed 6.

3 Effective Date. This act shall take effect upon its passage.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1327 electrifying and Ought to Pass with Amendment. This bill, as amended, will change the number of apprentices that a journeyman electrician can have working under his direct supervision. During the testimony, the committee heard the rising age of electricians in the state is of great concern, and not enough younger people are getting into the trade. Currently, most electricians in the state are shockingly between the ages of 50 and 70, with many beginning to look at retirement. Sounds good to me. This legislation will enable a journeyman to bring additional apprentice electricians into the field under direct supervision. Apprentice electricians require four to five years of training, four years of schooling and one year of on-the-job training. By allowing journeymen and master electricians to both supervise apprentice electricians, more young people will have an opportunity to move forward in this charged field. This legislation will become effective upon its passage. So flip the switch on, the ED&A Committee voted Ought to Pass with Amendment and asks for your support. Thank you, Mr. President.

(The Chair recognized Senator Cavanaugh.)

SENATOR CAVANAUGH: Thank you, Mister President. Mister President, I voted in favor of the Ought to Pass and I want to ask my colleagues to vote that down. We had a lot of testimony for and against and honestly, I was back and forth with this. You know there was a lot of things going on. This past week I had a lot of conversations with people in the field and it came back to this. I mean I came from this industry and the thing we always broke with with teaching, the way I teach is safety first, safety first. And with that we have the one on one training, on the job training. That's the best way to learn. I know it seems like a small number; you're going from one to two. But with on the job training with one on one training like that you're losing 50 percent of your time training. And that's a safety problem, I think. And I'm not talking residential work. We have our outlets in our homes, that's not what I'm talking here. I'm talking more commercial and industrial jobs where you need that adequate supervision. Where if you make a mistake then, that could be your last mistake. You have to have very good supervision in those situations. Another concern was the reciprocal licensing with Massachusetts. We've tried and we've heard a lot of times during the committee hearing that we had the licensing board member from Massachusetts coming up. I was trying to get some kind of commitment from them that they were okay with this. I haven't been able to. That's concerning to me, because if they stop that reciprocal licensing, our electricians won't be able to work in Massachusetts, and that could be a huge problem. So I looked up what we have in New Hampshire. For New Hampshire residents, there's with out of state licensing, there's 5,008 New Hampshire residents that can work out of state. I don't think they're all working in Massachusetts, but I'd say the majority are. If we lose that reciprocal licensing, that's a problem. I'd like to get some letter or something from that board saying they're okay with this but I haven't been able to. Because of that, it's very much a concern. It could be devastating for these people that are going down there and contractors I've spoken to, that they only bid jobs with their electricians to go down

to Mass because it's more money. So, it's a concern and that's why I'm asking to overturn this committee recommendation for Ought to Pass. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Avard, seconded by Senator French.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 13 - Nays: 11. Adopted.

Senator Kahn moved to Lay on the Table HB 1327. Failed.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. I'd like to bring some scale of concern here, of the 5,008 people who are reciprocally licensed to work in Massachusetts, this is out of a total of a little over 6,000. So this isn't 5,000 out of 50,000, this is 5,000 out of 6,000. So I urge you to defeat this measure before we have thousands of people unable to work or people that we're able to bring into the state because of the reciprocity agreement.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much, Mister President. I'm a little surprised at some of the discussion here today. We did discuss the reciprocity, and we were told that it really was not an issue. I know that the good Senator from District 16 would like to get a letter, but the folks from Massachusetts have been coming up and they've been meeting with the boards here, and we were told that this was not an issue. They're trying to get young people to get into the electrician's field because they know that all of these folks are getting older, and they don't have young people coming up. So I'm just surprised that this has come up. I don't believe that the reciprocity is in danger. If it was, the folks that work in this industry would have told us that it was a big problem. Thank you very much, Mister President.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Avard, seconded by Senator Birdsell.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 13 - Nays: 11. Adopted, bill ordered to Third Reading.

HB 1472, relative to the state building code provisions for energy conservation in new building construction.
Ought to Pass, Vote 4-0. Senator Cavanaugh for the committee.

SENATOR CAVANAUGH: Thank you, Mister President. I move House Bill 1472 Ought to Pass. This bill clarifies the administration of the state building code by repealing the entirety of RSA 155-D, energy conservation in new buildings. This statute was first adopted in 1979. The statewide building code including more modern provisions related to energy efficiency and conversation was subsequently adopted in 2002 and codified in

RSA 155-A. This bill transfers the necessary energy code administrative provisions in RSA 155-D to RSA 155-A and will serve to simplify overlapping statutes. The ED&A Committee recommends House Bill 1472 be adopted and asks for your support. Thank you, Mister President.

Recess. Out of recess.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1530, requiring criminal history records checks for applicants for allied health professional licensure or certification.
Ought to Pass with Amendment, Vote 4-0. Senator Cavanaugh for the committee.

Senate Executive Departments and Administration
April 25, 2018
2018-1778s
10/05

Amendment to HB 1530

Amend RSA 328-F:18-a, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) A criminal history record release form, as provided by the New Hampshire division of state police which authorizes the release of his or her criminal history record, if any, to the office of licensed allied health professionals.

Amend RSA 328-F:18-a, V as inserted by section 1 of the bill by replacing it with the following:

V. Pending the results of a criminal history record check, an applicant for licensure may be employed in a profession of the allied health field on a conditional basis for up to 90 calendar days before the office of licensed allied health professionals receives the results of a criminal history record check required for licensure, if the conditional employee:

(a) Is under the direct supervision of a licensee;

(b) Has provided a written attestation to the employer and the board that no disqualifying criminal history exists; and

(c) The allied health governing board is not a member of an interstate licensure compact.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1530 Ought to Pass with Amendment. HB 1530, as amended, intends to give applicants for licensure with the Health Professional Governing Board a choice in having a criminal background check in one of two ways. They could provide an individual criminal background check from every state the applicant has resided, or have, I'm thinking of domicile when I say resided, or have been licensed in for the past six years, or a one-stop shopping for a Federal Bureau of Investigation background check. Today, licensees are mobile and could be licensed in multiple states. The FBI looks at it national, as opposed to the state, which only looks at New Hampshire. For those applicants who are more mobile, the FBI background check may be a better choice. As the bill came out of the House, as amended, the legislation would only have applied to those individuals reinstating their licenses. Changes made here will open up a conditional license while waiting for the background check and will not hold an applicant up from licensure. Questions would still have to be

answered on their application as to whether or not they have a criminal history. The ED&A Committee recommends HB 1530 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1545, relative to the statewide interoperability executive committee. Ought to Pass with Amendment, Vote 4-0. Senator Gannon for the committee.

Senate Executive Departments and Administration
April 25, 2018
2018-1777s
05/10

Amendment to HB 1545

Amend RSA 21-P:48, IV(gg) as inserted by section 1 of the bill by replacing it with the following:

(gg) The director of fire standards and training and emergency medical services, or designee.

Amend RSA 21-P:48, IV(ii)-(kk) as inserted by section 1 of the bill by replacing them with the following:

(ii) The commissioner of the department of information technology, or designee.

(jj) The commissioner of the department of corrections, or designee.

(kk) Not more than 2 representatives of private, broadband technology-related businesses, appointed by the executive management group.

(ll) Not more than 2 representatives of the university of New Hampshire broadband technology-related business, appointed by the executive management group of the SIEC.

(mm) Not more than 7 subject matter experts, based on the identified need of the SIEC, appointed by the executive management group.

SENATOR GANNON: Thank you, Mister President. I and the sounds of trumpets that are attached to this bill move the House Bill 1545 Ought to Pass with Amendment and flourishing. This bill, as amended, revised the membership of the Statewide Interoperability Executive Committee known as SIEC, and the committee's Executive Management Group, EMG. It expands the people involved and sets up the EMG with subcommittees to focus on issues they need to deal with, one of which includes funding. SIEC is actively engaged with many successes over the last couple of years, and with the addition of individuals to the committee, it will be more representative of the public safety community, addressing the needs of the radio communications interoperability throughout the state. The ED&A Committee recommends HB 1545 be adopted and asks for your support. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1603, relative to employee representation on the independent investment committee in the New Hampshire retirement system.
Inexpedient to Legislate, Vote 3-1. Senator Reagan for the committee.

SENATOR REAGAN: Thank you, Mister President. I move House Bill 1603, Inexpedient to Legislate. This bill would have required one of the members of the Independent Investment Committee of the retirement system to be an active member employee. The Independent Investment Committee was established by statute in January 2009. It is a 5-member committee which manages investments based on the trustees' policies, continuously monitors and evaluates performance, and makes determinations regarding the hiring and retention of fund managers. The committee consists of three public members and two representatives of the Board of Trustees. By law, all Independent Investment Committee members must have substantial experience in the field of institutional investment or finance, taking into account factors such as educational background, business experience, and professional licensure and designations. Data compiled by the retirement system's investment consultants show that over the five, six, seven, and eight years ending June 20, 2009, a time where the Board of Trustees made investment decisions, the total fund performance was outperformed by more than half of all public retirement plans. So the New Hampshire system at that time was in the bottom half of all retirement system investments. The New Hampshire Retirement System's investment performance since the creation of the IIC has been exceptionally strong. For the five, six, seven, and eight years ending June 20, 2017, a period of time where the Independent Investment Committee made the investment decisions, the New Hampshire Retirement System outperformed 90 percent of public plans. In addition, this matter came before the Decennial Retirement Commission and they chose not to make changes at this time. The ED & A committee believe the data speaks for itself, and the evidence shows that Independent Investment Committee is working favorably. Please join the ED&A Committee recommendation of ITL on HB 1603. Thank you, Mister President.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Mister President, I rise in opposition to the motion. This legislation does one very simple thing. It adds, not adds but it changes one of the members of a five-member commission. It doesn't do away with the Independent Investment Committee, it merely says that one of those members shall be someone with, what did I hear earlier? Skin in the game. A vested interest. If that's true with respect to voting, it should be true with respect to retirement as well. It would be great to have someone with skin in the game sitting at the table. Let me also mention that currently the statute says, each member of the committee shall have substantial experience in the field of institutional investment or finance other than their experience as a trustee in the system, taking into account factors such as education, background, business experience, professional licensure and designations. That would apply to this member. All this says is that the Governor can appoint from a list provided by several organizations who all have members within the retirement system. This is a very simple change and something that we should all embrace, and I ask my colleagues to vote down this motion so that we can offer an Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Gannon for a question of Senator Carson.)

SENATOR GANNON: Thank you then for taking my question. Wasn't this done before, weren't there more members on this board and it didn't perform as well and it was, I heard a lot of rumblings that it's before my time, the board didn't function well and wasn't as profitable, with a much bigger, more rambunctious crowd?

SENATOR CARSON: Thank you very much for the question. You are correct. There were problems with the investment board. In fact, one of our former colleagues, the districts have changed but, Senator Harold Janeway came to see me and basically said, please don't add any more members, don't mess around with it because it's working really well. And that was the decision of the Decennial Commission was just leave it alone, it's working. There was one problem that did come up that I have to do a little bit of research on. We were informed that the executive sessions were not open to members of the public, and that's where the decisions are made. And that process should be open to the members of the public. So I have to find out if that's true or not and we'll take it from there. But you are correct in your assumption.

SENATOR GANNON: Thank you, Senator. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Soucy, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

HB 1805, establishing a committee to study level dollar amortization of retirement system unfunded accrued liability and relative to the retirement system board of trustees.
Ought to Pass, Vote 4-0. Senator Gannon for the committee.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1805 Ought to Pass. This bill will establish a committee to study the level dollar amortization of retirement system unfunded accrued liability. Presently, the system is based on payments which are percentages of the payroll, rather than a fixed dollar amount. This study is a recommendation of the Decennial Retirement Commission. This bill will also change the terms of retirement system trustees from two to three years. This was a request from the board, noting it takes a while for a new trustee to get up to speed on all matters they deal with. A three-year term is more appropriate for this position. The ED&A Committee voted favorably, Ought to Pass, and asks for your support in their recommendation. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

JUDICIARY
HB 135, relative to the submission of evidence prior to hearings in divorce cases.
Inexpedient to Legislate, Vote 3-1. Senator Carson for the committee.

SENATOR CARSON: Thank you very much, Mister President. I move House Bill 135 Inexpedient to Legislate. This bill would permit the parties in a divorce case to request a continuance if evidence is not submitted prior to the hearing. The passage of this bill would put an unnecessary restraint on the courts, as these decisions should be left up to the court's rulemaking procedures. It is not the role or responsibility of the legislature to dictate a judge's decision or discretion. Therefore, the majority of the Judiciary Committee asks for your support in the motion of Inexpedient to Legislate on House Bill 135. Thank you very much, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

Senator Avard is in opposition to the motion of Inexpedient to Legislate on HB 135.

HB 476, relative to the duties of registers of probate.
Interim Study, Vote 3-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 476 be Referred to Interim Study. This bill would modify the duties of the registers of probate and the duties of the probate division of the circuit court. It would also require the county delegations to determine the salary and benefits of registrars of probate. The committee did not find any compelling reason to make these changes to the registrars of probate's role. However, by moving this bill to Interim Study, it provides the opportunity for individuals to further examine this issue and answer some outstanding concerns the committee had regarding the setting of the salary and the workspace that would be required for these individuals. Therefore, please support the majority of the Judiciary Committee in the motion of Interim Study on House Bill 476. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. I would ask the Senate to vote down the committee recommendation so that an alternate motion can be made. In speaking of this, the committee said that they need to study this more. This bill or its grandparent was House Bill 1513, introduced in 2016. That was sent to a study committee, the study committee recommended further legislation, 11-0. And the new bill, House Bill 476 was introduced in 2017. It was sent to Judiciary for study, came out of Judiciary as Ought to Pass, 11-6, voted on the House 198-145, than sent to Finance, where Finance studied the bill and came out with a recommendation Ought to Pass as Amended 23-1 and then that bill was voted on the House floor with a voice vote. I want to go to the testimony, the written testimony from Judge Kelly. Page 2 of that testimony has the following paragraph:

> Having said all that, as I said at the outset, we have worked hard with the opponents of this bill both to understand their concerns and to do our best despite our strong opposition, to craft compromises and correct what we saw to be deficiencies. What you have in front of you is the product of that work. Without waiving our opposition to the bill, we have offered several amendments and with your indulgence, Madam Chair, I would specifically articulate our position on those key points.

So again, I was quoting from Judge Kelly in the testimony. So Mister President, we took Judge Kelly's amendments, took them down to legislative services and said include them all. Include every one of his desires in that bill. And that is how you see 1663 in front of you now. There is one change in there, besides that, and that has to do with the printing of these notices in the newspaper or in the legislative website.

PRESIDENT MORSE: Senator, 1663 is not before us right now. Just so you know.

SENATOR GRAY: I would ask everyone so that I might speak to 1663, the current motion so that 1663 can be presented.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President, and please bear with me because I've got a lot here. We're all going to go in that old way back machine, if any of you listen to some of the radio you might recognize that term. We're going to go back to 2011, when in front of the Senate Judiciary Committee we had House Bill 609. And 609 was the product of a commission that was put together and started by John Broderick, Chief Justice Broderick and then continued by Chief Justice Dalianis, that basically was an innovation commission. And it was put together of judges, businesspeople, legislators, lawyers and people from outside the system, in order to modernize our court system. And in that testimony, Judge Kelly said the charge of the commission was essentially to deconstruct the court system as we have it today and then reconstruct it using twenty-first century business models, best practices, whatever efficiencies we could find and the use of technology. Now if we were to go forward, excuse me at that same time, Chief Justice Dalianis, in speaking about the registrars of probate, because there were questions about what's going to happen to these people. And Chief Justice said we changed the definition of the duties of registers of probate in a way to, how to say it, make the system more rational. Because at this point elected registers are sort of court employees and not sort of court employees, and some of them didn't pay much attention to the way that we needed or wanted business to be done. And it seemed to us to make more sense to have the people managing those courts, be people who are accountable to us, the courts. And for that reason, the duties of the registrars were pared back to essentially nothing. Because if they don't do it, we do it anyway. Now again, going back to Judge Kelly's testimony at that time. Hold on, I just need to find it. It says in speaking about the register of the probate, that constitutional amendment concerning the registrars of probate was put into effect in 1877, so it wasn't all the way back to the eighteenth century, and it hadn't changed. The duties, nothing had changed during that time period. And he said, if you look at the secretary of state's website and they've served as the clerks of the court for probate court since then, meaning the registrars of probate. It's not a good system. I can tell you having been a judge in the system for twenty-one years, and an administrative judge for four years, that having elected officials serving as your managers, is bad for two reasons.

The first reason is that some of them tend to act independently, which means I'm not going to fill out leave slips, I'm not going to be accountable for my time. You tell me to use this form, well I don't like this form and I'm not going to use it. So it's hard to develop consistency among the ten courts which has been a problem. The second and equally significant problem is that they have to run for reelection every two years and while we've had some fantastic registrars that are subjected to being voted out of office, and especially that the average voter doesn't know what the registrar of probate actually does. We have had registrars of probate sign up to run saying, you know, I'm running because I have a nephew who was on probation once, and I want to run for registrar of probate. So we've had candidates who really don't understand what that job is. Essentially it says that the registrar of probate will be a registrar, and this is speaking to the changes that were eventually passed. We cannot have our mangers elected. If you were running a business, you wouldn't say the best way to pick the manager of that business is to have an election, and the people elected them. It just doesn't work. The position has changed, and they've met with the registrars over the summer and they explained what they were doing, and they ended up hiring most of

the current registrars into these new clerks of the court position. Now, what's happened since then? Well, there has been significant cost savings, and it is working well. As you can imagine, we had a system that dated back to 1877, and changing that, you were going to have a difficult time period. And they did go through a difficult time period where things were delayed. But according to the testimony that we received, that is no longer the issue, especially since they've moved to e-Court. They're claiming two weeks is the most that it takes. There are kiosks in every courthouse, and individuals are there to assist people that come in and need the help.

Commissioner Arlinghaus is in opposition to the funding scheme that is within the bill. The courts do not intend to use state dollars to provide the laptops and the computers to the registrar of probates. So, the bill tells the court that they are going to have to provide the equipment for the registrar of probates including laptops and computers. The court does not have the time and the staff to take someone with no background and train them the way they would train their own staff. They said they would allow them to attend ongoing training. The courts cannot allow registrars in the clerk's offices. We also heard from the registrar of deeds in Rockingham County. She doesn't want them in her office, because one of the proposals was to put them within the registrar of deeds' office. There's also the unresolved issue of rulemaking. The court created a series of court rules that now would be out of date or negated if we were to pass this. They'll have to go through court rulemaking again to reflect those changes. Not all counties support this. I think that's important. Coos County testified that they don't want to do this, and Rockingham County contacted me and said the same thing, that they're not interested in doing this. I have questions, whether or not this is really downshifting, because what we're saying is the counties have to set the salaries. Well in 1984, the state took that over and the state set the salaries. Does anybody know what the salary per year of a registrar of probate was in the state of New Hampshire? I'm sure, Senator you do. But anywhere between 50,000 to $70,000 per year, depending upon their experience. Who wants to go home and tell their constituents they raised county taxes to pay for this? It is downshifting costs. We have had over a million dollars in efficiencies. And we will receive another $345,000 by 2019. I can't go home to my constituents and tell them well, we're just going to, the money that we've saved is just throwing it out the window because now we have to go back to the way we used to do it. For, Mister President, no good reason that was articulated in the public hearing. We've also, the courts have also seen $13 million in revenue which has been used to renovate our courthouses across the state. They haven't come to Finance and asked for money. They're spending the money that they have received from these fees to renovate the courthouse.

Mister President, there's a lot of other reasons, and again I think the most important one was we did not hear a reason why we have to go back to the old way of doing things. It's working. We did have testimony, one of the Representatives had told us, we'll wait ten years then you can go back to doing it the way that you're doing it now. Why would we do that? Why do we have to keep spending the money? Why do we have to keep putting the money in change and innovation and making these things more modern? And then have to turn around and roll it all back. Because there's a perception or because in the beginning, Mister President, people had difficulty getting things through the probate. That is not the case today Mister President. It's working, it's working well, and I would ask

the committee, because of the problems that I articulated, that we put it into Interim Study and allow the folks that really want to do this to come up with answers. Thank you very much, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in strong support of this bill. We'll talk about money and we'll talk about efficiencies. At the end of the day, we struck down an attempt to change the constitution, okay? You may reconstruct the course, but you may not reconstruct the constitution and the rights that are guaranteed to the elderly or those who have estates to be settled. This position was put in that constitution for a very good reason and that was to provide commoners the ability to oversee a court that could perpetrate significant mischief in the settlement of estates. The court appoints the administrators, the court appoints the lawyers to oversee, the court then judges, there's potential for mischief. Money is not an issue here. It's the purity of the process and the right of an ordinary person, not to have to contend with dealing with the clerk of the court or a judge but having an advocate, that'll help them through a process at a trying time in their life. And so the court doesn't like this. There's a good reason, it's the same reason they don't like jury nullification, so they don't issue instructions on it. It puts the power in the hands of the people it was intended to be in, the common citizens, the ordinary people of our state. The juries in this case are representative of a person in a very critical financial transaction which mischief can, and in the past has been perpetrated. So for that reason I would ask you to support the Committee Amendment and let's keep the process in the hands of the people not the courts. Thank you.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you, Mister President. To try and go through some of the points from, brought up by the good Senator from District 14. Court employees and Judge King at the time there was a ongoing battle that was covered in the newspapers between one of the registrars of probate and Judge King at the time. And certainly, we took that into consideration in drafting this bill. Is that it did not work when the court was not in charge of those people. And I meant it, I mean that's a problem and so we did something about it. And we'll talk more about that in a minute. Elected managers. Right now, in the bill, if you go in and look, then the registrar of probate and the duties that are described in the bill don't manage that. They oversee what's going on in the probate court and try to assist in resolving any issues that come up. So there is no responsibility from the courts to the registrar of probate or of it. Cost savings. Cost savings is interesting. Who's saving the money? I know that when my mother passed away, that I had to pay more months of rent while we adjudicated some of the things that were going through the probate court. I couldn't do anything with her possessions in her house and I had to maintain them according to what I was told. I had to pay that rent. In fact, when I tried to cancel her cable subscription, I had to show up at their office with a death certificate saying, hey, you know, come on. So there are expenses when the process is delayed, and part of that delay is that if I send in the form and I get it back and say well, gee, you didn't fill this out. And then I turn it in and I get it back and they say well, gee you should say this different. The constitution has an interesting thing about the convenience of the people and it's Article 80 Part 2. And I'll let you read the whole thing but it's talking about the judges of the probate court shall hold their court at such place or

places on such fixed days as the convenience of the people may require. And the legislature from time to time support. We made changes back in 2011, no doubt about it. Were those the right changes, were they right for the people? Does an individual whose mother, father is in a nursing home, have to pay for that nursing home for additional months because they don't have any executor assigned? Is that two weeks that the Judge Kelly talked about, from the time we've gotten all the information into the computer, or is it from the time they started? There's a lot of things going on there. Funding. We talked about that the certain individuals don't like the funding situation. That is addressed in Judge Kelly's request for changes. Training ongoing. I'm willing to accept that. I've got no problem with that. Rules. How do the rules change when all I'm doing is having someone oversee and help an individual when they come in? In fact, it should make it easier for the folks, not harder.

Coos County, Rockingham County. The bill has provisions in it that make it optional. If the county convention does not go and invoke the salary for these individuals, the money stays in the court, the court doesn't have to pay it. Hmm. Raise taxes. Well, the Kelly delegation, the way it is, if we look at the amount of money that they get, and one of the things that has been brought up is that Coos County would only get $4,265, but remember that they have the lowest number of cases filed also. That may be, you know, four hours a week. But it may be the four hours that are convenient to the person who's trying to file that case. Other courts would receive 27,000, 33,000, 8,900, 12,000 various things. But at no time does that county convention have to provide a salary other than what they choose to provide. And based on those estimates, that should be fine. So raising taxes that would be up to the county convention. No good reason. We talked about the convenience. We talked about the money that you save. It is interesting that when I went and looked at the website, the website that it leads you to has thirty different bullet points on there for you to click on when you're trying to file. Thirty different points. And when you go to the video, which isn't one of those thirty, where Judge King is providing guidance, thirty-seven seconds into there before he has described any of the assistance that you can get to fill this out without hiring an attorney. He says you may want to hire an attorney; you can do that by contacting the bar. Okay, well, interesting. Ten years. Well, certainly Representative from House Finance that said that, said that we need something right now. We, you know, there ought to be some help that these people can get and take advantage of. I can tell you, and this system has been equated to TurboTax, I can tell you that in the city of Rochester and Farmington, there are 720 people who go to the library or go to the Holy Rosary Credit Union in Farmington to have their taxes done, not because it isn't free, but because they want assistance, they want somebody to help. Others have said it's easy to do the system. How many times have you gotten trained on a computer program and when the person sitting next to you and says click here, click here, click here and it's a snap. But as soon as they walk away, oh jeez, they come back oh, you didn't touch this menu, you have to go there to get that, you have to go over here to get that. That's what's happening. And if you want to make an appointment according to the Judge King's testimony, excuse me, Judge Kelly's testimony, Concord. You've got to go to Concord. We've taken, we had fifty-two people when we did this in 2011, of those fifty-two people, ten of those were the registrars of probate. We're down to eighteen right now.

His testimony also talks about reducing eight I believe and then seven, it looks like from the call center. Again, we are making the court very efficient, very cost effective, again I admit it, but at what cost? It's at the cost of that person who has just lost a loved one and is supposed to file this thing within thirty days and they get a choice of whether to do it or go hire an attorney. You, you twenty-four people, twenty-three people, because I have to exclude myself if I do, right? Voted the constitutional amendment down 6-17. Okay, so what are you going to do with that position? Are you just going to just still have it out there? What are you going to do with it? Should do something with it, either give it some duties or ask the court to do something. Again, there is a purpose for this. The court and the reason I believe that the registrar of probate was set up in the first place and that there's a specific provision in the constitution that says that the courts can appoint their courts, probate excepted is because they want someone independent overseeing the courts. Let's give them that. Let's vote down the committee recommendation so that we can submit an alternate motion. Thank you.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you very much for allowing me to speak again, Mister President. There's a couple things that I would like to discuss. I mentioned that there were kiosks. These kiosks are located, there's one in every court in the state of New Hampshire. They are staffed by court members and in the bigger, in the cities, there's more than one person that's in that kiosk to provide assistance to anybody who comes in and who needs it. So it's not like someone's sitting in front of a computer trying to figure out how to do this. There are people available to help individuals get through the process, okay? There was comments made about well, the constitutional amendment. You're right. It failed. But there are duties that have been assigned to the registrar of probate and that is in keeping historical records and I think that that is something that the Interim Study can take a look at because I do think that it needs direction and I do think that it needs to be defined. So I do think that there's something to do there. But again, their job is to keep the historical records. Now my good friend from District 6 talked about the fight, the court fight. And you're right, there was a court fight. But the court fight was overpay. Because the changes in 2011 were rolled into the budget and as you know, the budget tends to take effect right away. So you had registrars of probate that were about, you know, almost halfway through their terms and all of a sudden they found their pay drop as the registrar of probate in Rockingham County, who led the lawsuit, from over $70,000 a year to $100 a year. I think anybody would sue over that issue, and they won, and they got their salaries for the two years.

Now we've talked a little bit about the people who get elected to protect the people. And again, I want to refer you to the testimony we had in the public hearing. We had testimony that there was a person who was elected from a nursing home and never went to work. We had a young man in college whose friends as a joke wrote him in as the registrar of probate up in Grafton County. How is that helping the people? And I had also talked about the other testimony that we had gotten that somebody ran because their nephew was on probation and they thought they could do something about it by being the registrar of probate. The court has taken this over to provide consistency. We did not have one member of the public, we had legislators come in and talk about this, but not one

member of the public come in and say that they were harmed. Not one. So again, I ask you why, why do we have to go back to the old way of doing things? Because it makes some people feel comfortable because they don't understand the process. There are people there to help them through the process. It's a difficult time for people when you lose a loved one and now you've got the responsibility of probating their estate. It is serious and it needs to be taken seriously and some people do need to have attorneys. But what do you do if we go back to the old way of doing things, and you go down to get this done and the registrar of probate isn't there? It's not a day that they work. They only work a few days a week. And what if they don't show up at all? The court's going to do it anyway. Mister President, I see no good reason to go back to the old way of doing things. It's working, it's efficient, it's doing what they told us they wanted to do. I am not someone who sees the courts as corrupt and they're stealing little old ladies' estates. We did not hear testimony from anyone saying that their estates were tampered with. None. And I would like to think that our judges and the people that work for our court systems are held to the highest ideals, and they do do their jobs and they do them very, very, very well. This is an outdated position. Let's keep them as the keepers of ancient records and historical records, but the court has done a very good job of taking this over. And so, Mister President, I would ask this body to support the committee decision of Interim Study. Thank you very much.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you. Mister President, I rise in support of my colleague, Senator Gray and I say this. I was around when the probate situation evolved. I know what happened when there was action taken by the court to get rid of the probate and make $100 as a salary. But let me tell you this, until you've been an executor of an estate, you don't know what it is to go through the process. We only have one probate judge left. One left, where we had ten at one time. He's a terrific judge I think he does a great job but there's only one, there's only one left. I have received a number of calls from people whose estates or estates of family are in the process and it's taking a long period of time to get things done. I think the way this was put together originally was not, it just wasn't a good situation. I think it deserves looking at and looking over. I think the Senator has worked diligently to try to put this together. I hope we would support him in his desire to make the situation better. Thank you, Mister President.

Senator Sanborn moved to call the question. Adopted.

The question is on the adoption of the motion of Interim Study.

A roll call was requested by Senator Avard, seconded by Senator French.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Ward, Kahn, Daniels, Lasky, Carson, Feltes, Cavanaugh, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, Gray, French, Sanborn, Avard, Reagan, Soucy, Birdsell, D'Allesandro.

The following Senators filed a Declaration of Intent: Bradley.

Roll Call, Yeas: 14 - Nays: 9. Adopted.

HB 1295, relative to persons held in civil contempt.
Inexpedient to Legislate, Vote 3-1. Senator Carson for the committee.

SENATOR CARSON: Sorry, Mister President. Thank you, Mr. President. I move House Bill 1295 Inexpedient to Legislate. This bill would declare that no person shall be incarcerated for civil contempt without there being a finding that the person has liquid assets to satisfy the contempt penalty. The majority of the committee determined that policies such as these should not be determined by the legislature, but rather should remain in the court's purview of rulemaking. Therefore, please support the majority of the Judiciary Committee in the motion of Inexpedient to Legislate on House Bill 1295. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 1319, prohibiting discrimination based on gender identity. Interim Study, Vote 3-2. Senator French for the committee.

Senator Bradley presiding.

SENATOR FRENCH: Thank you, Mister President. I move House Bill 1319 be referred to Interim Study. This bill would prohibit discrimination based on gender identity and define gender identity. Although no one within this body believes in discrimination, there are many unanswered questions within this bill. Beyond whether or not this type of discrimination is already covered under the classification of sex, there are also many questions regarding the language within the definition itself. Specifically, there is concern regarding the language surrounding medical records, whether or not transgender individuals would be stripped of their privacy rights and forced to turn over their medical records. All of these questions need more time and study to determine the best path forward in the New Hampshire way. Therefore, please support the majority of the Judiciary Committee in the motion of Interim Study on House Bill 1319. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. This bill is two words, gender identity. That's it. Two words. And that's really what we're going to fight about for a little while. Those two words affect 4,500 people in our state. You may not know any of them. I only met the first transgender person that I ever met in the last year. I don't understand. I'll admit that. Just as many of you don't understand me. But that's not what we're asking for in this particular bill. We want everyone in our state to have the opportunity to live free or die. We believe that hard working Granite Staters should be treated fairly and equally under the law, that's why we're here. House Bill 1319 simply updates our existing non-discrimination laws which protect people from discrimination at work, in housing and in places open to the public. And it will also affect transgender people. New Hampshire is the only state in New England, the only state in New England that does not have this protection in place. Over thirty years ago Minneapolis was the first city to do it. Since then, eighteen states and two-hundred additional municipalities have adopted the same measures. These laws are necessary because of the pervasive discrimination that transgender people face at work, at home and in public. I'm not transgender, but ten, twenty years ago, I experienced these discriminations. They're painful and it's not what we're about as citizens of New Hampshire. Our state is at its strongest when we're free to work hard, earn a decent living, go about our lives without fear of discrimination. That's what this bill is about. We've updated our state's laws over the decades to ensure that people don't face discrimination

simply because of their gender, their age, their race or their sexual orientation. Gender's there. We want to add gender identity. This isn't hard. We need to do the same for our transgender constituents. It's common sense legislation, ensures they're treated fairly with dignity and can live their lives freely, just like the rest of us.

Eighty-two percent of Fortune 500 companies have non-discrimination policies that explicitly protect transgender people. Four out of five. You could make a commercial for toothpaste with that. Businesses, it's that pervasive. Businesses know that treating transgendered employees with dignity and respect is not only the right thing to do, it's good for the bottom line. Pretty smart people. That's why leading business voices like the New Hampshire Business and Industry Association, Eastern Bank, Harvard Pilgrim are calling for this bill's passage. In the eighteen states and two-hundred towns that have these protections, we've seen no increase in frivolous lawsuits or concerns from employers. The legislature has an opportunity today to make it crystal clear that all businesses are expected to treat their employees fairly and the current case law and federal regulations provide protection to transgender people, just as they do to the rest of us. Under House Bill 1319, to allay a couple of fears, a man absolutely cannot pretend to be transgendered in order to enter a women's bathroom to harm or harass anyone. Not only is that already illegal under existing law, it'll be considered improper purpose, which is prohibited by language in 1319. The reality of discrimination against transgender people isn't up for debate, and a vote to remove accommodations from House Bill 1319 to vote to intentionally allow discrimination to continue in New Hampshire, doesn't make sense. It would be unspeakably shameful to make the same mistake that North Carolina made just a few years ago. Discrimination is wrong, and we know that anti-transgender discrimination leads to irreparable economic and personal damage. Final statement. I'm supported by New Hampshire's anti-discrimination law right now. It wasn't the case some years ago, but I am now. Am I better than the transgender people, here? No. I'm not, absolutely not. So let's give them the same protections that I enjoy and that the rest of us enjoy. It's the right thing to do and I urge you, please overturn ITL, or Interim Study rather, so we can offer an Ought to Pass motion. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister Chair. Mister President, Pro Temp President. I want everyone to have basic human rights. I think every Senator in this room wants the transgenders to have an equal rights. I spoke with many of these same people during our seven-hour hearing and they heard at my house, my daughter, one of her two best friends is a little boy who looks female, dresses female, and she is as welcome as anyone else in the neighborhood in my house. During that testimony, we heard terrible stories of housing discrimination, employment discrimination, even the denial of services in restaurants. It was disgusting, it was terrible to hear, and I apologize to all those people who went through those injustices. I offered to write an amendment giving this group a protected class status, in all but public accommodations. They, their lobbyist and Senators on the other side have turned me down and I understand they want full rights. But there's another problem here. There's another group. I believe that other people also have an interest here, a privacy right that this bill is going to infringe on the privacy of others. This bill would remove the privacy rights of

my three young daughters in their locker room, it would remove it from my wife at her gym, and my ninety-one-year-old mother when she goes to a restaurant with over twenty-five people. It puts the rights of one group over that of another. It negates my right as a father to protect my daughter's privacy or her innocence at school. Adding gender identity as a protected class negates the protection for privacy afforded to girls and boys at UNH. A female seventeen-year-old freshman would no longer be assured that a roommate is of the same biological sex. There's other problems. Boys would now be allowed to play on girls' sports teams, transgenders would, and they'd be competing for scholarships that are set aside for female athletes like my daughters, hurting the women's movement. I do not believe that it's in the best interest. Again, I supported everything except the accommodations. I don't think my daughters in their locker room, my wife at her gym should have to disrobe in the presence of people who are biologically and technically the opposite sex. I don't think that's where New Hampshire's ready to go at this time. And so I support the ITL. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study.

A roll call was requested by Senator Lasky, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Morse, Gannon.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Reagan, Soucy, D'Allesandro, Fuller Clark, Innis, Bradley.

The following Senators were excused: Cavanaugh.

Roll Call, Yeas: 11 - Nays: 12. Failed.

Senator Cavanaugh is in opposition to the motion of Interim Study on HB 1319.

Senator Reagan moved Ought to Pass.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: So I worked and lived in Baltimore, Maryland, a city that was 50 percent white and 50 percent black. And a particularly hilarious statement you could make in a mostly mixed-race fire station was to say yeah, I have a lot of friends that are black. And this is the kind of statement we hear, that yes, I'm all for equal protection for people, because I like a lot of them, but not that much. So a legitimate function of government, and probably the only legitimate function of government, is to provide protection. That's why we ever all got together in the first place, was to provide for mutual protection. So it's legitimate for the government to hire police, set up courts, build prisons, to guarantee the safety of the citizens in whatever grouping we happen to be in. So if we're not willing to, without sly suggestions, support anti-discrimination on anybody for whatever reason, then we don't guarantee it to anybody, because if we don't do it this time, what do we do six months from now, what do we do next year? Who falls out of our protection, who do we then like and put in our protection? So it's either we don't discriminate or we sort of don't discriminate, but we really do. So I urge my colleagues to support the Ought to Pass motion.

PRESIDING OFFICER SENATOR BRADLEY: Before we get to that, as a matter of personal privilege I want to apologize to our friend Senator Cavanaugh. I did not see that he was out of the room when the roll call was called. My fault, my apologies.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise to urge this body to vote Ought to Pass on House Bill 1319. House Bill 1319 is a commonsense New Hampshire bill. It would assure transgender people are protected from discrimination in employment, access to housing, in public spaces such as restaurants, shops and government buildings. This legislation ensures transgender people are treated fairly and with dignity under our laws, so that just like every other Granite Stater, they have the freedom to live their lives fully. I call this a New Hampshire bill because we Granite Staters have always valued freedom and opportunity for all our citizens. House Bill 1319 simply updates our laws so that our transgender neighbors, friends and loved ones have the same protections under the law that the rest of us enjoy. We have updated our laws over the past decades to ensure people don't face discrimination, simply because of their gender, their age, their race or their sexual orientation. It's time now to do the same for our transgender neighbors. The Senate Judiciary Committee heard over six hours of testimony from transgender people and others talking about how the very real discrimination they have faced. They've been denied housing, been fired from jobs, asked to leave restaurants and other public places, simply because of who they are. And then adding insult to injury, lawyers with experience in this field have testified consistently that they can't help them because the statute is not clear. House Bill 1319 gives clarity. As our colleague from District 24 has stated, we trust the experts, the Chiefs of Police Association, the Women's Foundation all have endorsed House Bill 1319 because they know it will not put anyone in harm's way. Prohibiting discrimination does not weaken laws against assault, nor compromise their enforcement. The New Hampshire Business and Industry Association voted unanimously to support 1319 saying inclusion will make New Hampshire's economy more competitive. Other groups, Harvard Pilgrim, the Children's Caucus, the Children's Behavioral Heath Collaborative and the New Hampshire Human Rights Commission have all endorsed the passage of House Bill 1319. House Bill 1319 is opposite from what you've heard, will make us all safer. The truth is we all value privacy and safety in restrooms. Including our transgender friends. And it's already as stated before but it needs to be repeated, illegal to commit a crime in a restroom. Laws related to discrimination will not change that. House Bill 1319 will not increase or allow loopholes for criminals. It's been proven in over eighteen states and over two-hundred towns that have these laws in place, that there has been no uptick in safety concerns whatsoever. It is a non-issue.

There are thousands of transgender people living and working in our communities among us every day, but despite growing public awareness and public support for them, they still face a disproportionate rate of discrimination, harassment and violence in their lives. Once again, it is time now. There is no reason to continue to study this. It's time to make New Hampshire truly the Live Free or Die state, where we are all free to work hard, earn a decent living, love who we choose and raise our families accordingly. House Bill 1319 gives all of our citizens the right to simply live their lives without fear of discrimination because of who they truly are. Please don't leave here today denying, continuing to deny, a segment of our population, the rights each and every one of us enjoy. Just because we may not understand or relate to who they truly are. They are us. The bottom line is, they are us and I am proud to stand here and ask you to join me in voting Ought to Pass on House Bill 1319. Thank you, Mister President.

(The Chair recognized Senator Daniels for a question of Senator Lasky.)

SENATOR DANIELS: Throughout the legislation, wherever it's mentioned is age, sex, race, creed, color, marital status, physical mental disability, so forth and so on, we're adding in gender identity. On line 5 and line 7 on page 5 of the legislation, you do not add that in and I'm curious as to why you can discriminate in those areas but not in all the others?

SENATOR LASKY: I don't have the bill, I'm sorry, I don't have the–

SENATOR DANIELS: Starting on line 5.

SENATOR LASKY: I can't answer that.

SENATOR DANIELS: If we're going to pass that, don't you think that that ought to be fixed?

SENATOR LASKY: I don't necessarily need it. It is my understanding it has been looked at and gone through with various lawyers and whatever and perhaps in those two lines it doesn't need to be referred to in that way.

SENATOR DANIELS: Thank you, Mister President.

A roll call was requested by Senator Feltes, seconded by Senator D'Allesandro.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Gray, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark, Innis, Bradley.

The following Senators voted No: Giuda, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Morse, Gannon.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

President Morse presiding.

HB 1347, relative to information to be included in the minutes under the right-to-know law.
Ought to Pass with Amendment, Vote 4-1. Senator Gannon for the committee.

Senate Judiciary
April 24, 2018
2018-1720s
01/05

Amendment to HB 1347

Amend RSA 91-A:2, II as inserted by section 1 of the bill by replacing it with the following:

II. Subject to the provisions of RSA 91-A:3, all meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public. Except for town meetings, school district meetings, and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras, and videotape equipment, at such meetings. Minutes of all such meetings, including nonpublic sessions, shall include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions. ***The names of the members who made or seconded each motion shall be recorded in the minutes.*** Subject to the provisions of RSA 91-A:3, minutes shall be promptly recorded and open to public inspection not more than 5 business days after the meeting, except as provided in RSA 91-A:6, and shall

be treated as permanent records of any public body, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the public body, who shall post a notice of the time and place of such meeting as soon as practicable, and shall employ whatever further means are reasonably available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or town or guidelines or rules of order of any public body require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter. For the purposes of this paragraph, a business day means the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays.

SENATOR GANNON: Thank you, Mister President. I move House Bill 1347 Ought to Pass with Amendment. This bill will require that the names of individuals who made and seconded a motion during deliberations under the right-to-know law will be recorded in the minutes. By including this information as a part of the minutes, there will be increased transparency for the public, without adding too high a burden to the job of the clerk. Therefore, please support the majority of the Judiciary Committee in the motion of Ought to Pass with Amendment on House Bill 1347. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1372, prohibiting the implanting of subcutaneous identification devices in individuals.
Ought to Pass with Amendment, Vote 4-1. Senator French for the committee.

Senate Judiciary
April 24, 2018
2018-1734s
08/10

Amendment to HB 1372

Amend RSA 644:22, I(g) as inserted by section 1 of the bill by replacing it with the following:

(g) "Subcutaneous" means existing or introduced under the skin. For purposes of this section, subcutaneous shall not include information temporarily attached to the skin by means of an adhesive strip or bracelet upon which or within which personal information is maintained or stored.

SENATOR FRENCH: Thank you, Mister President. I move House Bill 1372 Ought to Pass with Amendment. This bill will prohibit the implanting

of subcutaneous identification devices in individuals. As technology continues to advance, our laws need to keep pace in order to ensure that an individual's privacies and rights are protected. By adopting this bill, we will enshrine in our statutes that an individual cannot be compelled or required to get a microchip if that individual does not want one. This will apply in the public and private sectors, with the exemption for incarcerated individuals. Although this concept may seem years off from today, it is essential to have these laws in place now as technology changes every single day. The committee did amend the bill to clarify the definition of "subcutaneous" and to ensure that the use of hospital or nursing home bracelets would not unintentionally fall under this. Therefore, please support the majority of the Judiciary Committee in the motion of Ought to Pass with Amendment on House Bill 1372. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1443, relative to a jury's determination as to the applicability of a law. Inexpedient to Legislate, Vote 4-1. Senator Lasky for the committee.

SENATOR LASKY: Thank you, Mister President. I move House Bill 1443 Inexpedient to Legislate. This bill would require the court to instruct jurors in every case that the jury determines the applicability of the law to the facts of the case. A jury is meant to decide whether the state has proven its case beyond a reasonable doubt based on the laws that the legislature passes. However, by enacting this legislation, the prosecutor would be required to prove in every case that a law is just and reasonable. Current statute already allows for a nullification defense if the defendant asks for the instruction to be given, and a judge can give further instruction at their discretion. Ultimately, passing this bill would create a nullification defense in every case, rather than only in the rare cases, making the jury judge the validity of all laws. Therefore, please join the majority of the Judiciary Committee in the motion of Inexpedient to Legislate on House Bill 1443. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Giuda, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, French, Sanborn, Daniels, Avard.

Roll Call, Yeas: 19 - Nays: 5. Adopted.

HB 1627-FN, prohibiting the transmission of images or sounds of another person who is on private property or to conduct surveillance activity. Interim Study, Vote 2-1. Senator Carson for the committee.

SENATOR CARSON: Thank you, Mister President. I move House Bill 1627-FN be Interim Studied. This bill would establish penalties for transmitting images or sounds of an individual on private property without consent, or to engage in surveillance of another without consent, and amends one of the criteria used to establish "course of conduct" under the stalking statute. Although privacy within one's home and property is a paramount aspect of life in New Hampshire, the language within this bill needs more examination to ensure that it is appropriately crafted to avoid unintended consequences and captures all of the relevant, ever-advancing technology

possible. Therefore, the majority of the Judiciary Committee asks for your support in the motion of Interim Study on House Bill 1627-FN. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS
HB 1307, relative to the presentation of a default budget.
Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

Recess. Out of recess.

SENATOR BIRDSELL: Thank you, Mister President. I move House Bill 1307 Inexpedient to Legislate. This bill would require the presentation of the default budget at the deliberative session to include individual line items. The committee was concerned with the amount of detail being provided and the impact it would have on longer term contracts. In addition, Senate Bill 342 was already passed by the Senate and deals with this issue in a less burdensome way and with more clarity. I ask that you please support the committee recommendation of Inexpedient to Legislate. Thank you, Mister President.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Yes, I ask you to overturn the committee's recommendation. After the passage of the House Bill, I met with the House staff and they made two small changes that will be submitted as an amendment if you overturn the recommendation of the committee.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Kahn, seconded by Senator Avard.

The following Senators voted Yes: Giuda, Kahn, Lasky, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark.

The following Senators voted No: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Gannon, Innis, Morse.

Roll Call, Yeas: 9 - Nays: 15. Failed.

Senator Gray moved Ought to Pass.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6
April 23, 2018
2018-1691s
06/05

Amendment to HB 1307

Amend the title of the bill by replacing it with the following:

AN ACT relative to the first session of annual meetings.

Amend RSA 40:13, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The first session of the meeting, governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-40:10, shall consist of explanation, discussion, and debate of each warrant article, including warrant articles pertaining to the operating budget and the default budget. A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the second session, and RSA 40:10, II shall not apply. Warrant articles may be amended at the first session, subject to the following limitations:

Amend RSA 40:13, IX(c) as inserted by section 2 of the bill by replacing it with the following:

(c) "Contracts" as used in this subdivision means contracts previously approved, in the amount so approved, by the legislative body in either the operating budget authorized for the previous year or in a separate warrant article for a previous year.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect 60 days after its passage.

2018-1691s

AMENDED ANALYSIS

This bill requires explanation and debate of warrant articles pertaining to the operating budget and default budget at the deliberative session.

SENATOR GRAY: The amendment said, again, the inconsistency down on line 17, the third to the last word in that sentence in the amendment is "a" and in the previous version it was the word "the." That is because certain articles could get passed in a prior year and not pass in the prior year and so that that was the other change in that is line 9 including warrant articles pertaining to the operating budget and default budget. I would ask you to support the amendment.

The question is on the adoption of Floor Amendment 1691. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

PRESIDENT MORSE: The next two bills require roll calls and it will take 15 to pass them.

RULES AND ENROLLED BILLS

CACR 15, relating to legal actions. Providing that taxpayers have standing to bring actions against the government.
Ought to Pass, Vote 3-0. Senator Avard for the committee.

SENATOR AVARD: Thank you, Mister President. I move CACR 15 Ought to Pass. This Constitutional Amendment restores to the taxpayers of the state of New Hampshire the legal ability to bring certain lawsuits relating to the spending of public funds by the state or political subdivision in which the taxpayers reside. In doing so, our taxpayers will have a broader access to the courts and a greater ability to ensure governmental accountability. As the New Hampshire Supreme Court noted several decades ago, every taxpayer has a vital interest in proper government, regardless of whether his or her purse is specifically affected. Until relatively recent, the New Hampshire Supreme Court recognized taxpayer standing. This amendment will assure that this important taxpayer right will continue to be recognized and enforced. Please join the committee in voting for CACR 15 Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Feltes for a question of Senator Avard.)

SENATOR FELTES: Thank you very much for taking my question. Senator, this CACR restores long standing taxpayer standing and ensures access to justice in cases challenging actions of our government, would you believe?

SENATOR AVARD: Okay.

SENATOR FELTES: Is that a yes?

SENATOR AVARD: I would believe.

SENATOR FELTES: Okay, thank you.

SENATOR AVARD: Thank you for the question.

The question is on the adoption of the motion of Ought to Pass.

PRESIDENT MORSE: A roll call is required.

The following Senators voted Yes: Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Reagan, Soucy, D'Allesandro.

Roll Call, Yeas: 20 - Nays: 4. Adopted by necessary 3/5 vote. Resolution ordered to Third Reading.

CACR 16, relating to privacy. Providing that an individual's right to live free of governmental intrusion is natural, essential, and inherent. Ought to Pass, Vote 3-0. Senator Fuller Clark for the committee.

SENATOR FULLER CLARK: Thank you very much, Mister President. I move CACR 16 Ought to Pass. This Constitutional Amendment is a necessary response to the technological and scientific era of genetic research. It fills the gap in the New Hampshire constitution regarding individual protection from government intrusion in personal and private information. The imposition of this burden will in no way hinder the government's ability to function. Access to personal and private information for which the government has probable cause will still be accessible via a search warrant. This amendment is necessary to take back an individual's privacy in personal and private information in response to the growing prevalence and capacity of technology, particularly with regard to the internet and electronic information. Please join the committee in voting CACR 16 Ought to Pass. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, and colleagues. I rise to express the need for some caution on this amendment. I know that it came through the House by one vote. I think there were a lot of concerns raised over there, and you read the hearing report and I think an essential point is made. Despite the assurances about search warrants and so forth, do note that the language that we're using here, "natural essential and inherent". These are the strongest possible terms that go back centuries in jurisprudence and constitutional law, back particularly to John Locke. And I think that this language really needs to be, the consequences need to be considered. Because I think there's a potential here for many, many necessary functions of government to be preempted because of the inclusion of those three words.

Secondly, there was some concern raised about the definitions of "private" or "personal" information. Now both of those terms, "private information" and "personal information". Now we saw reference to medical records and various things that I, you know, of course, we do need to protect this and we passed some legislation about, you know, people's DNA samples should be not distributed or given to other people without the consent of the person whose sample it is. I mean, these are the kinds of things we should and attend to in legislation, but private or personal, just exactly what does that cover? Something that's private or personal to one person maybe vastly expansive compared to what it is to someone else, and I don't know what we do but to invite incredible amounts of litigation here

on each of those and how is it constitutionally that we're going to be able to determine that? I think in some ways we; you know, I do trust the voters. I voted for the last one. I have some concern, but I think the voters are going to sort that one out. I don't think we should send something to the voters which is such a conundrum. We have a responsibility here to answer those kinds of questions on what is private, what is personal. Especially if we're going to give them the status of natural essential and inherent. So I think we ought to have enough of us here voting against this so that it can be considered more thoroughly and see if we really aren't able to do this in statute. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I would rise in support of this CACR, although I do share some of the concerns that my colleague from District number 4. I think in the constitution we establish a basis and a premise and then we allow this legislature and our comrades across the way to establish in statute the meaning of those terms and that when those statutes fall short, the courts will adjudicate those meanings as well. That's been the history of our jurisprudence over time. So while I would agree that we need caution I also agree that we have the power to define those terms ourselves. And that will flow from this amendment. Thank you, Mister President.

The question is on the adoption of the motion of Ought to Pass.

PRESIDENT MORSE: A roll call is required.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro.

Roll Call, Yeas: 15 - Nays: 9. Adopted by necessary 3/5 vote. Resolution ordered to Third Reading.

PRESIDENT MORSE: Senator Reagan. On CACR 15 how do you believe you voted?

SENATOR REAGAN: I believe I voted yes, and I have a note on my calendar that I voted yes.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on CACR 15, relating to legal actions. Providing that taxpayers have standing to bring actions against the government.: Rescind Order to Third Reading and Reconsider the vote on Ought to Pass. Adopted.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Avard, seconded by Senator French.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Soucy, D'Allesandro.

Roll Call, Yeas: 22 - Nays: 2. Adopted by necessary 3/5 vote. Resolution ordered to Third Reading.

HB 1243, relative to exemptions from property attachments.
Interim Study, Vote 3-0. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1243 Refer to Interim Study. This bill increases the value of an automobile that is exempt from attachment from 4,000 to $10,000. This exemption hasn't been increased for several years. The credit unions felt this increase was too much, too fast. The committee would like some more time to take a closer look. And rather than setting a hard and arbitrary figure of $10,000, perhaps a better option might be to base the exemption on a percentage of the automobile value. We can take a look at this if you would join the committee in voting House Bill 1243 Refer to Interim Study. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I respectfully disagree with the referral to Interim Study. I think an increase in the exemption for 4,000 to 10,000 makes good sense in terms of repossession vehicles in terms of the collection process and just reflects the modern day. It hasn't been updated in a long time so I think this makes good sense and it will protect people in the process. Thank you, Mister President.

The question is on the adoption of the motion of Interim Study. Adopted.

TRANSPORTATION
HB 314, relative to autonomous vehicles.
Ought to Pass with Amendment, Vote 5-0. Senator Cavanaugh for the committee.

Senate Transportation
April 18, 2018
2018-1646s
03/10

Amendment to HB 314

Amend the title of the bill by replacing it with the following:

AN ACT establishing an automated and connected vehicle testing and deployment commission.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Automated and Connected Vehicle Testing and Deployment Commission. Amend RSA 265 by inserting after section 161 the following new subdivision:

Automated and Connected Vehicle Testing and Deployment Commission

265:162 Automated and Connected Vehicle Testing and Deployment Commission.

I. There is established an automated and connected vehicle testing and deployment commission.

II. The members of the commission shall be as follows:

(a) The director of the office of strategic initiatives, or designee.

(b) The commissioner of the department of transportation, or designee.

(c) The commissioner of the department of safety, or designee.

(d) The commissioner of the insurance department, or designee.

(e) The director of the division of economic development, or designee.

(f) The director of the division of state police, or designee.

(g) The director of the division of motor vehicles, or designee.

(h) Three members of the house of representatives, one of whom shall be a member of the minority party, appointed by of the speaker of the house of representatives.

(i) One member of the senate, appointed by the president of the senate.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. To prepare the state for the use of automated vehicle technologies on public roadways, the commission shall:

(a) Follow developments in the testing and deployment of automated and connected vehicle technology, including both federal and state laws, regulations, and guidance on the subject.

(b) Identify all agencies with pertinent jurisdiction to support the testing and deployment of automated and connected vehicles.

(c) Consider avenues to encourage the development of automated and connected vehicles technologies and their component hardware and software in New Hampshire, and to that end, shall work with both universities and companies in the sector to support innovation and development.

(d) Examine ways to educate residents on the benefits of automated and connected vehicle technologies, including enhanced mobility, increased safety, more efficient land use, expanded roadway capacity, and reduced environmental impact.

(e) Review existing state statues and administrative rules and identify existing statues or rules that impede the testing and deployment of automated and connected vehicles; such review shall include, but not be limited to, existing laws pertaining to vehicle registration and titling, vehicle insurance requirements, drivers' licenses, and general rules of the road.

(f) Solicit input from representatives of:

(1) New Hampshire colleges and universities.

(2) Disabled communities.

(3) Elder communities.

(4) Public transportation providers.

(5) Automated and connected vehicle manufacturers.

(6) Automated and connected vehicle technology suppliers.

(7) Automobile dealers.

(8) The trucking industry.

(9) Urban planning professionals.

(10) Any other relevant actors with expertise or interest in the area of automated and connected vehicle technologies.

V. The commission shall be chaired by the director of the office of strategic initiatives, or his or her designee. The first meeting of the commission shall be called by the chairperson and shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

VI. The commission shall report its initial findings and any recommendations to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2018, and provide annual reports thereafter every December 1. Such annual reports shall include a summary of commission activities during the period, and may include recommendations for legislative and regulatory consideration.

2 Repeal. RSA 265:162, relative to the automated and connected vehicle testing and deployment commission, is repealed.

3 Effective Date.

I. Section 2 of the act shall take effect December 2, 2022.

II. The remainder of this act shall take effect upon its passage.

2018-1646s

AMENDED ANALYSIS

This bill establishes an automated and connected vehicle testing and deployment commission.

SENATOR CAVANAUGH: Thank you, Mister President. I move that House Bill 314 Ought to Pass with Amendment. As amended by the committee, this bill would establish an automated and connected vehicle testing and deployment commission. This commission would follow developments in the testing and deployment of automated vehicles and their connected technology and would consider avenues to encourage the development of this industry. Further, the commission would examine ways to educate the public about these vehicles and review existing statutes pertaining to relevant issues. Therefore, all members of the Transportation Committee ask for your support in the motion Ought to Pass with Amendment on House Bill 314. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
April 30, 2018
2018-1832s
03/05

Floor Amendment to HB 314

Amend the title of the bill by replacing it with the following:

AN ACT establishing an automated and connected vehicle testing and deployment commission and establishing an automated vehicle pilot program.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Automated and Connected Vehicle Testing and Deployment Commission. Amend RSA 265 by inserting after section 161 the following new subdivision:

Automated and Connected Vehicle Testing and Deployment Commission

265:162 Automated and Connected Vehicle Testing and Deployment Commission.

I. There is established an automated and connected vehicle testing and deployment commission.

II. The members of the commission shall be as follows:

(a) The director of the office of strategic initiatives, or designee.

(b) The commissioner of the department of transportation, or designee.

(c) The commissioner of the department of safety, or designee.

(d) The commissioner of the insurance department, or designee.

(e) The director of the division of economic development, or designee.

(f) The director of the division of state police, or designee.

(g) The director of the division of motor vehicles, or designee.

(h) Three members of the house of representatives, one of whom shall be a member of the minority party, appointed by of the speaker of the house of representatives.

(i) One member of the senate, appointed by the president of the senate.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. To prepare the state for the use of automated vehicle technologies on public roadways, the commission shall:

(a) Follow developments in the testing and deployment of automated and connected vehicle technology, including both federal and state laws, regulations, and guidance on the subject.

(b) Identify all agencies with pertinent jurisdiction to support the testing and deployment of automated and connected vehicles.

(c) Consider avenues to encourage the development of automated and connected vehicles technologies and their component hardware and software in New Hampshire, and to that end, shall work with both universities and companies in the sector to support innovation and development.

(d) Examine ways to educate residents on the benefits of automated and connected vehicle technologies, including enhanced mobility, increased safety, more efficient land use, expanded roadway capacity, and reduced environmental impact.

(e) Review existing state statues and administrative rules and identify existing statues or rules that impede the testing and deployment of automated and connected vehicles; such review shall include, but not be limited to, existing laws pertaining to vehicle registration and titling, vehicle insurance requirements, drivers' licenses, and general rules of the road.

(f) Solicit input from representatives of:

(1) New Hampshire colleges and universities.

(2) Disabled communities.

(3) Elder communities.

(4) Public transportation providers.

(5) Automated and connected vehicle manufacturers.

(6) Automated and connected vehicle technology suppliers.

(7) Automobile dealers.

(8) The trucking industry.

(9) Urban planning professionals.

(10) Any other relevant actors with expertise or interest in the area of automated and connected vehicle technologies.

V. The commission shall be chaired by the director of the office of strategic initiatives, or his or her designee. The first meeting of the commission shall be called by the chairperson and shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

VI. The commission shall report its initial findings and any recommendations to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2018, and provide annual reports thereafter every December 1. Such annual reports shall include a summary of commission activities during the period, and may include recommendations for legislative and regulatory consideration.

2 New Subdivision; Automated Vehicle Pilot Program. Amend RSA 21-P by inserting after section 68 the following new subdivision:

Automated Vehicle Pilot Program

21-P:69 Automated Vehicle Pilot Program.

I. No person may test an automated vehicle in this state unless the person participates in the automated vehicle pilot program and provides

notice under this section. A person shall provide notice to the department, upon blanks furnished by it for that purpose, to participate in an automated vehicle pilot program. The notice shall be accompanied by:

(a) Information as to the date range and general geographic locations where the automated vehicles will be operated. Testing may move to other areas with prior notice to the department; and

(b) Evidence that the owner of the vehicle has obtained an instrument of insurance, surety bond, or proof of self-insurance in the amount of at least $5,000,000.

II. The annual fee to participate in an automated vehicle pilot program shall be $500.

III. The director may suspend, revoke, or refuse to renew a company's participation in the automated vehicle pilot program for any of the following reasons:

(a) Failure to comply with the rules of the road of the state.

(b) Any material misstatement on the notice for participation in the pilot program.

(c) A finding that the operation of an autonomous vehicle by the person would create a danger to the public.

(d) Failure to comply with the other requirements of this section.

3 Repeal. The following are repealed:

I. RSA 265:162, relative to the automated and connected vehicle testing and deployment commission.

II. RSA 21-P:69, relative to the automated vehicle pilot program.

4 Effective Date.

I. Section 3 of the act shall take effect December 2, 2019.

II. The remainder of this act shall take effect upon its passage.

2018-1832s

AMENDED ANALYSIS

This bill establishes an automated and connected vehicle testing and deployment commission. This bill also establishes an automated vehicle pilot program.

SENATOR BIRDSELL: Thank you, Mister President. This amendment brings forward further clarification regarding the testing of automated vehicles and establishes an automated vehicle pilot program. The amendment further clarifies that the Director of the Department of Motor Vehicles can suspend or revoke a company's participation in such a program if the department finds that this would be a danger to the public. In summary, this Floor Amendment further clarifies the intent of the study commission passed by the committee. I might add why we decided to go ahead and add this, basically we put guardrails in this amendment because I found out after the fact that they are actually testing in New Hampshire. So what this amendment does is it adds some guardrails for the person who's testing or the organization who is testing these automated vehicles to notify DMV and go through some processes in order to make sure that they're at least bonded, paying a license fee so that we know someone is in the state testing. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 500, relative to organizations that are authorized to issue decals. Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

SENATOR BIRDSELL: Thank you, Mister President. I would ask the body to consider voting down the Inexpedient to Legislate motion so that I can offer an alternate motion and a Floor Amendment. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Failed.

Senator Birdsell moved Ought to Pass.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
April 26, 2018
2018-1815s
03/08

Floor Amendment to HB 500

Amend the bill by replacing all after the enacting clause with the following:

1 Multi-Use Decal Plates; Organizations. Amend the introductory paragraph of RSA 261-B:88, I to read as follows:

I. Organizations that have statutory authority to issue decals (i) shall have been granted and continue to hold tax exempt status under 26 U.S.C. section 501(c)(3) ***or 501(c)(10)*** to participate in the multi-use decal number plate program, (ii) shall have a New Hampshire address registered with the department of justice, and (iii) shall not be named for, or associated with, a political issue or a person who seeks, holds, or has held a public office. To issue decals under this chapter, an organization shall file an annual report with the director of motor vehicles, in a format and time established by the director, containing the following:

2 Annual Report. Amend RSA 261-B:88, I(g) to read as follows:

(g) Verification of the organization's continuing status as a tax-exempt organization under 26 U.S.C. section 501(c)(3) ***or 501(c)(10)***.

3 Effective Date. This act shall take effect 60 days after its passage.

2018-1815s

AMENDED ANALYSIS

This bill allows organizations that are tax exempt under 26 U.S.C. section 501(c)(10) to qualify for authorization to issue decals for multi-use decal plates.

SENATOR BIRDSELL: This amendment would allow certain organizations that are tax exempt as 501(c)(10)s to qualify for authorization to issue decals for multi-use decal plates as was in the original legislation. The amendment removes 501(c)(4)s from eligibility for these decals and for those that aren't unfamiliar with it, 501(c)(10)s are actually lodges like the Masons and such, so I ask for your support on this amendment. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1549, relative to the availability of vehicle accident reports.
Ought to Pass, Vote 5-0. Senator Watters for the committee.

Senator Birdsell moved to Lay on the Table HB 1549. Adopted.

HB 1595, relative to the use of the left lane of a multilane roadway. Ought to Pass, Vote 5-0. Senator Ward for the committee.

SENATOR WARD: Thank you, Mister President. I move House Bill 1595 Ought to Pass. This bill provides that motor vehicles shall not be operated continuously in the left lane of a multilane roadway whenever it impedes the flow of other traffic. This legislation is consistent with the keep right except to pass philosophy. The Transportation Committee asks for your support in the motion of Ought to Pass on House Bill 1595. Thank you, Mister President.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
April 23, 2018
2018-1714s
03/05

Floor Amendment to HB 1595

Amend RSA 265:16, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Motor vehicles shall not be operated continuously in the left lane of a multilane roadway whenever it impedes the flow of other traffic at or below the posted speed limit unless reasonable and prudent under the conditions having regard to the actual and potential hazards then existing.

SENATOR BIRDSELL: Thank you, Mister President. This is an amendment was brought to us worded by the Chiefs of Police. The original bill did not allot for driving in the left lane or left lane that was stopped like if you're merging into traffic and the left lane was stopped. They said that the police could ticket those who are just stopped in the left lane. So this further clarifies that the left lane is only to be used as a passing lane unless there is an actual or perceived blockage in the lane. Thank you, Mister President.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, May 3, 2018. Adopted.

TRANSPORTATION
HB 2018, relative to the state 10-year transportation improvement program.

WAYS AND MEANS
HB 263, relative to facilities licenses for charitable gaming.
Ought to Pass with Amendment, Vote 3-2. Senator Giuda for the committee.

Senate Ways and Means
April 25, 2018
2018-1784s
08/04

Amendment to HB 263

Amend the title of the bill by replacing it with the following:

AN ACT relative to facilities licenses for charitable gaming and relative to security requirements for games of chance.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Subparagraph; Games of Chance; Surveillance Requirements; Additional Security. Amend RSA 287-D:15, III by inserting after subparagraph (f) the following new subparagraph:

(g) No additional security requirements shall be imposed by any local or state agency without the approval of the commission.

2018-1784s

AMENDED ANALYSIS

This bill:

I. Allows the leasee of a building to apply for a facilities license.

II. Removes the requirement of a certificate of good standing from the department of revenue administration.

III. Removes the limit on facilities licenses that may be issued annually.

IV. Requires lottery commission approval for additional security requirements for games of chance imposed by a local or state agency.

SENATOR GIUDA: Thank you, Mister President. Mister President, I move House Bill 263 Ought to Pass with Amendment. The bill allows a game operator employer that operates a facility to apply for the facility license. Currently, the building owner has to apply for the facility license. It removes the requirement for a facility license applicant to attain a certificate of good standing as it would be duplicative since the game operators already are required to have one. This bill removes the limit on facility licenses, current law limits each entity to only one facility license. The committee amendment prohibits any local or state agency from requiring additional security at a charitable gaming facility without the approval from the Lottery Commission. This amendment was brought forward to address an inconsistency that's occurring whereby certain communities are requiring gaming facilities to obtain costly security while other facilities in other towns face no such additional security requirements. The Ways and Means Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President. I urge my colleagues to vote against the committee amendment. What this committee amendment does is limits the ability of the locale and the locals to hire additional police officers if they're required. I think it's essential. We know what's going on now at these entities. They're open later in the evening, there's more activity taking place there. You have a variety of games being played; it should be up to the locals to decide how much security's required. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of the amendment. What this amendment does in no way impacts local police and their ability to put police patrols outside the building. But what it does is it allows a uniformity across the state for the requirements for extra security within and that uniformity would be determined by an

ascertainment of the Lottery Commission, which has control over the inside activities in the buildings anyway. So it in no way affects the ability to hire police or to put those patrols outside for extra security. It merely provides a level playing field across the state for our operators.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I also rise in support of the amendment and I'd like the body to remember that as my friend from District number 2 had said, not only does it not prohibit a local law enforcement from coming to the place and coming in like they do for all licensed establishments. So we have to remember there's a difference here between, some communities are seeing some law enforcement show up and say you must hire one of our guys full time inside every single hour that you're open, versus the ability of anyone from lottery, men and women in blue, Liquor Commission, all of those entities still have the ability to go into the facility at any time they want. This is only stopping the mandating of hiring them as an employee or a security guard without some additional oversight and trying to find some consistency. Again, I ask the body to support the amendment. Thank you very much.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 324, establishing a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire.
Ought to Pass with Amendment, Vote 5-0. Senator Feltes for the committee.

Senate Ways and Means
April 18, 2018
2018-1620s
10/04

Amendment to HB 324

Amend RSA 72:12-e as inserted by section 1 of the bill by deleting paragraph VI and renumbering the original paragraph VII to read as paragraph VI.

SENATOR FELTES: Thank you, Mister President. I move House Bill 324 Ought to Pass with Amendment. This bill establishes a commission to study utility property valuations, recommend legislation for reforming the current system, which has generated several lawsuits due to inconsistent practices. The committee amendment deletes paragraph 6 of section 1 of the bill which would have designated specific Senate and House staff members to support the commission. It is inappropriate to dictate staffing coverage in chapter law, and inconsistent with Senate practice. The Ways and Means Committee asks for your support for the motion of Ought to Pass with this Amendment. Thank you very much.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1251, relative to indicia for payment of taxes on the transfer of real property.
Ought to Pass with Amendment, Vote 4-1. Senator Feltes for the committee.

Senate Ways and Means
April 18, 2018
2018-1622s
10/04

Amendment to HB 1251

Amend the title of the bill by replacing it with the following:

AN ACT relative to indicia for payment of taxes on the transfer of real property, and temporarily reducing the real estate transfer tax for first-time home buyers.

Amend the bill by replacing all after section 7 with the following:

8 Tax on Transfer of Real Property; Rate; Exception Added. Amend RSA 78-B:1, I(b) to read as follows:

(b) ***Except as provided in RSA 78-B:1-b,*** the rate of the tax is $.75 per $100, or fractional part thereof, of the price or consideration for such sale, grant, or transfer; except that where the price or consideration is $4,000 or less there shall be a minimum tax of $20. The tax imposed shall be computed to the nearest whole dollar.

9 New Section; Rate of Transfer Tax for First-time Home Buyers. Amend RSA 78-B by inserting after section 1-a the following new section:

78-B:1-b Rate of Transfer Tax for First Time Home Buyers. Notwithstanding RSA 78-B:1, I(b), beginning January 1, 2018 the rate of the tax is $.50 per $100, or fractional part thereof, of the price or consideration for such sale, grant, or transfer applicable to the buyer for the purchase of a qualifying first home, as follows:

I. The rate of tax provided for in this section shall be applied to the amount of tax owed by and actually paid by the buyer pursuant to RSA 78-B:1 and shall not apply to any amounts paid by the buyer on behalf of the seller.

II. For purposes of this section, the term:

(a) "Qualifying first home" shall mean:

(1) The purchase of residential real estate, the price of which does not exceed $300,000;

(2) That will be utilized as the buyer's principal residence as defined in Internal Revenue Code Section 121 and related Treasury Regulations; and

(3) That is the buyer's first purchase of residential real estate.

(b) "Buyer" shall mean the purchaser, grantee, assignee, or transferee of any real estate or any interest in real estate.

10 Applicability Date. RSA 78-B:1-b, as inserted by section 9 of this act, shall apply to transfers occurring on and after January 1, 2018.

11 Payment of Tax; Exception Added. Amend RSA 78-B:4, III to read as follows:

III. ***Except as provided in RSA 78-B:1-b,*** the rate of tax established in RSA 78-B:1 shall apply to both the purchaser, grantee, assignee***,*** or transferee and the seller, grantor, assignor***,*** or transferor.

12 Prospective Repeal. RSA 78-B:1-b, relative to a transfer tax rate for first-time home buyers, is repealed.

13 Exception Deleted. Amend RSA 78-B:1, I(b) to read as follows:

(b) [~~Except as provided in RSA 78-B:1-b,~~] The rate of the tax is $.75 per $100, or fractional part thereof, of the price or consideration for such sale, grant, or transfer; except that where the price or consideration is $4,000 or less there shall be a minimum tax of $20. The tax imposed shall be computed to the nearest whole dollar.

14 Exception Deleted. Amend RSA 78-B:4, III to read as follows:

III. [~~Except as provided in RSA 78-B:1-b,~~] The rate of tax established in RSA 78-B:1 shall apply to both the purchaser, grantee, assignee**,** or transferee and the seller, grantor, assignor**,** or transferor.

15 Report Required; Department of Revenue Administration. On or before January 1, 2019 and on or before January 1, 2020, the commissioner of revenue administration shall report to the speaker of the house of representatives, the senate president, and the governor on the number of first-time home buyers using the lower transfer tax rate provided in RSA 78-B:1-b and the department's assessment of whether the number of first-time home buyers increased or decreased as a result of the reduced tax rate.

16 Effective Date.

I. Sections 12-14 of this act shall take effect January 1, 2020.

II. Sections 1-7 of this act shall take effect July 1, 2018.

III. The remainder of this act shall take effect upon its passage.

2018-1622s

AMENDED ANALYSIS

This bill removes references to stamps to indicate payment of the tax on transfers of real property and certain fees for recording deeds. This bill reduces, for a 2-year period, the rate of the tax on the transfer of real property for first time home buyers, provided the purchase price does not exceed $300,000. The bill also requires the department of revenue administration to report on the usage of the reduced rate.

SENATOR FELTES: Thank you, Mister President. I move House Bill 1251 Ought to Pass with Amendment. This bill removes references to stamps to indicate payment of a tax on transfers of real property and certain fees for recording deeds. The Department of Revenue Administration testified that registries no longer use stamps. They print a document now showing the amount of tax paid. This bill will alleviate the department's obligation to maintain these stamps that are basically obsolete. The phrase "indicia of payment," will remain in statute and is broad enough to cover the current practice as well as any future technology they may employ. The committee adds after section 7 of the bill, the language from Senate Bill 301 which would provide temporary relief from the payment of real estate transfer tax for certain first-time home buyers. Keep in mind that we reached a compromise on this in the Senate to temporarily reduce real estate transfer tax for first time homebuyers of home at or below 300,000 and that was a compromise Democrats, Republicans and the Governor's office. Unfortunately, the House voted that down, they voted it Interim Study, so we added it to this bill and the Ways and Means Committee asks for your support of the motion of Ought to Pass with Amendment. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and thank my colleague from District number 15 for introducing the bill and for supporting the compromise on the first time homebuyer credit, but we think there might be a more appropriate action to come on a later date so at this point I'd respectfully ask the body to vote down the committee amendment and we'll take up that consideration in a bit. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Failed.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 1260, relative to the payout value of bingo games at private campgrounds and hotels.
Ought to Pass with Amendment, Vote 3-2. Senator Giuda for the committee.

Senate Ways and Means
April 25, 2018
2018-1785s
08/04

Amendment to HB 1260

Amend the title of the bill by replacing it with the following:

AN ACT relative to the payout value of bingo games at private campgrounds and hotels, the hours of operation of Keno, and the sale of Lucky 7 tickets during bingo games.

Amend the bill by replacing all after section 1 with the following:

2 Keno; Hours of Operation. Amend RSA 284:47, I to read as follows:

I. A licensee may operate keno games at its business between the hours of 11 a.m. and [~~11 p.m.~~] ***1 a.m.***

3 Lucky 7 Tickets; Sales During Bingo. Amend RSA 287-E:21, II(a)-(b) to read as follows:

(a) The regular meeting place of or a facility owned, leased or utilized by the charitable organization for its activities; [~~or~~]

(b) Any other location where the sale of lucky 7 tickets is conducted in conjunction with and at the same time as an event sponsored or cosponsored by the charitable organization, to be held once a year, and will be held for no more than 4 consecutive days***; or***

(c) Lucky 7 tickets sold in conjunction with bingo games may be sold between the hours of 12 p.m. and 1 a.m. on any licensed game date.

4 Effective Date. This act shall take effect upon its passage.

2018-1785s

AMENDED ANALYSIS

This bill:

I. Raises the maximum payout value for bingo games at private campgrounds and hotels.

II. Extends the hours a licensee may operate Keno games.

III. Allows the sale of Lucky 7 tickets during certain hours of a bingo licensed game date.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1260 Ought to Pass with Amendment. This bill raises the maximum payout value for bingo games at private campgrounds and hotels for the current 1,000 to $2,000. This proposed increase comes as a result of several campgrounds having to turn players away, particularly on rainy days when the demand is high for the games. This will enable more people to engage in this activity during inclement weather when there's little else to do at the campgrounds. The committee amendment changes the hours of operation for the sale of Keno and Lucky 7 tickets. It seeks to extend the time for Keno from the present 11 PM to 1 AM when the establishments close. Currently, you must stop Keno at 11 even though they

remain open until 1:00. The amendment also makes a change relative to the hours of sales for Lucky 7 tickets sold in conjunction with bingo games, enabling to be sold between 12 PM and 1 AM as well. I ask for your support for the motion of Ought to Pass with Amendment and I thank you, Mister President.

The Chair ruled sections of the Committee Amendment non-germane.

Without objection, Senate Rule 3-17 is suspended to allow consideration of the non-germane Committee Amendment. Adopted by the necessary 2/3 vote.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. I just want to note for the body; however you choose to vote, this does extend the hours of operation for Keno from 11 PM to 1 AM and Lucky 7 to 1 AM and one of the considerations in the Keno bill was a stop at 11 PM. So I just wanted to note that for the body, however you decide to vote. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise and want to talk a little real quickly about the Keno, because it's true when the Keno bill was created it did make a hard stop at 11:30, but it wasn't for everybody. So we know that social clubs actually can run today until 1:30 AM so clearly we realize after implementation of Keno, there are some organizations that are able to run until 1:30 in the morning and then others that actually have to stop at 11:30, so all this bill looks to do is try to make it consistent across the board and net, net, net or Keno, Keno, Keno, it should bring more revenue into the state of New Hampshire to help with education and kindergarten. So I'd ask that the body support the amendment and the underlying bill. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

Senator Morse is in opposition to the Committee Amendment on HB 1260.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1276, adding an exemption for certain raffles conducted by charitable organizations.
Ought to Pass with Amendment, Vote 5-0. Senator Daniels for the committee.

Senate Ways and Means
April 18, 2018
2018-1629s
08/05

Amendment to HB 1276

Amend the title of the bill by replacing it with the following:

AN ACT adding an exemption for certain raffles conducted by charitable organizations and relative to charitable gaming licenses.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Charitable Gaming Licenses; Expiration Date. Amend RSA 287-D:6, IV and V to read as follows:

IV. Only one license shall be issued to each applicant [~~per year~~] ***in any 12 month period*** to operate games of chance for 10 days, which 10 days need not be consecutive.

V. Licenses shall expire [~~on December 31 of each year~~] ***12 months from the date of issue or after the completion of the tenth game date, whichever comes first***.

2018-1629s

AMENDED ANALYSIS

This bill allows certain raffles to be conducted by charitable organizations without a permit or printed tickets.

This bill also changes the license period for charitable organization licenses for charitable gaming.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1276 Ought to Pass with Amendment. This bill allows a charitable organization to sell raffle tickets without a permit, provided that tickets are sold at an event lasting twelve hours or less. The committee amendment changes the timeline for licensing charitable organizations to a twelve-month basis, rather than a calendar year basis. The Ways and Means Committee asks for your support for the motion of Ought to Pass as Amended. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7.
Ought to Pass with Amendment, Vote 3-2. Senator Giuda for the committee.

Senate Ways and Means
April 18, 2018
2018-1631s
08/04

Amendment to HB 1501-FN

Amend RSA 287-E:1, VI-b as inserted by section 1 of the bill by replacing it with the following:

VI-b. "Gaming consultant" means any individual or business entity who is hired by or otherwise receives compensation from a charitable organization to provide gaming related services including consultation, management, assistance with the operation of the bingo games or the sale of lucky 7 tickets, record keeping, filing forms with the commission, advertising, or security and who handles, manages, oversees, or disburses any of the funds derived from the operation of the charitable games.

SENATOR GIUDA: Thank you, Mister President. I move House Bill 1501 Ought to Pass with Amendment. This bill defines gaming consultants and establishes licensing provisions. The Committee Amendment, which is supported by Commissioner McIntyre, narrows a licensing requirement to anyone who handles funds. This captures the original intent which was to allow the Lottery Commission to intervene when the proper procedure isn't being followed while at the same time not requiring unnecessary licensure of people who don't handle the funds. The Ways and Means Committee asks for your support for the motion of Ought to Pass with Amendment. Thank you, Mister President.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

HB 1502, adding the utility property tax exclusion for exempt water and air pollution control facilities to tax expenditure review.
Inexpedient to Legislate, Vote 3-2. Senator Daniels for the committee.

SENATOR DANIELS: Thank you, Mister President. I move House Bill 1502 Inexpedient to Legislate. This bill sought to add exempt water and air pollution control facilities excluded from the utility property tax to the tax expenditures reviewed by the Joint Committee on Tax Expenditure Review. However, a majority of Ways and Means Committee feels this is duplicative and unnecessary as RSA 72:12-A establishes a process whereby a party seeking an exemption files an application with the Department of Environmental Services. The department then investigates the purpose of the facility to determine if the exemption is appropriate. We therefore ask for your support for the motion of Inexpedient to Legislate. Thank you, Mister President.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes.
Ought to Pass with Amendment, Vote 3-2. Senator Sanborn for the committee.

Senate Ways and Means
April 18, 2018
2018-1621s
10/04

Amendment to HB 1554-FN

Amend the title of the bill by replacing it with the following:

AN ACT phasing out the tax on interest and dividends.

Amend the bill by replacing all after the enacting clause with the following:

1 Rate; 2020. Amend RSA 77:1 to read as follows:
77:1 Rate. The annual tax upon incomes shall be levied at the rate of [~~5~~] ***4*** percent.
2 Rate; 2021. Amend RSA 77:1 to read as follows:
77:1 Rate. The annual tax upon incomes shall be levied at the rate of [~~4~~] ***3*** percent.
3 Rate; 2022. Amend RSA 77:1 to read as follows:
77:1 Rate. The annual tax upon incomes shall be levied at the rate of [~~3~~] ***2*** percent.
4 Rate; 2023. Amend RSA 77:1 to read as follows:
77:1 Rate The annual tax upon incomes shall be levied at the rate of [~~2~~] ***1*** percent.
5 Repeal; 2024. RSA 77, relative the taxations of incomes, is repealed.
6 Reference to Interest and Dividends Tax Deleted. Amend RSA 14-B:8, III(q) to read as follows:
(q) New Hampshire taxes, specifying if business profits tax[~~,~~] ***or*** business enterprise tax[~~, or interest and dividends tax~~].
7 Reference to Interest and Dividends Tax Deleted. Amend RSA 15-A:5, I(d)(17) to read as follows:

(17) New Hampshire taxes, specifying if business profits tax[~~,~~] ***or*** business enterprise tax[~~, or interest and dividends tax~~].

8 Reference to Interest and Dividends Tax Deleted. Amend RSA 21-J:31 to read as follows:

21-J:31 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount of the tax due or $10, whichever is greater, for each month or part of a month during which the return remains unfiled. The total amount of any penalty shall not, however, exceed 25 percent of the amount of the tax due or $50, whichever is greater. This penalty shall not be applied in any case in which a return is filed within the extended filing period as provided in [~~RSA 77:18-b,~~] RSA 77-A:9, RSA 77-E:8, RSA 83-C:6, RSA 83-E:5, RSA 84-A:7, or RSA 84-C:7, or the failure to file was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is determined by applying the percentages specified to the net amount of any tax due after crediting any timely payments made through estimating or other means.

9 Reference to Interest and Dividends Tax Deleted. Amend the introductory paragraph of RSA 21-J:33-a, I to read as follows:

I. If there is a substantial understatement of tax imposed under [~~RSA 77,~~] RSA 77-A, RSA 77-E, RSA 78-A, RSA 78-C, RSA 82-A, RSA 83-C, RSA 83-E, or RSA 84-A for any taxable period, there shall be added to the tax an amount equal to 25 percent of the amount of any underpayment attributable to such understatement.

10 Reference to Interest and Dividends Tax Deleted. Amend RSA 21-J:46, III to read as follows:

III. This section shall apply only to tax returns and associated payments under [~~RSA 77,~~] RSA 77-A[~~,~~] and RSA 77-E.

11 References to Interest and Dividends Tax Deleted; Tax Expenditure Report. Amend RSA 71-C:4, I and II to read as follows:

I. On or before December 15 of every fiscal year the commissioner of the department of revenue administration shall certify in a report to the general court and the governor an analysis of each of the past fiscal year's tax expenditures as identified in RSA 71-C:2, and other credits allowed under [~~RSA 77,~~] RSA 77-A, RSA 77-E, RSA 77-G, RSA 78, RSA 78-A, 78-B, RSA 82-A, RSA 83-E, RSA 84-A, RSA 84-C, and RSA 400-A.

II. The report shall be divided into the following parts:

(a) Tax expenditures as determined by the joint committee on tax expenditure review under RSA 71-C:3;

(b) Potential liabilities against the state's revenues, specifically:

(1) Other credits allowed under [~~RSA 77,~~] RSA 77-A, RSA 77-E, RSA 77-G, RSA 78, RSA 78-A, RSA 78-B, RSA 82, RSA 82-A, RSA 83-E, RSA 84-A, RSA 84-C, and RSA 400-A against the business profits tax imposed by RSA 77-A; and

(2) Credit carryovers from overpaid taxes.

12 Returns for Interest and Dividends Taxes. All persons who are liable for a tax under RSA 77 as of December 31, 2023, who thereafter are no longer liable for a tax under RSA 77 because of the passage of this act shall make a return of such taxes due the commissioner of revenue administration in such manner and on such forms as the commissioner shall prescribe in rules adopted under RSA 541-A. The administrative provisions of RSA 77 shall remain in effect to permit the collection of taxes upon income taxable under RSA 77 which is received by persons subject to taxation under that chapter through December 31, 2023, and to

permit the distribution of that revenue. Persons who are liable for a tax under RSA 77 who do not report the payment of federal income taxes on a calendar year basis are entitled to such proportion of the exemptions allowed in RSA 77 as the reporting period bears to their taxable year.

13 Repeals. The following are repealed:

I. RSA 21-J:45, I(c), relative to reports on status of requested interest and dividends tax refunds.

II. RSA 77-A:4-c, II(c), relative to the duty of a committee to study the taxation of distributions received by investment organizations under the interest and dividends tax.

III. RSA 77, relative to taxation of incomes.

IV. RSA 77-A:4, I, relative to an adjustment to the business profits tax for taxes under RSA 77.

V. RSA 195-H:10, relative to exemption from RSA 77 for income and distributions from qualified tuition programs.

VI. RSA 195-K:4, relative to the exemption from RSA 77 for the achieving a better life experience program.

VII. RSA 261:52-a relative to notice that the interest and dividends tax may be due.

VIII. RSA 391:3 relative to the taxation of common trust funds under RSA 77.

14 Effective Date.

I. Section 1 of this act shall take effect January 1, 2020, and shall apply to tax years ending on or after December 31, 2020.

II. Section 2 of this act shall take effect January 1, 2021 and shall apply to tax years ending on or after December 31, 2021.

III. Section 3 of this act shall take effect January 1, 2022, and shall apply to tax years ending on or after December 31, 2022.

IV. Section 4 of this act shall take effect January 1, 2023, and shall apply to tax years ending on or after December 31, 2023.

V. The remainder of this act shall take effect January 1, 2024.

2018-1621s

AMENDED ANALYSIS

This bill phases out the interest and dividends tax over a 5-year period and repeals the tax on January 1, 2024.

SENATOR SANBORN: Thank you, Mister President. I move House Bill 1554 Ought to Pass with Amendment. This bill originally sought to increase the filing threshold for the I and D tax from 2,400 to 3,500. It would also have reduced the research and development tax credit from 7 million down to 2 million. The Ways and Means Committee did a replace all amendment which took the entire language from SB 504 which passed this body earlier, which is a phase-out of the Interest and Dividends tax, starting in the next budget over five years with a final repeal date of January 1, 2024. What this will do is essentially look to the fact that starting in the next budget it would repeal the I and D tax that based upon income today, $13 million a year over five years. Now I want to remind this body there's been some great things that are happening here. The economy is doing good. The tax cuts we have seen coming from the Federal Government have made our economy good, have made our budget better, have made our revenues go up. In addition to that, we have to remember that the cuts we have made to this Business Enterprise Tax, Business Profits Tax and the reduction of regulations we have continued to make, have made a material difference in the economic health of this state. So when the state is healthy and the outlook for New Hampshire is good, and the

state is bringing in more revenue than it needs, we should always look to return that money back to the taxpayers. That's what this did, again, this is the same exact language that we passed through this body earlier this year and I'd ask the body for support. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, the Committee Amendment is the same exact language we tabled earlier this year. We tabled it, it has close to $100 million impact in the next budget. The benefits of that $100 million go to the top 10 percent income earners in the state. That's by analysis by iTeK. To do this now is fiscally irresponsible. It's a downshift right onto the backs of local property taxpayers. Middle class Granite Staters, struggling to get ahead and stay ahead. Why? For $100 million hit to our budget in the next budget cycle to the top 10 percent income earners. Does that make any sense? It doesn't. Let's vote down this committee amendment, we tabled it earlier in the session, let's vote it down now and let's move forward. Thank you, Mister President.

Senator Bradley presiding.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, I rise to declare a potential conflict of interest in that I pay the Interest and Dividends Tax, but as I would be affected in no way different from any other people who pay this tax, I will participate. Thank you.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise to say the same thing that my friend from District 4 just said. That I may have a conflict as I do pay Interest and Dividends Tax but I will be participating. Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I will declare a conflict. I do pay the Interest and Dividends Tax. I will participate in the discussion and I'd like to speak now.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise to say that I may have a conflict of interest as well, but I really rise to say this is not a good amendment. We've done this before, and I totally concur with the comments my colleague from District 15. This is not what is acting in the best interest of people in my district. And if this is, if you believe that it's in the best interest of people in your district and the majority of people in your district, I'm stunned. So, thank you, Mister President for recognizing me. Please vote against this.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: I rise to declare that I may have a conflict of interest and I have filled out a form to that effect. Thank you.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. I too have a conflict on this bill and amendment in that I pay Interest and Dividend Taxes in New Hampshire. Thank you, Mister President. I will participate.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I'm rising to say I don't have a conflict, but I wish I did. Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you. Thank you, Mister President. Mister President, I rise against the amendment. When you look at the numbers, the numbers clearly indicate we will lose $100 million in revenue over the course of the deductions that are cited in the amendment. That's not a prudent way to do business. We've adjusted business taxes; we've reduced them and guess what; the business revenues are up. You know why they're up? Because all of those companies that didn't pay in the past are now paying because we have the amnesty. Look at the numbers. The numbers indicate about two or three-hundred more businesses are paying than have paid in the past. They were avoiding the tax. The Interest and Dividends Tax should not be changed at this point in time. We've changed taxes thirty-nine times over the last few years, we've done a good job. This is not a good job. This is not a way for us to go. At this point in time any further reduction in taxes are going to fall right back on the locals. What we should be doing is saying, hey, let's take some of this money that we've earned and restore the revenue sharing, $25.2 million a year, that's $50.4 million over the biennium that goes back to the taxpayers to alleviate the burden of the real estate property tax. That's where we should be working at this point in time, to get more money back to our locals, not reducing interest and dividends on the wealthiest of people in the state. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise just to say I have some real concerns about this. I think I join many members here in this body that are concerned about taxes and I'd love to see us cut taxes, but I also think that if we're going to cut taxes and we've heard from our colleagues that this could potentially put $100 million hole in the budget. How are we going to fill that hole? What programs are we going to cut to make up this deficit? And I haven't heard anything on the other side. I would feel more comfortable if we could have a discussion about what programs are, we going to cut in order to make up the difference here? I haven't heard that today. And this brings to mind comments from a former colleague of ours, who chaired Ways and Means for many years, and he'd say it was great, you want to cut taxes, but how are you going to fill the hole? And that's what I'm really concerned about. I would hate to see needed programs that my constituents depend upon cut because we cut this tax. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President I apologize I did not say earlier that declaring I may or may not have a conflict, I do pay I and D tax, so I clearly have a conflict. I'm still participating, and I'd like to try and answer some questions if I could. So let me try to answer some of the questions especially from my colleague in District number 15, who raised some questions about $100 million. Well only in government, only with the political class can you take a $13 million expense and portray it as a $100 million bill. Mister President, it continues to stagger me, this revenue generator, Interest last year. So how people can literally leap, jump the shark and say a $65 million tax is worth $100 million and Dividends Tax, the tax on the people of New Hampshire only brings in $65 million a year, only brings in total $65

million defies people who actually consider math important because you know Mister President I can't spell worth a lick. So, it's not $100 million, what it is, it's $15 million, $15 million a year over five years. Now part of this thing we have to understand, and this gets the point from my colleague from District number 15. Senator, I completely understand your question that says how do we fill the hole, if we're going to cut taxes, what do we do with spending? Now this is predicated on the fact that revenue doesn't change, expenses don't change, we cut taxes. Now we have a hole. In this case, we know that revenue is up, but spending's not up. So there's no need to cut taxes, because we're bringing in more revenue than we thought we would with the same amount of expense. So there's no hole to fill, in fact, we have heard that recently, probably not the day to have numbers Mister President, but I will if you ask me to, our economy is up, our economy is running as good as it has run in a decade and a half.

Lowest unemployment, lower regulation, great, great, great tax cut program coming from the Federal Government, every single one of you, except maybe one or two of you, should be getting more money in your pocket. Thirty-one hundred dollars on average in the state of New Hampshire. That's money in people's pockets, it's their money coming back. Now this is just like this and Mister President, what I'll say, what I need to remind the body, I know my friend from District number 15 talks often about the benefits of the 1 percent. But here's another part to my colleague in District 14, and others. We have to remember that the 146,000 small businesses in the state of New Hampshire. At the end of the year, they close out their books, they go see their accountant, and their accountant says hey look, you had an okay year, you made a little bit of money. And that guys says I want to buy a piece of equipment, I want to buy a truck, maybe I want to give my employees a raise. When that small business makes a distribution, after December 31st but before they pay their taxes, that's no longer income, it becomes an Interest and Dividend distribution. So this bill Mister President, does not go to just some elitist that people are talking about over there because I don't believe anyone in this room is an elitist either. We're not all part of the 1 percent. But some people in this room pay it as result of earned interest on income they have because they have some resources. But 146,000 people Mister President, have the ability of this same thing because they take a small distribution of $2,500 out of their company at the end of the year. That $2,501 now they're paying tax on it. Last time I checked Mister President; cost of a pick-up truck was about 60 grand. So if you want to buy yourself a new car at the end of the year, you've worked real hard, you're now paying taxes on, you know, $5,600.

Couple other points Mister President, that I'll put down. There's no downshift here, this is not about downshifting, this is not a mandate on our communities without revenue. This is our state bringing in more revenues than we thought, the economy doing better and our ability to return some of that taxpayer dollars to the taxpayer. The people that paid it. And lastly, Mister President, we heard a little bit about the amnesty bill. Now for the record Mister President, I was the prime sponsor of the amnesty bill. About every ten years we do that, typically right after a recession. We know people are struggling, we know people get underground a little bit, this gives those people that opportunity to come to the table and catch up and do the right thing and have a much less minor penalty. I will remind you Mister President, last amnesty was actually two years ago, and the benefits we saw were two years ago, the revenue that we're seeing

which is from good fiscal management from the Chair of Finance, from the Governor, from the agencies. What we're seeing in our state today of a better and improving economy. We're doing better. Current tax scheme, we have more revenue coming in, so taking 13 million a year over five is actually a smaller cut, Senators, a smaller cut than what we did with the Business Profits Tax or the Business Enterprise Tax. So realistic, responsible, a good way to put people's tax dollars back in their pocket when the economy is good. Thank you, Mister President.

(The Chair recognized Senator Morse.)

SENATOR MORSE: Thank you, Mister President. I'd like to declare that I may or may not have a conflict however we say that, but I intend to vote on this issue. I would like to talk about taxes for a moment because I was interviewed yesterday, and I found it interesting on how we perceive what's happening in the country and in the state of New Hampshire. You know the reality is the Federal Government goes and does tax cuts and follows what New Hampshire's been doing for the last two budgets and we're seeing the benefit of it. We're seeing the benefit of what's happened in our state and federally, it's showing up this month. And everyone that's looking at the reports is either taking credit or saying you know we just budgeted wrong. We didn't budget wrong. We budgeted right. The Federal Government made a tax cut that actually is having a huge influence. And should we or should we not use that to pay down the sins that we saw back in 2011. I actually looked into that. I looked into paying off a bond of $135 million that the Rooms and Meals Tax is being robbed right now because we're still paying that bond, and that bond is still so big we couldn't write the check right now to pay it off. Because I thought it would be good policy for us to write that check right now and pay off the bond that we took back in the day to pay for school building construction when our own communities already bonded it. It's an insane concept. But I'd like to tell you this; I think the policies that we put in place and been led by the Senate in the last two budgets are policies that are working. They're working for the state of New Hampshire. And that's why I support this legislation. Because when we talk about reducing taxes, it makes people inspired to come into our state and build their business, and make this economy run, just like it's running right now. And as I'm hearing about the fact that every ten years we look at recession, I can tell you a lot of what you've done with tax cuts, like the one that's being proposed, is going to ward off having a recession like we saw in 2008, because back then we were increasing fees and increasing taxes and no one wanted to come here. They didn't want to expand their businesses here. And that's the pro-growth policies that we have right now that are making a difference in the state of New Hampshire. And that's why I'll support the way this is being presented to us, because I think it's working. I think it's working in a great manner when the Federal Government's following what the state of New Hampshire did and it's showing up right now. And it's going to show up even further as we study it. Thank you, Mister President.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Feltes, seconded by Senator Birdsell.

The following Senators voted Yes: Giuda, Gray, French, Ward, Sanborn, Daniels, Avard, Birdsell, Morse, Gannon, Innis.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

The following Senators filed a Declaration of Intent: Bradley.

Roll Call, Yeas: 11 - Nays: 12. Failed.

Senator Morse moved to Lay on the Table.

PARLIAMENTARY INQUIRY:

(The Chair recognized Senator Sanborn for a parliamentary inquiry.)

SENATOR SANBORN: Thank you for my parliamentary inquiry. If I know Mister President, that the bill with the amendment not passing, the underlying bill has a cut of the R and D tax credit from $7 million to $2 million, would I then vote yes to table?

PRESIDING OFFICER SENATOR BRADLEY: If you're in favor of the motion to table, you would vote yes. If you're opposed, you would vote no.

Recess. Out of recess.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Sanborn for a parliamentary inquiry.)

SENATOR SANBORN: Thank you, Mister President. Mister President if I know that there could be a way to resolve a question that was just raised to me, if I ask that the body would just voice vote this thing up on the table tonight and that we'd consider taking it back down tomorrow, would we vote yes for tabling?

PRESIDING OFFICER SENATOR BRADLEY: If you're in favor of the motion to table, you would vote yes. If you're opposed, you would vote no.

Senator Avard requested a Roll Call on the motion to Lay on the Table HB 1554-FN.

Senator Avard withdrew request for a Roll Call.

Senator Morse moved to Lay on the Table HB 1554-FN. Adopted.

Recess. Out of recess.

President Morse presiding.

SPECIAL ORDER

Without objection, the following bill is special ordered to Thursday, May 3, 2018. Adopted.

WAYS AND MEANS
HB 1819-FN, relative to administration of the education tax credit.

PRESIDENT MORSE: Right now, you have these two documents in front of you. Before we get to the Consent Calendar, let's take the single page document.

Without objection, the Clerk shall read the first complete House Message and thereafter only the title of each bill shall be read. Adopted.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 549-FN, relative to beverage vendor fees.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Biggie, Fromuth and Williams

Senator Innis moved to Accede to House request. Adopted.

The President appointed Senators Innis, French and Lasky.

HB 225-FN, relative to information collection concerning electric renewable portfolio standards.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Vose, Barry, Vadney and H. Moffett

Senator Avard moved to Accede to House request. Adopted.

The President appointed Senators Avard, Innis and Fuller Clark.

HB 1286, relative to fishing and hunting licenses for permanently disabled veterans.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Webb, Spillane, L'Heureux and Laflamme

Senator Avard moved to Accede to House request. Adopted.

The President appointed Senators Innis, Avard and Feltes.

HB 561-FN, relative to part-time employment of a retirement system retiree by a participating employer.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: McGuire, Sytek, Proulx and Goley

Senator Carson moved to Accede to House request. Adopted.

The President appointed Senators Carson, Bradley and Soucy.

HB 1273, relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Baldasaro, Massimilla, Hansen and McGuire

Senator Bradley moved to Accede to House request. Adopted.

The President appointed Senators Bradley, Gray and Hennessey.

HB 252, relative to pro se litigants under the right-to-know law.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hynes, Berch, Sylvia and Janvrin

Senator Carson moved to Accede to House request. Adopted.

The President appointed Senators Carson, French and Lasky.

HB 1753-FN, relative to transportation of alcoholic beverages by a minor.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Welch, Sapareto, Chandley and Murray

Senator Carson moved to Accede to House request. Adopted.

The President appointed Senators Carson, Gannon and Lasky.

Without objection, the Clerk shall read the first complete House Message and thereafter only the title of each bill shall be read. Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 84, relative to payment of workers' compensation benefits by direct deposit.

Senator Innis moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Innis, French and Soucy.

SB 303, relative to a security freeze on a consumer's credit report.

Senator Innis moved Concurrence. Adopted.

SB 312, clarifying the New Hampshire Foundation Act.

Senator Innis moved Concurrence. Adopted.

SB 318, relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

Senator Innis moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Sanborn, French and Lasky.

SB 351, relative to managed care programs under workers' compensation.

Senator Innis moved Concurrence. Adopted.

SB 354, relative to disclosure of information relative to lower cost drugs under the managed care law.

Senator Innis moved Concurrence.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I rise and I did not have the opportunity to speak with my colleague from District 24. But I would be opposed to this recommendation. What the House Amendment did was to not only remove definitions but eliminate what's called a clawback provision whereby a pharmacy claim that's been settled can then be revisited many months later. This is an important issue that I think deserves further discussion. This also removes the language about gag clauses from the pharmacy statute, so it's limited to just insurance. So for those reasons I'd ask my colleague if we could do a committee of conference. Thank you, Mister President.

Senator Innis withdraws motion of Concurrence.

Senator Innis moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President will appoint conferees at a later date.

SB 553-FN, establishing a commission to study the incidence of post-traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation.

Senator Innis moved Concurrence. Adopted.

SB 433, relative to the annual filing of statistical reports to the department of education.

Senator Reagan moved Concurrence. Adopted.

SB 309-FN, regulating groundwater pollution caused by polluting emissions in the air and relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.

Senator Avard moved Concurrence. Adopted.

SB 366, relative to membership and procedures of the site evaluation committee.

Senator Avard moved Concurrence. Adopted.

SB 443, relative to the jurisdiction of counties concerning retail electric supply, and allowing the Carroll county convention to employ a delegation coordinator.

Senator Avard moved Concurrence. Adopted.

SB 451, relative to wildlife trafficking.

Senator Avard moved Concurrence. Adopted.

SB 374, relative to adoption of emergency medical and trauma services protocols.

Senator Carson moved Concurrence. Adopted.

SB 456, relative to the appointment of the state medical director for emergency medical services.

Senator Carson moved Concurrence. Adopted.

SB 531-FN, relative to the office of professional licensure and certification.

Senator Carson moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Reagan, Carson and Soucy.

SB 534-FN, relative to the classification of certain state employee positions and relative to a review of certain unclassified positions in the department of health and human services.

Senator Carson moved Concurrence. Adopted.

SB 540-FN, relative to the operation of keno games in unincorporated places and permitting keno games in cigar bars.

Senator Daniels moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Reagan, Giuda and D'Allesandro.

SB 544-FN, transferring department of safety funds to the fire standards and training and emergency medical services fund.

Senator Daniels moved Concurrence. Adopted.

SB 63, relative to record management of abuse and neglect reports, establishing a pilot program regarding electronic storage of abuse and neglect records, and establishing the excess appropriation allocation account in the department of health and human services.

Senator Bradley moved Concurrence. Adopted.

SB 380, relative to the therapeutic use of cannabis.

Senator Bradley moved Concurrence. Adopted.

SB 385, establishing a foster care children's bill of rights.

Senator Bradley moved Concurrence. Adopted.

SB 478, establishing an advisory council on lactation.

Senator Bradley moved Concurrence. Adopted.

SB 479, relative to the oversight commission on children's services and relative to the commission to review child abuse fatalities.

Senator Bradley moved Concurrence. Adopted.

SB 489, establishing a committee to study parental alienation in New Hampshire.

Senator Bradley moved Concurrence. Adopted.

SB 491, relative to food protection services in New Hampshire.

Senator Bradley moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Bradley, Avard and Fuller Clark.

SB 336, relative to the judicial district for the town of Waterville Valley and the unincorporated place of Livermore.

Senator Carson moved Concurrence. Adopted.

SB 391-FN, relative to sexual assault survivors' rights.

Senator Carson moved Concurrence. Adopted.

SB 493, relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file.

Senator Carson moved Nonconcurrence. Adopted.

SB 496-FN, relative to mediation for certain child support arrearages.

Senator Carson moved Concurrence. Adopted.

SB 498-FN, requiring an annual report detailing activity related to forfeiture of personal property.

Senator Carson moved Concurrence. Adopted.

SB 500, amending references to firearms terminology.

Senator Carson moved Concurrence. Adopted.

SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.

Senator Carson moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Carson, French and Feltes.

SB 339, relative to voting by zoning boards of adjustment.

Senator Gray moved Concurrence. Adopted.

SB 342, requiring identification of specific items in the default budget.

Senator Gray moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Gray, Daniels and Woodburn.

SB 393, relative to county financial audits, performance audits, and forensic audits.

Senator Gray moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Gray, Ward and Kahn.

SB 506, limiting amendments to warrant articles.

Senator Gray moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Gray, Giuda and Kahn.

SB 507, proclaiming June as post-traumatic stress injury (PTSI) awareness month.

Senator Gray moved Concurrence. Adopted.

SB 510, relative to municipal notice of leases on tax-exempt property.

Senator Gray moved Concurrence. Adopted.

SB 343, relative to legislative ethics guidelines.

Senator Avard moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Carson, Avard and Soucy.

SB 300, naming a certain bridge connecting Dover and Newington the Ruth L. Griffin bridge and establishing the fallen state troopers' memorial commission.

Senator Birdsell moved Concurrence. Adopted.

SB 411-FN-A, relative to the research and development tax credit.

Senator Sanborn moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Sanborn, Giuda and Feltes.

SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.

Senator Sanborn moved Concurrence. Adopted.

SPECIAL ORDER

Without objection, any bills that were not taken up today are special ordered to Thursday, May 3, 2018. Adopted.

ENERGY AND NATURAL RESOURCES
HB 1238, relative to animal cruelty involving an equine colt.
HB 1515, relative to an exemption from the combustion ban on construction and demolition debris.
HB 1550, requiring electric bills to include the cost of compliance with renewable energy standards.

JUDICIARY
HB 1313, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile.

PUBLIC AND MUNICIPAL AFFAIRS
HB 1392, relative to tallies of votes on budget items or warrant articles.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Birdsell: HB 1519, HB 1601, HB 1781
Senator Bradley: HB 476, HB 1554-FN
Senator D'Allesandro: HB 1554-FN
Senator Fuller Clark: HB 1554-FN
Senator Hennessey: HB 1554-FN
Senator Innis: HB 1554-FN
Senator Morse: HB 1554-FN, SB 318
Senator Sanborn: CACR 15, CACR 16, HB 114, HB 135, HB 169-FN, HB 225, HB 252, HB 263, HB 314, HB 317, HB 324, HB 407-FN, HB 476, HB 500, HB 549-FN, HB 561-FN, HB 1101-FN, HB 1102-FN, HB 1103-FN, HB 1104-FN, HB 1100, HB 1233, HB 1238, HB 1243, HB 1251, HB 1254, HB 1260, HB 1261, HB 1264, HB 1273, HB 1276, HB 1285, HB 1286, HB 1294, HB 1295, HB 1307, HB 1309, HB 1310, HB 1313, HB 1316-FN, HB 1319, HB 1327, HB 1347, HB 1356, HB 1372, HB 1373, HB 1377, HB 1382, HB 1392, HB 1402, HB 1404, HB 1427-FN, HB 1443, HB 1458, HB 1467, HB 1468, HB 1472, HB 1476, HB 1487, HB 1488, HB 1498, HB 1501-FN, HB 1502, HB 1515, HB 1519, HB 1521, HB 1530, HB 1537, HB 1545, HB 1549, HB 1550, HB 1554-FN, HB 1562-FN, HB 1565-FN, HB 1578, HB 1586, HB 1587, HB 1592-FN, HB 1595, HB 1601, HB 1603, HB 1605, HB 1614, HB 1626-FN, HB 1627-FN, HB 1654, HB 1673-FN-L, HB 1682-FN, HB 1686-FN, HB 1687, HB 1690-FN, HB 1740, HB 1743-FN, HB 1753-FN-L, HB 1774, HB 1775, HB 1781, HB 1791-FN, HB 1796, HB 1805, HB 1809-FN, HB 1816-FN, HB 1817-FN, HB 1819-FN, HB 1822-FN, HB 2018, SB 63, SB 84, SB 300, SB 303, SB 309-FN, SB 312, SB 318, SB 336, SB 339, SB 342, SB 343, SB 351, SB 354, SB 366, SB 374, SB 380, SB 385, SB 391-FN, SB 393, SB 411-FN-A, SB 433, SB 443, SB 451, SB 456, SB 478, SB 479, SB 489, SB 491, SB 493, SB 496-FN, SB 498-FN, SB 500, SB 506, SB 507, SB 510, SB 531-FN, SB 534-FN, SB 540-FN, SB 544-FN, SB 553-FN, SB 556-FN, SB 564-FN-A
Senator Soucy: HB 407-FN, SB 553-FN
Senator Watters: HB 1554-FN

LATE SESSION

Third Reading and Final Passage

CACR 15, relating to legal actions. Providing that taxpayers have standing to bring actions against the government.
CACR 16, Relating to privacy. Providing that an individual's right to live free of governmental intrusion is natural, essential, and inherent.
HB 263, relative to facilities licenses for charitable gaming and relative to security requirements for games of chance.
HB 314, establishing an automated and connected vehicle testing and deployment commission and establishing an automated vehicle pilot program.

HB 324, establishing a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire.
HB 500, relative to organizations that are authorized to issue decals.
HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire and relative to veterans' preference in public employment.
HB 1251, relative to indicia for payment of taxes on the transfer of real property.
HB 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire; establishing a moratorium on the adoption of changes to the state building code and state fire code; and repealing the joint legislative oversight committee on the emergency management system.
HB 1260, relative to the payout value of bingo games at private campgrounds and hotels, the hours of operation of Keno, and the sale of Lucky 7 tickets during bingo games.
HB 1261, relative to record management of abuse and neglect reports.
HB 1264, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."
HB 1276, adding an exemption for certain raffles conducted by charitable organizations and relative to charitable gaming licenses.
HB 1285, relative to dancers and entertainers in premises serving alcoholic beverages.
HB 1294, relative to religious societies.
HB 1307, relative to the first session of annual meetings.
HB 1309, relative to transferring dogs, cats, and ferrets by animal shelter facilities.
HB 1319, prohibiting discrimination based on gender identity.
HB 1327, relative to apprentice electricians.
HB 1347, relative to information to be included in the minutes under the right-to-know law.
HB 1372, prohibiting the implanting of subcutaneous identification devices in individuals.
HB 1377, establishing a committee to study the emancipation of minors.
HB 1472, relative to the state building code provisions for energy conservation in new building construction.
HB 1487, relative to banks and credit unions.
HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7.
HB 1519, relative to the conduct of condominium unit owners' associations votes without a meeting.
HB 1521, relative to the definition of an emergency for a special assessment in a condominium.
HB 1530, requiring criminal history records checks for applicants for allied health professional licensure or certification.
HB 1545, relative to the statewide interoperability executive committee.
HB 1586, relative to judicial review for underage marriage.
HB 1587, relative to the minimum age for marriage.
HB 1595, relative to the use of the left lane of a multilane roadway.
HB 1601, relative to a declarant's options for condominium expansion.
HB 1605, relative to reinsurance.
HB 1654, relative to automobile medical payments.
HB 1687, relative to banking and consumer credit.
HB 1690-FN, relative to liquor licenses.

HB 1740, relative to costs of blood testing orders.
HB 1774, relative to parenting plans and relocation of a child's residence.
HB 1796, relative to the legislative oversight committee on electric utility restructuring.
HB 1805, establishing a committee to study level dollar amortization of retirement system unfunded accrued liability and relative to the retirement system board of trustees.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 386, relative to access to criminal records.
SB 413, relative to name availability for business organizations and relative to reinstatement of a limited liability company.
SB 425, relative to limited liability companies.
SB 435, relative to alternative programs for granting credit leading to graduation.
SB 477, establishing a therapeutic cannabis medical oversight board.
SB 513, establishing September as New Hampshire recovery month.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 502-FN, relative to transparency and standards for acquisition transactions in health care.
SB 525-FN, prohibiting the distribution of adult education financial assistance to any student who is not a legal resident.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 112, establishing a council on the creative economy.
SB 373, requiring rulemaking by the department of corrections.
SB 383, establishing a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents.
SB 427, limiting the liability of successor corporations for asbestos-related claims.
SB 432-FN-LOCAL, establishing a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective.
SB 452, relative to renewable energy fund incentive payments.
SB 508, establishing a committee to study the prevalence of post-traumatic stress disorder (PTSD) and other related disorders among first responders.

Out of Recess. Call the Senate to Order.

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 Avard 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 indetermine 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 HENNESSESY: 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.)

SENATIOR 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 Avard 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 HENNESSESY: 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?

SENTOR 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 HENNESSESY: 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 HENNESSESY: 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 HENNESSESY: 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 HENNESSESY: 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 noncontrolled 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.

SENTATOR 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 BIRDSELL: 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 BIRDSELL: 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 Avard.)

SENATOR AVARD: Thank you, Mister President. I rise in opposition to this amendment. I, Iwas 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 Avard.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Sanborn, Daniels, Avard, 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 Cllector 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 certainty 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 breeched 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 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	48,769.50	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?

PRESDIENT MORSE: Yes Senator, and I do that all day long.

SENATOR SOUCY: Thank you.

PRESDIENT 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 outpatient? 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 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 Perflourinated 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), perfluoroctanesulfonic 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.

[~~III.~~] ***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 perfluoroctanesulfonic 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), perfluoroctanesulfonic 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 recommittal 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 recommittal 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 recommittal 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 recommittal 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 recommittal 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-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.

SENATOR BIRDSELL: 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 :egislature 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.

SENATO 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 BIRDSELL: 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 conseq–, 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 BIRDSELL: 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.

SB 593-FN, relative to the penalty for capital murder.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

May 10, 2018

The Senate reconvened at 10:00 a.m., a quorum being present.

SENATE CLERK'S NOTE

Due to uncontrollable circumstances there was a loss in audio transmission in regards to the prayer by Reverend Jon Hopkins, chaplain to the Senate.

Senator Fuller Clark led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

PRESIDENT MORSE: I just want to take a moment, we do this every year and I think the amazing thing is we did something about it this past year. We funded Boys and Girls Clubs, which is a movement that I strongly believe in, and I strongly believe in their after school programs, and the results are showing up here today, because the best of the best in all the clubs in New Hampshire have shown up in the competition, which they're headed towards, and one of them will head towards the national competition after today. And it's an important day for them, but it's an important day for us to recognize the movement because I think it's so important to the state of New Hampshire. In addition to that I want you to know that a group that I started, when Senator Downing passed away in raising money, the Inspiring Futures, we certainly have made quite a few contributions to the Salem Boys and Girls Club because we strongly believe in it, and we did it because we believe in their after school programs. So Nicholas, we're supporting you, so. Let me introduce them.

Kathryn Marie Stupp from the Boys & Girls Club of Greater Derry who is represented by Senator Regina Birdsell, and Senator Gannon today. Congratulations.

Christopher Constan from the Boys & Girls Club of Manchester who is represented by Senators Cavanaugh, Soucy, and D'Allesandro. Congratulations.

If you could just raise your hand so we know who you are…

Mario Rodriguez Santana from the Boys & Girls Club of Greater Nashua represented by Senator Lasky, and Senator Avard.

Shelby Houghton from the Boys & Girls Club of Souhegan Valley in Milford represented by Senator Gary Daniels.

Madison McLelland from the Boys and Girls Club of Central New Hampshire who is represented by Senator French, Senator Ward, Senator Feltes, and Senator Reagan.

And with no bias at all, Nicholas Karantonis is from the Boys & Girls Club of Salem, which I am proud to say is from my district. Welcome.

Just before session, we all met with the contestants and presented them with a Senate Resolution to recognize their achievements for making it to the finals from their Boys and Girls Club.

Tonight, one of these young people will be named the Youth of the Year and will go on to compete at the regional competition this summer. We wish you all the very best of luck in joining, and thank you for joining us in the Senate today.

Now if I can invite a special guest forward, my daughter Emma. I just want to correct something that came out in the last month or so about how the Morse household has been run. My wife was the one that made the decision to stay home with my daughter until she turned six and went to first grade. I thought it was a great decision and it obviously worked. And my daughter was the one that made the decision to choose the high school she wanted to go to. And then I remember the drive specifically when my daughter said, "Dad I'm good at accounting but I love science." And she made the decision on what college she wanted to go to. And Susan and I are very proud today to tell you that Emma graduates with her Masters on Saturday after going around the clock for five years to school with honors so, Emma.

INTRODUCTION OF PAGES

(The Chair recognized Senator Cavanaugh for an introduction.)

SENATOR CAVANAUGH: Thank you, Mister President. I didn't realize it was bring your daughter to work day. We also have Iris Feltes here, first visit to the Senate Floor. Welcome Iris.

And we have Amanda Sampo with us today. Amanda is from Bow and she is a senior at Bow High School. She has been competitively swimming for eleven years now, both on her high school team and the Concord YMCA team. She has also been part of the Friends of Concord Crew for five years now and in high school she was part of the National Honor Society, Youth in Government, Peer Outreach, and the Spanish Club. She also spends time babysitting families in her hometown of Bow. Next year she will be attending Jacksonville University in Florida and will be rowing for their Division I Crew Team as well. And next year she plans on majoring in business, soon after, getting her law degree. Welcome.

SUSPENSION OF THE RULES

Senator Bradley moved that the Senate suspend all rules necessary to permit consideration at the present time of SB 564-FN-A. Adopted by the necessary 2/3 vote.

SENATOR BRADLEY: And I move this so that we in particular can waive and suspend rule 2-13 on reconsideration restrictions and 2-14 on the reconsideration process. There was a human error, technical snafu, on inclusion of what should have been an amendment approved by the House incorrectly attached to the bill. The easiest way to correct this is to have a Committee of Conference. So, I ask for suspension of the rules at the present time.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.: Reconsider the vote on - Concur with the House Amendment. Adopted.

Senator Sanborn withdrew the motion to Concur with the House Amendment to SB 564-FN-A.

Senator Sanborn moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Bradley, Sanborn and D'Allesandro.

AMENDMENT TO SENATE RULE 7-1 (x)

Senator Bradley moved to amend Senate Rule 7-1 (x), with the amendment provided here today.

PROPOSED AMENDMENT TO SENATE RULE 7-1

Amend Senate Rule 7-1 by replacing (x) with the following:
(x) Thursday, May 17, 2018, 4:00 p.m. – Deadline to SIGN Committee of Conference Reports.

Adopted by the necessary 2/3 vote.

Without objection, the Clerk shall read the first complete House Message and thereafter only the title of each bill shall be read. Adopted.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 415, relative to condominium unit owners' special meetings and voting proxies.

Senator Innis moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Innis, Birdsell and Lasky.

SB 418, relative to wine samples and samples for consumption on the premises of a beverage manufacturer.

Senator Innis moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Innis, Sanborn and Soucy.

SB 437, relative to the robotics education development program.

Senator Reagan moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Reagan, Avard and Watters.

SB 438, relative to the postponement of local elections.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. I move Senate Bill 441 be Nonconcur.

PRESIDENT MORSE: Alright, lets go through 438. I think Senator we have moved that to a different section.

Senator Gray moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Birdsell, Gray and Soucy.

SB 527-FN-LOCAL, relative to absentee voting and relative to the statewide centralized voter registration database.

Senator Gray moved Nonconcurrence and requested a Committee of Conference.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise to speak on one of the House Amendments to Senate Bill 527. On the floor of the House an amendment was added at the request of the Attorney General's Office that appears to directly conflict and maybe even overrule a recent court order in the SB 3 litigation. Specifically, the state under a protective order lost its argument about whether to turn over certain documents to the litigants against the state. This amendment seems to be an after-the-fact response. It raises a host of constitutional issues including, under part 2 article 7 where it's my view, we shouldn't get involved either way on this issue. Therefore I'll be voting yes to Nonconcur, but no the Committee of Conference. Thank you, Mister President.

The question is on the motion of Nonconcurrence and request a Committee of Conference.

A roll call was requested by Senator Feltes, seconded by Senator Avard.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Bradley for a parliamentary inquiry.)

SENATOR BRADLEY: If I believe that we should allow Senate Bill 527 to go to a Committee of Conference, would I now vote yes?

PRESIDENT MORSE: If you're in favor of going to a Committee of Conference on Senate Bill 527 you're going to say aye. If you're opposed you're going to say nay.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Reagan, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Soucy, Fuller Clark.

The following Senators were excused: Birdsell, D'Allesandro.

Roll Call, Yeas: 13 - Nays: 9. Adopted.

The President appointed Senators Birdsell, Gray and Woodburn.

SB 569-FN, relative to animal cruelty and establishing a commission to study cost of care for confiscated animals.

Senator Avard moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Bradley, Avard and Fuller Clark.

SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.

Senator Carson moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Carson, Gannon and Cavanaugh.

SB 535-FN, relative to certain revenues from the sale of commemorative liquor bottles of historic significance.

Senator Carson moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Reagan, Carson and Soucy.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I'd like to ask all of you to join me in welcoming the fourth graders from the Gossler Park Elementary School in Manchester.

SB 459, relative to reciprocity for licensure as a real estate broker or salesperson.

Senator Carson moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Reagan, Carson and Soucy.

SB 537, conferring extraterritorial financing powers on the New Hampshire business finance authority.

Senator Carson moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Carson, Gannon and Cavanaugh.

SB 589-FN, relative to authorizing petitions to state licensing boards for review of an individual's criminal record concerning disqualification for licensure.

Senator Carson moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Reagan, Carson and Soucy.

SB 541-FN-A, relative to the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.

Senator Daniels moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Daniels, Giuda and D'Allesandro.

SB 379, relative to retroactive denials of previously paid claims and relative to a second opinion on health care matters for state or county prisoners.

Senator Bradley moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Avard, Carson and Hennessey.

SB 473, relative to employment contract restrictions upon certain health care providers.

Senator Bradley moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Gray, Avard and Fuller Clark.

SB 487, relative to requirements for certain alcohol and other drug use professionals and establishing a state substance use disorder treatment services program.

Senator Bradley moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Bradley, Gray and Feltes.

SB 549-FN-A, relative to plans of safe care for infants affected by substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder.

Senator Bradley moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Gray, Avard and Hennessey.

SB 512, relative to compact sections of towns.

Senator Gannon moved Nonconcurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Gannon, Ward and Watters.

PRESIDENT MORSE: On 5/2 we adopted SB 354.

SB 354, relative to disclosure of information relative to lower cost drugs under the managed care law.

The President appointed Senators Innis, Sanborn and Soucy.

SB 434, relative to school nurse certification.

Senator Reagan moved Nonconcurrence. Adopted.

SB 441, relative to grading policies in schools.

Senator Reagan moved Nonconcurrence. Adopted.

SB 520-FN, relative to organizations authorized to issue decals for multi-use decal plates and relative to autonomous vehicles.

Senator Gannon moved Nonconcurrence.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. We're moving kind of fast. 520 I believe, and I just need some clarification maybe, but 520 has a lot of organizations that ask for decal bills and this is a Nonconcur so I'm asking any member of our body, are we losing what we attempted to do by unifying all those decal bills into a single action and hopefully not, because if we are, I'd like to rise again and perhaps speak further to the motion.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: I'll speak briefly, Senator. No, it isn't. This is only dealing with that one decal issue. The others are in a separate bill.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. What is the bill that that is in so we can keep track of that? Is it in a House Bill?

SENATOR GANNON: I can figure it out for you, 1697 brings to mind. A little birdie once told me, 1697. We'll look for that. Thank you.

The question is on the motion of Nonconcurrence. Adopted.

SB 421, relative to insurance coverage for prescription contraceptives.

Senator Innis moved Concurrence. Adopted.

SB 566-FN, establishing a commission to study certain aspects of the school bus driver shortage.

Senator Innis moved Concurrence. Adopted.

SB 357, relative to safe school zones and relative to syringe service programs.

Senator Reagan moved Concurrence. Adopted.

SB 358, relative to reorganization of the department of education.

Senator Reagan moved Concurrence. Adopted.

SB 382, relative to a plan for the dissolution of cooperative school districts.

Senator Reagan moved Concurrence. Adopted.

SB 365, relative to the use of renewable generation to provide fuel diversity.

Senator Avard moved Concurrence. Adopted.

SB 446, relative to net energy metering limits for customer-generators.

Senator Avard moved Concurrence. Adopted.

SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program.

Senator Avard moved Concurrence. Adopted.

SB 453, relative to requirements and criteria for a competitive grant program for drinking water protection and relative to fluoride in municipal water systems.

Senator Avard moved Concurrence. Adopted.

SB 577, requiring the public utilities commission to revise its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.

Senator Avard moved Concurrence. Adopted.

SB 407, relative to membership of the McAuliffe-Shepard discovery center board.

Senator Carson moved Concurrence. Adopted.

SB 461, relative to continuing education for real estate brokers and salespersons.

Senator Carson moved Concurrence. Adopted.

SB 570-FN, relative to the work requirement for the child care scholarship program.

Senator Carson moved Concurrence. Adopted.

SB 578-FN, relative to unclassified positions within the department of health and human services.

Senator Carson moved Concurrence. Adopted.

SB 588-FN, relative to inspections of laboratories and relative to loans for lead hazard remediation projects.

Senator Carson moved Concurrence. Adopted.

SB 580, relative to transfers of appropriated funds, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch.

Senator Daniels moved Concurrence. Adopted.

Recess. Out of recess.

SB 334-FN, relative to temporary licensure of allied health professionals from nearby states, and reciprocal and temporary licensure for occupations and professions for persons from other states.

Senator Bradley moved Concurrence.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: I rise to ask the body to not Concur with Senate Bill 334. While the House Amendment returns the original language to the

bill to allow for allied health professionals to receive temporary licensure for up to 120 days, in six New England states, five New England states, and New York, the bill has a second amendment to it that one, I think is difficult to understand, relative to reciprocal licensing. If there is an agreement that a board has, if it has one agreement, it therefore exempts that board from all other need to temporary license for all those other licenses. I think that's confusing.

And I think that the second thing that it does is that if a board wishes to opt out, it's an opt out now of temporary licensure. If they decide that they want to opt out, they have to do it on a state by state basis. It means an evaluation of credentials in forty-nine different states. If you find that there is a state that you would want as a board to not have reciprocity with for temporary licensure, you would then post that state on your website, that board would. And it would need then to do so for any of the other forty-eight states. And then, once it's on the website, one would wonder if you got an application a year later from the same state, would you need to go back and do the review about whether or not the credentialing is comparable to our state. I think it sets up a workload on the licensing boards and OPLC bodies that we've already recognized have an overload and are behind on their license processing already. It's why we're going through the temporary licensing procedures. And it would require each of those agencies to potentially go through JLCAR with each of their procedures for temporary licensure or exclusion of temporary licensure. And we just don't know the extended consequences of opening up a wide gate. So I, with regret to some extent, that I'm talking against a bill that I introduced in good faith, that I thought we had the support in both chambers, obviously for a portion of it. I don't think that we're yet at the place that the bill deserves the support of this body so I will vote against Concur so that we can introduce a motion of Nonconcur. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and ask the body to support the current concur motion. And we have to remember that fifteen years ago only 5 percent of the jobs in America required licensing. Today, it's over 20 percent. In such a short term, 20 percent of the jobs in America now require licensing. So we have to ask ourselves, we know in this state today we are at overemployment, I'm sorry, underemployment, everyone has a job that wants a job. Every employer I know is desperately looking to try to find new employees. And what are we going to do about it? What are we going to do about it if we continue to create levels of licensure which some would suggest could be restrictive, and that makes it more difficult for the business owners in New Hampshire to find employees? Now granted Mister President, I will support the concept that we don't always trust our neighbors, especially the states to the south, we wonder if they do as good a job as the people in New Hampshire do. But at some level, if they have licensing requirements and someone complies with them and they have experience and they put the time in, shouldn't there be some basic understanding or trust that if someone wants to come to New Hampshire for a job, we should do everything in our power to allow them to come here?

We have to remember when I put the amendment on some of these bills that just said businesses are looking for help. We know that people can't stand up and unroot themselves and move halfway across the country, land here and have no job and no income to feed their family. So we'd recognize their current license, their current experience, for a small period

of time specifically while they went through the licensing procedures. It just doesn't sound unreasonable to me Mister President. It doesn't sound unreasonable that even as they've amended this bill, that there are some people in this building that want to support the business community, that want to support and advocate for people coming to the state of New Hampshire, and are trying to find little ways, I wish I went further quite frankly but it doesn't, to try and find little ways to encourage that migration of more employees to our state. Or, do we Nonconcur, throw up the flag and just say we don't want any more employees? We are now doing what's in our power to stop people coming here from working. We are essentially snubbing the business community by saying, we continue to want to build roadblocks and find excuses for whatever reason to say we don't want the New Hampshire economy to grow, we don't want the New Hampshire economy to thrive. Mister President, I mean there are so many things this body does or doesn't do, but to make a decision to not support people coming to this state for jobs and finding ways to make that happen is just at some level above the pale. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I rise in support of the motion to Concur. I too am a co-sponsor of this bill with our friend from Keene. And I go back to the hearing that the Health and Human Services Committee had, jeez on a beautiful day like this you'd think that winter never happened, but it did. In the middle of the winter and people came and talked about the absolute need to get more healthcare workers into New Hampshire and the need to modernize our temporary licensure provisions to make that happen. That's what the original intent of the bill was, and if you have the bill in front of you, it's sections 1 and 2.

This bill has sort of taken a roundabout course to get to the point that it's at this morning. We as a full body, expanded that temporary licensure to any licensee. The House chose to take it back to the original version as our friend from Keene indicated. But they added a version, they added a new section 3 of the bill. And I just want to go through what section 3 of the bill does, because the issue at hand at this point is whether the office of OLPC has the resources to do what's asked for in section 3 of the bill. And so what it says is a board or commission that regulates an occupation or profession is part of an interstate compact, need not comply with this. So I think that's fairly easy, we're either part of an interstate compact or we're not. Beyond that, a board may determine that another state's license is not comparable with ours and then publish that on their website. And so an individual from that kind of a state would not be granted a temporary license. So, actually, the way I read this, it's meant to simplify the process. And lastly, it goes through how the temporary license procedure would work which I think is a clarification on the rest of the bill. Now I'm going to be the first one to admit, our colleague from Londonderry is more the expert on licensure than I am. But as somebody who's been around health care issues now for a long time, I know full well that we have significant shortages of healthcare workers in the state of New Hampshire. Almost 300 mental health counselors short from what the mental health centers say. We weren't able to establish DRF beds after we worked at great length last year on the mental health bill because of shortages of work force. So, we have heard this repeatedly. So, since I never heard, and I don't believe members of the HHS Committee heard that the additional provisions

that were put in to Senate Bill 334 were going to be problematic for OLPC in terms of their workload, I would also ask that we Concur with this bill because I do think it's going to help us address the shortage of healthcare workers in New Hampshire which I think we all know is a critical priority for the state right now. Thank you, Mister President.

The question is on the motion of Concurrence.

A roll call was requested by Senator Soucy, seconded by Senator Sanborn.

Recess. Out of recess.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Reagan, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, Fuller Clark.

The following Senators were excused: Birdsell, D'Allesandro.

Roll Call, Yeas: 12 - Nays: 10. Adopted.

SB 377-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners.

Senator Bradley moved Concurrence. Adopted.

SB 488, relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center.

Senator Bradley moved Concurrence. Adopted.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise to introduce the remarkable fourth grade from my district from the Maple Avenue School in Claremont. Remarkable students.

SB 581-FN, relative to compounding of drugs and establishing a committee to study rulemaking authority for reconstituted drugs.

Senator Bradley moved Concurrence. Adopted.

SB 590-FN-A, relative to the state loan repayment program, the developmental disabilities wait list, involuntary admissions procedures, and the mental health system.

Senator Bradley moved Concurrence. Adopted.

SB 592-FN-A, relative to the child welfare system.

Senator Bradley moved Concurrence. Adopted.

SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.

Senator Bradley moved Concurrence.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise to Concur. Last Thursday we had a pretty tough and long session and on Friday I took a tour with our former colleague from the North Country, Molly Kelly, the Senator from Keene. And included a stop at the Blue Mountain Dairy Farm and it reminded us of how volatile and sometimes unpredictable our politics was. We were taking a photo of a big cow, got a little ornery and I grabbed her from the back and just as I did that there had been, say

cheese, took the picture and the cow's manure covered tail swung back and hit me right across my shirt. And sometimes that happens in politics, it particularly happens late in the year and we appreciate everyone's good cheer after some very difficult, difficult days.

This Medicaid expansion has been a long strange trip. It's been from Mitt Romney, to Barack Obama, nationalized by Donald Trump. But Medicaid expansion here in the state of New Hampshire, five years ago was an idea, signed into law in 2014, renewed 2016, and I just want to say how proud I am of the Democratic Caucus for being the rock, delivering 100 percent of our caucus multiple times, really pushing the majority, working with the majority, and oftentimes keeping our mouth shut, which isn't always easy in this business, to let Majority Leader and others find a way forward. And we've done that and we're very proud of that accomplishment. But I also want to recognize Governor Hassan who really pushed hard to make sure this issue became reality and I'm so proud of the state of New Hampshire. We were one of the few states that had a division of power, with a Democratic Executive and Republican Legislature who was able to move these ideas forward. And that's a testament to everybody involved. I also want to highlight and thank our chief negotiators from our side in the Senate. The Senator from Concord, but also from the House, the House Democratic Deputy Leader for their hard work and many hours spent doing this.

But I also want to just pause and take a look at what the purpose of this was and the importance. It's not about here in this building but outside of this building. In the midst of an opioid epidemic, we need to be doing more and this will help people who are struggling and need that assistance. It will help low wage, hard-working people who are crushed by a government that punishes them for their misfortune. It will help our struggling hospitals who no longer need an infusion of money like the Colebrook Hospital to keep their doors open. This bill has worked, this idea has worked and I congratulate everybody who's been part of this. You, Mister President, the Majority Leader, everybody who supported it and worked for the advocates, the individuals. But, let's be clear. It's not perfect, and a lot of things aren't perfect in this building. But we, the Senate Democrats, are not willing to burn down the barn to get rid of the few rats. But our work will continue.

And I just want to share a little story that occurred to me as I was coming over here today. And, I met a woman in Errol and we were giving an award to this kid who doctors said never would have lived. Wasn't supposed to live very long, and he continues to surprise them, shock them by his success and his vibrancy and his spirit. But a woman came up to me and said, you know we started chatting, and we continued to correspond by email and she was on Medicaid expansion and her income went up to the point where she couldn't, she was kicked off. And she sent pictures of her leg which was very difficult to look at and she hadn't been to a doctor and these are the kind of people that we fight for every day, and we all fight for every day. And eventually, this country will embrace healthcare as a basic human right, not a gift bestowed by charitable hands of the benevolent belief. But as a basic human right. This is important. We stand with the majority of this caucus, our caucus and yours, to move this forward and thank everyone for their work and patience and making this happen. Thank you, Mister President.

A roll call was requested by Senator Avard, seconded by Senator Hennessey.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, Ward, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: Giuda, French, Sanborn, Daniels, Avard, Carson.

The following Senators were excused: Birdsell, D'Allesandro.

Roll Call, Yeas: 16 - Nays: 6. Adopted.

SB 398, relative to information contained in certain motor vehicle records.

Senator Gannon moved Concurrence. Adopted.

SB 575-FN, relative to electric vehicle charging stations.

Senator Gannon moved Concurrence. Adopted.

SB 565-FN, relative to aircraft registration fees.

Senator Sanborn moved Concurrence. Adopted.

Senators Cavanaugh and Soucy are in opposition to the motion to Concur with the House Amendment on SB 565-FN.

MOTION OF RECONSIDERATION

Senator Daniels, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 580, relative to transfers of appropriated funds, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch.: Reconsider the vote on - Concur with the House Amendment. Adopted.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Thank you, Mister President. I would ask that you vote against the Concur and I will move to go to Committee of Conference. We've discovered subsequently that there are a couple parts in 580 that are conflicting with other bills. One of them having to do with House Bill 1743 and the emergency funding of the Sununu Center and the other one having to do with Health and Human Services lapse. So I'd be willing to take this to a Committee of Conference. If you would vote to overturn the Concur and let me move Committee of Conference. Thank you, Mister President.

The question is on the adoption of the motion of Concurrence. Failed.

Senator Daniels moved Nonconcurrence and requested a Committee of Conference. Adopted.

PRESIDENT MORSE: We will name the members in a few minutes.

Recess. Out of recess.

PRESIDENT MORSE: Here's where we're at. We have the House messages. We're putting them out on paper right now. If the chairs could basically go through them, if they have the time to name the conferees. We'll come back at one o'clock. The House should be done its business by then and hopefully we can get right through it. It's probably twenty-five to thirty pieces of legislation. So, House Republicans should get together at quarter of one upstairs, okay?

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: I just have an announcement. The intern lunch is happening right now.

Recess. Out of recess.

PRESIDENT MORSE: SB 418 was adopted on 5/10.

SB 418, relative to wine samples and samples for consumption on the premises of a beverage manufacturer.

The President appointed Senators Innis, Bradley and Soucy.

PRESIDENT MORSE: SB 580 was adopted on 5/10.

SB 580, relative to transfers of appropriated funds, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch.

The President appointed Senators Daniels, Giuda and Feltes.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 169-FN, relative to limits on wagers in charitable games of chance and licensing historic racing.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Abrami, Almy, Ohm and Lang

Senator Sanborn moved to Accede to House request. Adopted.

The President appointed Senators Sanborn, French and Feltes.

HB 263, relative to facilities licenses for charitable gaming and relative to security requirements for games of chance.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Lang, Abrami, Burns and Ames

Senator Sanborn moved to Accede to House request. Adopted.

The President appointed Senators Sanborn, Giuda and Feltes.

HB 314, establishing an automated and connected vehicle testing and deployment commission and establishing an automated vehicle pilot program.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Steven Smith, T. Walsh, True and Sykes

Senator Gannon moved to Accede to House request. Adopted.

The President appointed Senators Birdsell, Gannon and Cavanaugh.

HB 317, relative to changes in the system benefits charge.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Vose, D. Thomas, Vadney and Notter

Senator Avard moved to Accede to House request. Adopted.

The President appointed Senators Avard, Innis and Feltes.

HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire and relative to veterans' preference in public employment.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: P. Schmidt, Hunt, D. Ley and Seaworth

Senator Innis moved to Accede to House request. Adopted.

The President appointed Senators Innis, Carson and Lasky.

HB 1102-FN, 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.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Kotowski, L. Ober, LeBrun and J. MacKay

Senator Bradley moved to Accede to House request. Adopted.

The President appointed Senators Carson, Avard and Hennessey.

HB 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire; establishing a moratorium on the adoption of changes to the state building code and state fire code; and repealing the joint legislative oversight committee on the emergency management system.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Beaudoin, Roberts, Kaczynski and McGuire

Senator Carson moved to Accede to House request. Adopted.

The President appointed Senators Carson, Gannon and Soucy.

HB 1354, relative to the speaker of the house of representatives and senate president as members of the university system board of trustees.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Ladd, M. Moffett, T. Wolf and Leishman

Senator Daniels moved to Accede to House request. Adopted.

The President appointed Senators Giuda, Daniels and D'Allesandro.

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.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Sytek, Schuett, L. Ober and J. Belanger

Senator Bradley moved to Accede to House request. Adopted.

The President appointed Senators Sanborn, Bradley and D'Allesandro.

HB 1377, establishing a committee to study the emancipation of minors.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: K. Rice, Itse, Lewicke and Walz

Senator Carson moved to Accede to House request. Adopted.

The President appointed Senators Carson, French and Lasky.

HB 1415-FN-A, making an appropriation to the public school infrastructure fund to improve security in public schools.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Proulx, H. Marsh, Schultz and L. Ober

Senator Carson moved to Accede to House request. Adopted.

The President appointed Senators Daniels, Bradley and D'Allesandro.

HB 1428-FN, relative to roadside memorials.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Webb, L'Heureux, Rouillard and Dontonville

Senator Gannon moved to Accede to House request. Adopted.

The President appointed Senators Gannon, Ward and Cavanaugh.

HB 1496, relative to requirements for performance based accountability for an adequate education and relative to reporting requirements for the civics competency assessment.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Ladd, T. Wolf, V. Sullivan and Shaw

Senator Reagan moved to Accede to House request. Adopted.

The President appointed Senators Reagan, Ward and Watters.

HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Major, Abrami, Barnes and Ames

Senator Sanborn moved to Accede to House request. Adopted.

The President appointed Senators Sanborn, Giuda and Feltes.

HB 1550, requiring electric bills to include the cost of compliance with renewable energy standards.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Vose, Richardson, Vadney and Harrington

Senator Avard moved to Accede to House request. Adopted.

The President appointed Senators Avard, Bradley and Fuller Clark.

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.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: K. Rice, Hunt, Itse and Walz

Senator Bradley moved to Accede to House request. Adopted.

The President appointed Senators Bradley, Carson and Fuller Clark.

HB 1565-FN, requiring the secure psychiatric unit to be accredited as a behavioral health facility.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: McGuire, P. Schmidt, Sytek and Beaudoin

Senator Bradley moved to Accede to House request. Adopted.

The President appointed Senators Avard, Gray and Fuller Clark.

HB 1614, relative to the international registration plan and relative to registration of semi-trailers.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Steven Smith, T. Walsh, True and Abear

Senator Gannon moved to Accede to House request. Adopted.

The President appointed Senators Birdsell, Sanborn and Watters.

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.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: L. Ober, Emerick, Lovejoy and Hunt

Senator Daniels moved to Accede to House request. Adopted.

The President appointed Senators Daniels, Sanborn and Soucy.

HB 1637, requiring school districts to establish policies relating to suspensions and expulsions.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Ladd, T. Wolf, Cordelli and Doherty

Senator Reagan moved to Accede to House request. Adopted.

The President appointed Senators Reagan, Ward and Watters.

HB 1743-FN, relative to funding for the Sununu youth services center and relative to positions at the department of health and human services.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Byron, Emerick, Hennessey and Wallner

Senator Daniels moved to Accede to House request. Adopted.

The President appointed Senators Daniels, Giuda and D'Allesandro.

HB 1761, relative to the math learning communities program in secondary schools.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: T. Wolf, Ladd, D. Wolf and Myler

Senator Reagan moved to Accede to House request. Adopted.

The President appointed Senators Reagan, Ward and Watters.

HB 1766-FN, requiring the department of environmental services to report to the general court regarding bedrock testing and perfluorochemical contamination in the Seacoast area and at other landfills and hazardous waste sites.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: John T. O'Connor, Darrow, Pearl and R. Gordon

Senator Avard moved to Accede to House request. Adopted.

The President appointed Senators Avard, Bradley and Fuller Clark.

HB 1775, relative to the appointment of guardians ad litem in parenting cases and relative to alcohol and drug free housing.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: K. Rice, Itse, M. Pearson and P. Long

Senator Carson moved to Accede to House request. Adopted.

The President appointed Senators Carson, Gannon and Lasky.

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; 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.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Umberger, Hinch, Byron and Rosenwald

Senator Carson moved to Accede to House request. Adopted.

The President appointed Senators Daniels, Bradley and D'Allesandro.

HB 2018, relative to the state 10-year transportation improvement program and establishing a committee to study the removal of the Merrimack tolls.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: McConkey, Milz, J. Graham and Cloutier

Senator Gannon moved to Accede to House request. Adopted.

The President appointed Senators Birdsell, Gannon and Watters.

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.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Carson: HB 1761
Senator Cavanaugh: HB 1761
Senator Feltes: SB 365
Senator Fuller Clark: SB 565-FN
Senator Sanborn: HB 169-FN, HB 263, HB 314, HB 317, HB 372, HB 1100, HB 1102-FN, HB 1254, HB 1354, HB 1356, HB 1377, HB 1415-FN-A, HB 1428-FN, HB 1496, HB 1501-FN, HB 1550, HB 1562-FN, HB 1565-FN, HB 1614, HB 1626-FN, HB 1637, HB 1697-FN, HB 1743-FN, HB 1761, HB 1766-FN, HB 1775, HB 1817-FN, HB 2018, SB 313-FN, SB 334-FN, SB 357, SB 358, SB 365, SB 370-FN, SB 377-FN, SB 379, SB 382, SB 398, SB 407, SB 415, SB 418, SB 421, SB 434, SB 437, SB 438, SB 441, SB 446, SB 450-FN-A, SB 453, SB 459, SB 461, SB 473, SB 487, SB 488, SB 512, SB 520-FN, SB 527-FN-L, SB 535-FN, SB 537, SB 541-FN-A, SB 549-FN-A, SB 564-FN-A, SB 565-FN, SB 566-FN, SB 569-FN, SB 570-FN, SB 575-FN, SB 577, SB 578-FN, SB 580, SB 581-FN, SB 588-FN, SB 589-FN, SB 590-FN-A, SB 592-FN-A
Senator Soucy: SB 541-FN-A
Senator Woodburn: SB 334-FN, SB 459, SB 461

ANNOUNCEMENTS

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. We are definitely blessed in this building to work with tremendous staff. Whether it's the staff that helps us in this room, or whether it is the staff downstairs in the cafeteria, or the maintenance staff, or the security staff, or anybody else. And it is truly with a deep heart I think that all of us want to take a moment to remember Larry Krupnik who, unfortunately, passed away earlier this week. Larry, as you know, was a Protective Services Officer. He was generally the person that you saw if you were here late at night. Kate was telling me how he would always rush to open the door for her. He always had a friendly word. He couldn't have been a nicer guy. If you knew him, you liked him. He was quick with funny lines, and he looked after each and every one of us. He epitomized what it means to work in this building, and I think we all mourn his passing. He took his job incredibly seriously. He would check on every window every night. He looked at all the coffee pots. He checked the trash. He did everything to make this building safe. He never missed a day, and when he did, you knew that something wasn't right, which is what happened last week. He worked here, in this building, for eighteen years. He was one of the unsung heroes who never gets the kind of credit that the twenty-four of us get. In fact, people like Larry should be getting the credit, and we probably should get a lot less of the credit because these are the folks that make this building run. We're saddened by his loss, and I think it would be appropriate to have a moment of silence to express our thoughts and our gratitude for a life well led and work well done.

(Moment of Silence.)

Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: So, if I could take another moment of personal privilege. I think we also had another loss. We sometimes have unbelievable agreements and disagreements in this room, but in many respects we're all family. And when family loses a family member it's time for all of us to come together and send our thoughts and our prayers, our appreciation, our tremendous gratitude for the Morse family. Senator Morse lost his stepfather earlier this week. I think that there will be an announcement as to when the services will be at some point fairly soon. It is a tribute that Senator Morse and his daughter would be here today and with their normal customary role of getting the job done, even the job done with a heavy heart. So, I would ask the members to again have a moment of silence for the Morse family.

(Moment of Silence.)

Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Not to wear out my welcome. Our friend from District 20 is with his grandson today in New York City. His grandson is receiving a nationwide award for just the heroic way that he and his family have approached his life. A lot of us have had a chance to meet this fine young man. It's unfortunate Senator D can't be here today to celebrate on a job well done on a lot of important legislation. I've always thought that Senator D was somewhat of a coach to me too. He coached

just about everybody here, and I thought it would be appropriate to pay not only Senator D and Mrs. D tribute, but his great grandson. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. A moment of personal privilege. A lot of times young people can teach us all a lesson and this weekend my libertarian son is marrying his progressive fiancé. So it will be an interesting life. Thank you. Thank you, Mister President.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

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 sending and receiving messages, processing enrolled bill reports and amendments, and forming committees of conference 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 refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 372, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: B. Griffin, Freeman, Wells and Silber

Senator Gray moved to Accede to House request. Adopted.

The President appointed Senators Birdsell, Gray and Soucy.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 1697-FN,relative to organizations authorized to issue decals for multi-use decal plates.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Steven Smith, Packard, T. Walsh and Sykes

Senator Gray moved to Accede to House request. Adopted.

The President appointed Senators Birdsell, Gannon and Watters.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 124-FN, relative to aircraft registration fees.
HB 267, establishing the New Hampshire transportation council.
HB 324, establishing a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire.
HB 500, relative to organizations that are authorized to issue decals.
HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation.
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 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 1260, relative to the payout value of bingo games at private campgrounds and hotels, the hours of operation of Keno, and the sale of Lucky 7 tickets during bingo games.
HB 1264, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."
HB 1276, adding an exemption for certain raffles conducted by charitable organizations and relative to charitable gaming licenses.
HB 1294, relative to religious societies.
HB 1307, relative to the first session of annual meetings.
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 1327, relative to apprentice electricians.
HB 1347, relative to information to be included in the minutes under the right-to-know law.
HB 1372, prohibiting the implanting of subcutaneous identification devices in individuals.
HB 1392, relative to tallies of votes on budget items or warrant articles.
HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs.
HB 1450, relative to retention of job applications and personnel files.
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 1495, relative to standards for determining an adequate education.
HB 1506-FN, relative to the commission on primary care workforce issues.
HB 1515, relative to an exemption from the combustion ban on construction and demolition debris.
HB 1530, requiring criminal history records checks for applicants for allied health professional licensure or certification.
HB 1545, relative to the statewide interoperability executive committee.
HB 1592-FN, requiring the commissioner of the department of environmental services to review ambient groundwater standards for arsenic.
HB 1595, relative to the use of the left lane of a multilane roadway.
HB 1612, relative to data security in schools.
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 1756-FN-A, relative to a one-time allowance for certain state retirees.

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 1796, relative to the legislative oversight committee on electric utility restructuring.
HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.
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 1819-FN, relative to administration of the education tax credit.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 1458, relative to exempting certain rules governing marine species from the administrative procedures act and relative to immunity for campground owners.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 1538-FN, limiting the liability of successor corporations for asbestos-related claims.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

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.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 84, relative to payment of workers' compensation benefits by direct deposit.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: S. Schmidt, D. Ley, Merner and Cahill

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 318, relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Murphy, Avellani, S. Schmidt and Baldasaro

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 342, requiring identification of specific items in the default budget.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Matthews, F. McCarthy, Tripp and Migliore

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 343, relative to legislative ethics guidelines.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Packard, Hinch, Hoelzel and Shurtleff

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 354, relative to disclosure of information relative to lower cost drugs under the managed care law.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Luneau, Plumer and Schwaegler

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Proulx, Cilley, H. Marsh and Hansen

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 379, relative to retroactive denials of previously paid claims and relative to a second opinion on health care matters for state or county prisoners.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Butler, Plumer and Schwaegler

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 393, relative to county financial audits, performance audits, and forensic audits.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: F. McCarthy, Sterling, J. Belanger and Treleaven

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 411-FN-A, relative to the research and development tax credit.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Ohm, Major, Abrami and Lang

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 415, relative to condominium unit owners' special meetings and voting proxies.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Williams, Sanborn and Panasiti

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 437, relative to the robotics education development program.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Ladd, T. Wolf, M. Moffett and Heath

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 438, relative to the postponement of local elections.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: B. Griffin, Wells, Negron and Porter

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 459, relative to reciprocity for licensure as a real estate broker or salesperson.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hansen, P. Schmidt, McGuire and Woitkun

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 473, relative to employment contract restrictions upon certain health care providers.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Butler, Plumer and Schwaegler

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 487, relative to requirements for certain alcohol and other drug use professionals and establishing a state substance use disorder treatment services program.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Beaudoin, Schultz, Sytek and Hansen

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 491, transferring responsibilities for produce safety from the department of health and human services to the department of agriculture, markets and food.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: John T. O'Connor, Darrow, Pearl and Bixby

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 506, limiting amendments to warrant articles.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Matthews, Treleaven, Sterling and J. Belanger

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 512, relative to compact sections of towns.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Steven Smith, T. Walsh, Sykes and True

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 527-FN-LOCAL, relative to absentee voting and relative to the statewide centralized voter registration database.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: B. Griffin, Freeman, Hill and Silber

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 531-FN, relative to the office of professional licensure and certification.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hansen, P. Schmidt, H. Marsh and L. Ober

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 535-FN, relative to certain revenues from the sale of commemorative liquor bottles of historic significance.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Proulx, McGuire, Hoell and Gagnon

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 537, conferring extraterritorial financing powers on the New Hampshire business finance authority.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Hunt, Williams, Biggie and Panasiti

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 540-FN, relative to the operation of keno games in unincorporated places and permitting keno games in cigar bars.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Ladd, T. Wolf, Ohm and Martin

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 541-FN-A, relative to the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: L. Ober, Emerick, Spanos and Leishman

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 549-FN-A, relative to plans of safe care for infants affected by substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Kotowski, LeBrun, J. MacKay and McMahon

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Welch, Sapareto, Rodd and Cushing

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Major, Hinch, Abrami and Almy

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 569-FN, relative to animal cruelty and establishing a commission to study cost of care for confiscated animals.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: John T. O'Connor, Darrow, Pearl and Bixby

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 580, relative to transfers of appropriated funds, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: McConkey, Milz, L. Ober and Cloutier

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 589-FN, relative to authorizing petitions to state licensing boards for review of an individual's criminal record concerning disqualification for licensure.

and the Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: McGuire, Hoell, Sytek and Gagnon

CONFEREE CHANGES

SB 342, requiring identification of specific items in the default budget.

Conferee Change: Senator Birdsell replaced Senator Woodburn.

CONFEREE CHANGES

SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.

Conferee Change: Senator Bradley replaced Senator Cavanaugh.

CONFEREE CHANGES

SB 512, relative to compact sections of towns.

Conferee Change: Senator Gannon replaced Senator Gray.

CONFEREE CHANGES

SB 527-FN-LOCAL, relative to absentee voting and relative to the statewide centralized voter registration database.

Conferee Change: Senator Bradley replaced Senator Woodburn.

CONFEREE CHANGES

HB 314, establishing an automated and connected vehicle testing and deployment commission and establishing an automated vehicle pilot program.

Conferee Change: Senator Morse replaced Senator Birdsell.

CONFEREE CHANGES

HB 314, establishing an automated and connected vehicle testing and deployment commission and establishing an automated vehicle pilot program.

Conferee Change: Senator Gray replaced Senator Gannon.

CONFEREE CHANGES

HB 1415-FN-A, making an appropriation to the public school infrastructure fund to improve security in public schools.

Conferee Change: Senator Morse replaced Senator Daniels.

CONFEREE CHANGES

HB 1614, relative to the international registration plan and relative to registration of semi-trailers.

Conferee Change: Senator Morse replaced Senator Watters.

May 11, 2018
2018-1959-EBA
03/01

Enrolled Bill Amendment to SB 63

The Committee on Enrolled Bills to which was referred SB 63

AN ACT (Third New Title) relative to record management of abuse and neglect reports, establishing a pilot program regarding electronic storage of abuse and neglect records, and establishing the excess appropriation allocation account in the department of health and human services.

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 63

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 63

Amend section 1 of the bill by replacing lines 2-3 with the following:

C:3 by inserting after paragraph XXVII-b the following new paragraph:
XXVII-c. "Screened-out report" means a report made pursuant to this chapter that the

Amend the bill by replacing section 6 with the following:

6 New Subdivision; Excess Appropriation Allocation Account. Amend RSA 126-A by inserting after section 74 the following new subdivision:

Excess Appropriation Allocation Account

126-A:75 Excess Appropriation Allocation Account. There is hereby established under the department of health and human services an excess appropriation allocation account. For the biennium ending June 30, 2019, immediately upon acceptance by the fiscal committee of the general court of any federal funds attributable to the 38 percentage point enhanced federal match for the children's health insurance program, the commissioner of administrative services shall transfer general funds of an equal amount from accounting unit 05-95-47-470010-7948, Medicaid Care Management, into the excess appropriation allocation account. Any funds remaining unspent in the excess appropriation allocation account at the end of each fiscal year shall lapse to the state general fund.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 8, 2018
2018-1945-EBA
04/03

Enrolled Bill Amendment to SB 300

The Committee on Enrolled Bills to which was referred SB 300

AN ACT naming a certain bridge connecting Dover and Newington the Ruth L. Griffin bridge and establishing the fallen state troopers' memorial commission.

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 300

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to SB 300

Amend the title of the bill by replacing it with the following:

AN ACT naming a certain bridge connecting Dover and Newington the Ruth L. Griffin bridge and establishing the fallen state troopers' memorial committee.

Amend section 3 of the bill by replacing line 1 with the following:

3 New Subdivision; New Hampshire Fallen State Troopers' Memorial. Amend RSA 4 by

Amend RSA 4:9-n, I, as inserted by section 3 of the bill, by replacing line 6 with the following:

state troopers' memorial as a private gift to the state upon its completion.

Amend RSA 4:9-n, II, as inserted by section 3 of the bill, by replacing line 3 with the following:

maintenance, and repair of, and additions to, the memorial. For the purpose of this section the

Amend RSA 4:9-o, II, as inserted by section 3 of the bill, by replacing lines 2-4 with the following:

special, nonlapsing account in the state treasury, to be expended for the purposes of the fallen state troopers' memorial. Any money remaining after construction of the memorial is completed shall be used for the care, maintenance, and repair of, and additions to, the memorial, or for any other relevant

Amend RSA 4:9-o, VI(e), as inserted by section 3 of the bill, by replacing line 3 with the following:

fallen state troopers' memorial, and shall have the authority without the approval of the governor and

Amend section 4 of the bill by replacing lines 1-3 with the following:

4 New Subparagraph; New Hampshire Fallen State Troopers' Memorial Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (339) the following new subparagraph:

(340) Moneys deposited into the New Hampshire fallen state troopers' memorial

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 9, 2018
2018-1951-EBA
05/08

Enrolled Bill Amendment to SB 336

The Committee on Enrolled Bills to which was referred SB 336

AN ACT relative to the judicial district for the town of Waterville Valley and the unincorporated place of Livermore.

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 336

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 336

Amend section 2 of the bill by replacing line 1 with the following:

2 District Courts; Judicial Districts. Amend RSA 502-A:1, XXIX to read as follows:

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 10, 2018
2018-1953-EBA
01/05

Enrolled Bill Amendment to SB 374

The Committee on Enrolled Bills to which was referred SB 374

AN ACT relative to adoption of emergency medical and trauma services protocols.

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 374

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 374

Amend section 2 of the bill by replacing line 4 with the following:

VI-a. Prior to any final vote regarding minimum standards or protocols:

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 10, 2018
2018-1961-EBA
08/03

Enrolled Bill Amendment to SB 451

The Committee on Enrolled Bills to which was referred SB 451

AN ACT relative to wildlife trafficking.

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 451

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to SB 451

Amend RSA 212-C:2, II(i) as inserted by section 1 of the bill by replacing line 2 with the following:

byproduct derived from any species listed in RSA 212-C:1, I if:

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 7, 2018
2018-1935-EBA
03/05

Enrolled Bill Amendment to SB 477

The Committee on Enrolled Bills to which was referred SB 477

AN ACT establishing a therapeutic cannabis medical oversight board.

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 477

This enrolled bill amendment requires the renumbering of a new RSA paragraph if SB 388 of the 2018 regular session becomes law and corrects an RSA reference.

Enrolled Bill Amendment to SB 477

Amend RSA 126-X:6, IV as inserted by section 1 of the bill by replacing line 2 with the following:

board's public hearing process pursuant to RSA 126-X:12, V.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Contingent Renumbering. If SB 388 of the 2018 regular legislative session becomes law, RSA 126-X:6, IV, as inserted by section 1 of this act, shall be renumbered as RSA 126-X:6, V.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 11, 2018
2018-1963-EBA
05/01

Enrolled Bill Amendment to SB 478

The Committee on Enrolled Bills to which was referred SB 478

AN ACT establishing an advisory council on lactation.

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 478

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to SB 478

Amend RSA 275:77, II(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) Review definitions of sex discrimination and disparate treatment related to

Amend RSA 275:77, II(d) as inserted by section 1 of the bill by replacing line 2 with the following:

definitions for state laws as related to pregnancy and lactation accommodations.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 9, 2018
2018-1952-EBA
04/08

Enrolled Bill Amendment to SB 479

The Committee on Enrolled Bills to which was referred SB 479

AN ACT relative to the oversight commission on children's services and relative to the commission to review child abuse fatalities.

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 479

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 479

Amend RSA 170-G:18, V, as inserted by section 1 of the bill, by replacing line 3 with the following:

his or her recommendations to ***the oversight commission on children's services established***

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 11, 2018
2018-1958-EBA
03/05

Enrolled Bill Amendment to SB 500

The Committee on Enrolled Bills to which was referred SB 500

AN ACT amending references to firearms terminology.

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 500

This enrolled bill amendment contingently incorporates provisions of HB 1575 of the 2018 regular legislative session and makes technical corrections.

Enrolled Bill Amendment to SB 500

Amend RSA 207:1, V-a as inserted by section 4 of the bill by replacing line 1 with the following:

V-a. Firearm: Any weapon, including a starter gun, which will, is designed to, or

Amend RSA 207:1, XIV-a as inserted by section 5 of the bill by replacing line 1 with the following:

XIV-a. Loaded: A round or projectile in the chamber fully dischargeable by

Amend the bill by replacing all after section 10 with the following:

11 General Provisions as to Fish and Game; Lawful Methods of Taking. Amend RSA 207:3, I to read as follows:

I. Wildlife shall be taken in the daytime between 1/2 hour before sunrise and 1/2 hour after sunset with a gun***, firearm, muzzleloader, or air rifle,*** fired at arm's length***,*** or bow and arrow ***or crossbow***, unless otherwise specifically permitted. An air rifle may be used to take small game but shall not be used to take moose, bear, turkey, or deer. The executive director shall specify the method and manner of taking small game with an air rifle in rules adopted pursuant to RSA 541-A.

12 Contingency. If HB 1575 of the 2018 regular legislative session becomes law, section 11 of this act shall take effect 60 days after its passage and sections 3 and 6 of this act shall not take effect. If HB 1575 of the 2018 regular legislative session does not become law, sections 3 and 6 of this act shall take effect 60 days after its passage and section 11 of this act shall not take effect.

13 Effective Date.

I. Sections 3, 6, and 11 of this act shall take effect as provided in section 12 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 11, 2018
2018-1957-EBA
03/10

Enrolled Bill Amendment to SB 507

The Committee on Enrolled Bills to which was referred SB 507

AN ACT proclaiming June as post-traumatic stress injury (PTSI) awareness month.

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 507

This enrolled bill amendment renumbers a new RSA section if HB 1446 or SB 513 of the 2018 regular legislative session become law.

Enrolled Bill Amendment to SB 507

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingent Renumbering. If either HB 1446 or SB 513 of the 2018 regular legislative session becomes law, RSA 4:13-w, as inserted by section 1 of this act, shall be renumbered as RSA 4:13-x. If both HB 1446 and SB 513 of the 2018 regular legislative session become law, RSA 4:13-w, as inserted by section 1 of this act, shall be renumbered as RSA 4:13-y.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 8, 2018
2018-1940-EBA
10/08

Enrolled Bill Amendment to SB 513

The Committee on Enrolled Bills to which was referred SB 513

AN ACT establishing September as New Hampshire recovery month.

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 513

This enrolled bill amendment contingently renumbers an RSA section to avoid a conflict with HB 1446 of the 2018 legislative session.

Enrolled Bill Amendment to SB 513

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingent Renumbering. If HB 1446 of the 2018 regular legislative session becomes law then RSA 4:13-w as inserted by section 1 of this act shall be renumbered as RSA 4:13-x.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 10, 2018
2018-1960-EBA
08/03

Enrolled Bill Amendment to SB 553-FN

The Committee on Enrolled Bills to which was referred SB 553-FN

AN ACT establishing a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation.

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 553-FN

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to SB 553-FN

Amend RSA 281-A:17-a, I(a)(15) as inserted by section 1 of the bill by replacing it with the following:

(15) An attorney, appointed by the New Hampshire Association for Justice.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 8, 2018
2018-1937-EBA
03/01

Enrolled Bill Amendment to HB 1238

The Committee on Enrolled Bills to which was referred HB 1238

AN ACT relative to animal cruelty involving an equine colt.

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 1238

This enrolled bill amendment makes gender-neutral and technical corrections.

Enrolled Bill Amendment to HB 1238

Amend RSA 644:8, III(e) as inserted by section 1 of the bill by replacing line 1 with the following:

(e) Negligently abandons any animal previously in his ***or her*** possession or custody by causing

Amend RSA 644:8, III(f) as inserted by section 1 of the bill by replacing line 3 with the following:

within this state before the colt became 90 days old;

Amend RSA 644:8, III(h) as inserted by section 1 of the bill by replacing line 1 with the following:

(h) Otherwise negligently permits or causes any animal in his ***or her*** possession or custody to

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 9, 2018
2018-1948-EBA
08/05

Enrolled Bill Amendment to HB 1251

The Committee on Enrolled Bills to which was referred HB 1251

AN ACT relative to indicia for payment of taxes on the transfer of real property.

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 1251

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1251

Amend RSA 78-B:5 as inserted by section 3 of the bill by replacing line 5 with the following:

the tax imposed by this chapter shall be [~~for sale at~~] ***affixed by*** the registry of deeds in each

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 10, 2018
2018-1954-EBA
01/04

Enrolled Bill Amendment to HB 1261

The Committee on Enrolled Bills to which was referred HB 1261

AN ACT relative to record management of abuse and neglect reports.

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 1261

This bill inserts a contingency to avoid a conflict with SB 63 of the 2018 regular legislative session.

Enrolled Bill Amendment to HB 1261

Amend the bill by replacing all after section 2 with the following:

3 Contingency. If SB 63 of the 2018 regular legislative session becomes law, section 1 of this act shall not take effect. If SB 63 of the 2018 regular legislative session does not become law, section 1 of this act shall take effect July 1, 2019.

4 Effective Date.

I. Section 1 of this act shall take effect as provided in section 3 of this act.

II. The remainder of this act shall take effect July 1, 2019.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 8, 2018
2018-1939-EBA
10/08

Enrolled Bill Amendment to HB 1586

The Committee on Enrolled Bills to which was referred HB 1586

AN ACT relative to judicial review for underage marriage.

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 1586

This enrolled bill amendment adds a contingency to incorporate the provisions of HB 1661 of the 2018 legislative session.

Enrolled Bill Amendment to HB 1586

Amend the bill by replacing section 2 of the bill with the following:

2 Marriages; Granting of Permission. Amend RSA 457:7 to read as follows:

457:7 Granting of Permission.

I. Such justice or judge shall at once hear the parties, and, if satisfied that it has been shown by clear and convincing evidence that the marriage is in the best interest of the person or persons below the age of consent, shall grant permission therefor, which shall be filed with the court and shall be reported to the division of vital records. The division shall note the fact of the granting of such permission upon the certificate and upon all copies thereof which are by law required to be kept.

II. In no circumstance shall a justice or judge grant permission to marry under this section if sexual contact or sexual penetration between the parties would, but for the solemnization of the proposed marriage, constitute sexual assault, felonious sexual assault, or aggravated felonious sexual assault under RSA 632-A.

3 Contingency. If HB 1661 of the 2018 regular legislative session becomes law then section 2 of this act shall take effect January 1, 2019 at 12:01 a.m. and section 1 of this act shall not take effect. If HB 1661 of the 2018 regular legislative session does not become law then section 1 of this act shall take effect January 1, 2019 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.

May 8, 2018
2018-1942-EBA
08/01

Enrolled Bill Amendment to HB 1601

The Committee on Enrolled Bills to which was referred HB 1601

AN ACT relative to a declarant's options for condominium expansion.

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 1601

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1601

Amend section 3 of the bill by replacing line 1 with the following:

3 New Paragraph; Contents of Declaration. Amend RSA 356-B:16 by inserting after paragraph

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 10, 2018
2018-1955-EBA
05/10

Enrolled Bill Amendment to HB 1605

The Committee on Enrolled Bills to which was referred HB 1605

AN ACT relative to reinsurance.

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 1605

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1605

Amend RSA 405:50-a, II as inserted by section 3 of the bill by replacing line 1 with the following:

II. A rule adopted pursuant to subparagraph I(a) or I(b) may apply to any treaty containing

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 8, 2018
2018-1950-EBA
04/06

Enrolled Bill Amendment to HB 1740

The Committee on Enrolled Bills to which was referred HB 1740

AN ACT relative to costs of blood testing orders.

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 1740

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1740

Amend RSA 141-G:15 as inserted by section 1 of the bill by replacing line 7 with the following:

including the charges of the health care facility taking the blood sample and the charges of

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 8, 2018
2018-1947-EBA
06/04

Enrolled Bill Amendment to HB 1822-FN

The Committee on Enrolled Bills to which was referred HB 1822-FN

AN ACT making hormonal contraceptives available directly from pharmacists by means of a standing order.

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 1822-FN

This enrolled bill amendment corrects a statutory reference and renumbers an RSA section to avoid a conflict with chapter 4 of the laws of 2018.

Enrolled Bill Amendment to HB 1822-FN

Amend RSA 318:47-l, I as inserted by section 2 of the bill by replacing line 4 with the following:

licensed under RSA 318:18 to dispense hormonal contraceptives under the delegated prescriptive

Amend section 7 of the bill by replacing lines 3 and 4 with the following:

after section 6-v the following new section:
415:6-w Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 8, 2018
2018-1936-EBA
04/05

Enrolled Bill Amendment to CACR 16

The Committee on Enrolled Bills to which was referred CACR 16

AN ACT Relating to privacy. Providing that an individual's right to live free of governmental intrusion is natural, essential, and inherent.

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 CACR 16

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to CACR 16

Amend paragraph IV of the resolution by replacing line 2 with the following:

"Are you in favor of amending the first part of the constitution by inserting after article 2-a a new

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 1329, relative to eyewitness identification procedures.
HB 1497, relative to accountability for school performance.
HB 1577, relative to the administration of anesthesia by dentists.
HB 1738, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs.
HB 1739-FN, prohibiting female genital mutilation.
SB 314, relative to regulation of mortgage bankers, brokers, servicers, and originators.
SB 321, relative to group host net energy metering.

SB 369-FN, relative to the publication of the rulemaking register.
SB 412, relative to agritourism.
SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers.

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 407-FN, requiring workers' compensation to cover prophylactic treatment for exposure.
HB 1233, preempting local regulation of seeds and fertilizer.
HB 1285, relative to dancers and entertainers in premises serving alcoholic beverages.
HB 1309, relative to transferring dogs, cats, and ferrets by animal shelter facilities.
HB 1319, prohibiting discrimination based on gender identity.
HB 1402, relative to ordinances regarding forestry activities.
HB 1472, relative to the state building code provisions for energy conservation in new building construction.
HB 1487, relative to banks and credit unions.
HB 1521, relative to the definition of an emergency for a special assessment in a condominium.
HB 1587, relative to the minimum age for marriage.
HB 1654, relative to automobile medical payments.
HB 1686-FN, relative to applications for and the use of education tax credits.
HB 1687, relative to banking and consumer credit.
HB 1690-FN, relative to liquor licenses.
HB 1774, relative to parenting plans and relocation of a child's residence.
HB 1805, establishing a committee to study level dollar amortization of retirement system unfunded accrued liability and relative to the retirement system board of trustees.
SB 189-FN, requiring insurance policies to cover 3-D mammography.
SB 303, relative to a security freeze on a consumer's credit report.
SB 309-FN, regulating groundwater pollution caused by polluting emissions in the air and relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.
SB 312, clarifying the New Hampshire Foundation Act.
SB 339, relative to voting by zoning boards of adjustment.
SB 351, relative to managed care programs under workers' compensation.
SB 366, relative to membership and procedures of the site evaluation committee.
SB 380, relative to the therapeutic use of cannabis.
SB 385, establishing a foster care children's bill of rights.
SB 391-FN, relative to sexual assault survivors' rights.
SB 413, relative to name availability for business organizations and relative to reinstatement of a limited liability company.
SB 425, relative to limited liability companies.
SB 433, relative to the annual filing of statistical reports to the department of education and relative to retention of pupil registers kept on a computer.
SB 435, relative to alternative programs for granting credit leading to graduation.

SB 443, relative to the jurisdiction of counties concerning retail electric supply, and allowing the Carroll county convention to employ a delegation coordinator.
SB 456, relative to the appointment of the state medical director for emergency medical services.
SB 489, establishing a committee to study parental alienation in New Hampshire.
SB 496-FN, relative to mediation for certain child support arrearages.
SB 498-FN, requiring an annual report detailing activity related to forfeiture of personal property.
SB 510, relative to municipal notice of leases on tax-exempt property.
SB 534-FN, relative to the classification of certain state employee positions and relative to a review of certain unclassified positions in the department of health and human services.
SB 538-FN, including police officers of the state office complex police force in group II of the retirement system.
SB 544-FN, transferring department of safety funds to the fire standards and training and emergency medical services fund.

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 1261, relative to record management of abuse and neglect reports.
HB 1264, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."
HB 1519, relative to the conduct of condominium unit owners' associations votes without a meeting.
HB 1592-FN, requiring the commissioner of the department of environmental services to review ambient groundwater standards for arsenic.
HB 1740, relative to costs of blood testing orders.
SB 374, relative to adoption of emergency medical and trauma services protocols.

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 1238, relative to animal cruelty involving an equine colt.
HB 1251, relative to indicia for payment of taxes on the transfer of real property.
HB 1586, relative to judicial review for underage marriage.
HB 1601, relative to a declarant's options for condominium expansion.
HB 1605, relative to reinsurance.
HB 1822-FN, making hormonal contraceptives available directly from pharmacists by means of a standing order.
SB 63, (Third New Title) relative to record management of abuse and neglect reports, establishing a pilot program regarding electronic storage of abuse and neglect records, and establishing the excess appropriation allocation account in the department of health and human services.
SB 300, naming a certain bridge connecting Dover and Newington the Ruth L. Griffin bridge and establishing the fallen state troopers' memorial committee.

SB 336, relative to the judicial district for the town of Waterville Valley and the unincorporated place of Livermore.
SB 451, relative to wildlife trafficking.
SB 477, establishing a therapeutic cannabis medical oversight board.
SB 478, establishing an advisory council on lactation.
SB 479, relative to the oversight commission on children's services and relative to the commission to review child abuse fatalities.
SB 553-FN, establishing a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

May 23, 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:

I take the prayer this morning from the first prayer given at the First Continental Congress in 1774.

Dear God, who is above all the kingdoms, empires and governments, look down in mercy we beseech Thee, on these our American States, who have fled to Thee from the rod of the oppressor and thrown themselves on Thy gracious protection, desiring to be henceforth dependent only on Thee. We appeal to you today for the righteousness of our cause; we look up to you today for countenance and support. Take the New Hampshire State Senate under Thy nurturing care, give them wisdom and counsel; defeat the malicious designs of people who desire to undermine democracy, freedom, and justice. Be present, O God of wisdom, and direct the councils of this honorable assembly; enable them to settle things on the best and surest foundation. That order, harmony, and peace may persist; and truth and justice, religion and piety, prevail and flourish amongst the people. Preserve the health of their bodies and vigor of their minds; shower down on them and the millions they represent, such temporal blessings as Thou seest expedient for them in this world. We give thanks today for all those men and women who have given the last measure of devotion to protect our best values of life, liberty and the pursuit of happiness, and pray that our actions will honor their sacrifice. Amen.

Senator Innis led the Pledge of Allegiance.

Senator Fuller Clark is excused for the day.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Bradley for an introduction.)

SENATOR BRADLEY: Thank you very much, Mister President. I want to introduce two special guests who I've never met, but they are the parents

of our attorney Rick Lehmann, Ted and Irene Lehmann. They're back in New Hampshire after several months of bluegrass road trips, which that sounds pretty good about right now, doesn't it? And they have a couple of real fundamentally key people here. Obviously, their son but their new daughter-in-law and I don't know if Kat's here. But she just graduated from Suffolk University so welcome the Lehmann family.

INTRODUCTION OF PAGES

(The Chair recognized Senator Carson for an introduction.)

SENATOR CARSON: Thank you, Mister President. Today I am honored to introduce Chloe Tardif. Chloe will you stand please? Chloe is from Hudson, New Hampshire and she's fifteen years old. She's in the ninth grade at Bishop Guertin High School. Her favorite subject is algebra and Chloe is very, very active Mister President, at Bishop Guertin. She is a student ambassador. She participates in the campus ministry. She volunteers for Special Olympics. She's a member of the Girl Scouts. She plays soccer, she Nordic skis, and she also plays track and field. And in the future, she's got some amazing plans that I think everyone here can really relate to. She wants to become a State Representative at the age of eighteen. She plans to become a politician or a lawyer for her future career and she would also like to work as a part time special needs paraprofessional. Please join me in welcoming Chloe.

SUSPENSION OF THE RULES

Senator Bradley moved that the Senate suspend all rules necessary to permit consideration at the present time of HB 1546-FN. Adopted by the necessary 2/3 vote.

MOTION TO REMOVE FROM THE TABLE

Senator Innis moved to remove HB 1546-FN from the Table. Adopted.

TRANSPORTATION
HB 1546-FN, authorizing the town of Hampton to hold a special town meeting.

The pending motion is Ought to Pass.

Senator Innis offered a Floor Amendment.

Sen. Innis, Dist 24
May 21, 2018
2018-2087s
03/10

Floor Amendment to HB 1546-FN

Amend the title of the bill by replacing it with the following:

AN ACT authorizing the town of Hampton to hold a special town meeting.

Amend the bill by replacing all after the enacting clause with the following:

1 Town of Hampton; Authorization to Hold Special Town Meeting. Notwithstanding any other provision of law, in response to the emergency circumstances presented by the rupture in late March 2018 of one of 2 force main sewer lines that are located in a marsh and that transport sewage from the entirety of Hampton Beach to the Hampton Wastewater Treatment Plant, which are in dire need of replacement, the town of Hampton is hereby authorized to hold a special town meeting without prior judicial authorization, to have the same authority as an annual town meeting, for the sole purpose of authorizing the issuance of the bonds and notes

necessary to pay for the temporary and permanent replacement of both said force main sewer lines that are each over 28 years old, and to pay for the decommissioning of said lines. The special meeting is authorized to be conducted on or before August 28, 2018, and the town of Hampton is hereby authorized to conduct the events required to conduct a special meeting under RSA 31, RSA 32, RSA 33, RSA 39, and RSA 40 in accordance with whatever timetable will enable the special town meeting to occur on or before August 28, 2018, such authority to include, if necessary, the power to reduce the notice and other time periods required by such statutes, including the requirement of RSA 40:13, XVI that there be at least 28 days between the first and second sessions of a special meeting. The special meeting herein authorized shall be exempt from the requirements of RSA 31:5, I(a) that "the ballots cast at such meeting shall be equal in number to at least 1/2 of the number of legal voters borne on the checklist of the town entitled to vote at the annual or biennial election next preceding such special meeting; and such checklist, corrected according to law, shall be used at any meeting upon the request of 10 legal voters of the town."

2 Effective Date. This act shall take effect upon its passage.

2018-2087s

AMENDED ANALYSIS

This bill authorizes the town of Hampton to hold a special town meeting to authorize the issuance of bonds and notes to pay for sewer line replacement.

SENATOR INNIS: The town of Hampton has a couple of old sewer lines and recently one of them broke, and leaked into a marshy area and clearly needs to be repaired and this is part of a, what'll be a short term as well as a permanent repair to the two sewer lines that serve the community in the beach area. And needless to say, this is an urgent repair that needs to take place but it can't really happen without a town meeting. So what this amendment does is authorize the town of Hampton to hold a town meeting specifically for this issue so the community members can vote to pay for temporary and permanent replacement of both sewer lines that are affected here. So, I would hope that we can adopt the amendment and pass it along with, as a part of House Bill 1546. 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.

EARLY SESSION

THIRD READING AND FINAL PASSAGE

Senator Bradley moved that, HB 1546-FN, having been ordered to third reading, be, by this resolution, read a third time, its title be the same as adopted, and be ordered by the Senate to be passed at the present time in the early session. Adopted.

Without objection, the Clerk is instructed to enter all House Messages into the Senate Journal. Adopted.

COMMITTEE OF CONFERENCE REPORTS

Without objection, the clerk shall read the first recommendation and thereafter only the title of each bill shall be read. Adopted.

May 15, 2018
2018-2015-CofC
08/

Committee of Conference Report on HB 169-FN, relative to limits on wagers in charitable games of chance.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 169-FN, relative to limits on wagers in charitable games of chance.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Sanborn, Dist. 9	Rep. Abrami, Rock. 19
Sen. French, Dist. 7	Rep. Malloy, Rock. 23
Sen. Feltes, Dist. 15	Rep. Ohm, Hills. 36
	Rep. Lang, Belk. 4

The question is on the adoption of the Committee of Conference Report.
Adopted.

May 16, 2018
2018-2050-CofC
06/10

Committee of Conference Report on HB 225-FN, relative to information collection concerning electric renewable portfolio standards.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 362-F:8, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commission shall provide as part of the annual renewable energy fund report, pursuant to RSA 362-F:10, IV, renewable portfolio standard compliance costs and average electric rate impact; renewable energy certificate versus alternative compliance payments comparison; and alternative compliance payments by class and provider of electricity. The report shall also include the number of renewable energy certificates that were purchased during the prior compliance year by class.

The signatures below attest to the authenticity of this Report on HB 225-FN, relative to information collection concerning electric renewable portfolio standards.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Avard, Dist. 12	Rep. Vose, Rock. 9
Sen. Innis, Dist. 24	Rep. Barry, Hills. 21
Sen. Fuller Clark, Dist. 21	Rep. Vadney, Belk. 2
	Rep. H. Moffett, Merr. 9

The question is on the adoption of the Committee of Conference Report. Adopted.

May 15, 2018
2018-2000-CofC
01/03

Committee of Conference Report on HB 252, relative to pro se litigants under the right-to-know law.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 91-A:7 as inserted by section 1 of the bill by replacing it with the following:

91-A:7 Violation. Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings under this chapter high priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. ***Subject to objection by either party, all documents filed with the petition and any response thereto shall be considered as evidence by the court. All documents submitted shall be provided to the opposing party prior to a hearing on the merits.*** When any justice shall find that time probably is of the essence, he or she may order notice by any reasonable means, and he or she shall have authority to issue an order ex parte when he or she shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter.

The signatures below attest to the authenticity of this Report on HB 252, relative to pro se litigants under the right-to-know law.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Carson, Dist. 14	Rep. Hynes, Hills. 21
Sen. French, Dist. 7	Rep. Berch, Ches. 1
Sen. Lasky, Dist. 13	Rep. Sylvia, Belk. 6
	Rep. Janvrin, Rock. 20

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2025-CofC
08/04

Committee of Conference Report on HB 263, relative to facilities licenses for charitable gaming.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 263, relative to facilities licenses for charitable gaming.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Sanborn, Dist. 9	Rep. Lang, Belk. 4
Sen. Giuda, Dist. 2	Rep. Abrami, Rock. 19
Sen. Feltes, Dist. 15	Rep. Burns, Hills. 23
	Rep. Ames, Ches. 9

The question is on the adoption of the Committee of Conference Report. Adopted.

May 17, 2018
2018-2058-CofC
03/10

Committee of Conference Report on HB 314, relative to autonomous vehicles.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Autonomous Vehicle Testing License. Amend RSA 261 by inserting after section 140-d the following new subdivision:

Autonomous Vehicle Testing License

261:140-e Autonomous Vehicle Testing License.

I. A person may make application to the department, upon blanks furnished by it for that purpose, for an autonomous vehicle testing license. The application shall be accompanied by:

(a) Notice to the department that includes the date that research or testing will begin and the general geographic location where research and testing will occur. Testing may move to other areas with prior notice.

(b) Evidence that the owner of the vehicle has obtained an instrument of insurance, surety bond, or proof of self-insurance in the amount of at least $10,000,000.

(c) A signed affidavit that the vehicle will be operated only for the purpose of research or testing.

(d) Certification that, prior to testing on public roads, the autonomous vehicle has been tested under controlled conditions that simulate, as closely as practicable, the real world conditions that the autonomous vehicle will be subject to during testing.

(e) Certification that the testing complies with National Highway Traffic Safety Administration guidance, if any, on the safe testing, deployment, and operation of autonomous vehicles.

(f) Certification that the autonomous vehicle used for testing complies with all applicable federal motor vehicle safety standards or written

evidence that the National Highway Traffic Safety Administration has granted the autonomous vehicle an exemption from compliance with the relevant standards.

(g) Proof that a law enforcement interaction plan has been created to instruct the law enforcement agencies that have jurisdiction over a testing area on how to interact with an autonomous vehicle in emergency and traffic enforcement situations.

(h) The vehicle's registration and information, including license plate information. If no registration exists, the division shall issue a temporary plate good for one year upon approval of the application. This plate shall be displayed on the rear of the test vehicle.

II. The annual fee for an autonomous vehicle testing license shall be $500. All licenses issued pursuant to the provisions of this section shall expire annually in the month designated by the director.

III. The director may suspend, revoke, deny, or refuse to renew an autonomous vehicle testing license for any of the following reasons:

(a) Failure to comply with the rules of the road of this state.

(b) Any material misstatement on the application for the issuance or renewal of a license.

(c) A finding that the operation of an autonomous vehicle by the person would create a danger to the public.

(d) Failure to comply with the other requirements of this section.

IV. The licensee shall maintain records related to the safety and efficacy of each vehicle operated under the authority of a licensed granted under this section and shall provide periodic summaries of the records to the department, to the New Hampshire department of transportation, and to the National Highway Traffic Safety Administration.

2 New Subdivisions; Special Rules for Autonomous Vehicles; Automated and Connected Vehicle Testing and Deployment Commission. Amend RSA 265 by inserting after section 161 the following new subdivisions:

Special Rules for Autonomous Vehicles

265:162 Autonomous Vehicles. No person shall operate or cause the operation of a vehicle using SAE level 5 full automation technology unless the person is licensed for autonomous vehicle testing under RSA 261:140-e, the person is testing the vehicle in conformity with the license, and the tested vehicle is accompanied by an escort vehicle.

Automated and Connected Vehicle Testing and Deployment Commission

265:163 Automated and Connected Vehicle Testing and Deployment Commission.

I. There is established an automated and connected vehicle testing and deployment commission.

II. The members of the commission shall be as follows:

(a) The director of the office of strategic initiatives, or designee.

(b) The commissioner of the department of transportation, or designee.

(c) The commissioner of the department of safety, or designee.

(d) The commissioner of the insurance department, or designee.

(e) The director of the division of economic development, or designee.

(f) The director of the division of state police, or designee.

(g) The director of the division of motor vehicles, or designee.

(h) Three members of the house of representatives, one of whom shall be a member of the minority party, appointed by of the speaker of the house of representatives.

(i) One member of the senate, appointed by the president of the senate.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. To prepare the state for the use of automated vehicle technologies on public roadways, the commission shall:

(a) Follow developments in the testing and deployment of automated and connected vehicle technology, including both federal and state laws, regulations, and guidance on the subject.

(b) Identify all agencies with pertinent jurisdiction to support the testing and deployment of automated and connected vehicles.

(c) Consider avenues to encourage the development of automated and connected vehicles technologies and their component hardware and software in New Hampshire, and to that end, shall work with both universities and companies in the sector to support innovation and development.

(d) Examine ways to educate residents on the benefits of automated and connected vehicle technologies, including enhanced mobility, increased safety, more efficient land use, expanded roadway capacity, and reduced environmental impact.

(e) Review existing state statues and administrative rules and identify existing statues or rules that impede the testing and deployment of automated and connected vehicles; such review shall include, but not be limited to, existing laws pertaining to vehicle registration and titling, vehicle insurance requirements, drivers' licenses, and general rules of the road.

(f) Solicit input from representatives of:

(1) New Hampshire colleges and universities.

(2) Disabled communities.

(3) Elder communities.

(4) Public transportation providers.

(5) Automated and connected vehicle manufacturers.

(6) Automated and connected vehicle technology suppliers.

(7) Automobile dealers.

(8) The trucking industry.

(9) Urban planning professionals.

(10) Any other relevant actors with expertise or interest in the area of automated and connected vehicle technologies.

V. The commission shall be chaired by the director of the office of strategic initiatives, or his or her designee. The first meeting of the commission shall be called by the chairperson and shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

VI. The commission shall report its initial findings and any recommendations to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2018, and provide annual reports thereafter every November 1. Such annual reports shall include a summary of commission activities during the period, and may include recommendations for legislative and regulatory consideration.

3 Repeal. RSA 265:163, relative to the automated and connected vehicle testing and deployment commission, is repealed.

4 Effective Date.

I. Section 1 of this act and RSA 265:162 as inserted by section 2 of this act shall take effect January 1, 2019.

II. Section 3 of the act shall take effect December 2, 2022.

III. The remainder of this act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 314, relative to autonomous vehicles.

Conferees on the
Part of the Senate
Sen. Birdsell, Dist. 19
Sen. Gannon, Dist. 23
Sen. Cavanaugh, Dist. 16

Conferees on the
Part of the House
Rep. Steven Smith, Sull. 11
Rep. T. Walsh, Merr. 24
Rep. True, Rock. 4
Rep. Sykes, Graf. 13

2018-2058-CofC

AMENDED ANALYSIS

This bill establishes licensing requirements for autonomous vehicle operation and testing. This bill also establishes an automated and connected vehicle testing and deployment commission.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you. I'm sorry, I just changed my mind. I'll speak on it. 314, I don't want to say it's a hot mess, but at best it's going to be a de facto ban on testing. NHTSA the regulations that I was shown by the House were an earlier version of this. This is 2.0. An automated driving system. They say not to use, the NHTSA standards to codify. They encourage all the states to have their own Department of Transportation do this. The bill itself has a lot of problems, if you go through the bill in section 1 (a), it says "notice". It doesn't tell you what notice it is. It doesn't tell you what the testing entails. It's just, it was a good intent. The House meant well but this is nowhere near ready for prime time. It doesn't define any of the terms from certification in every paragraph. It doesn't give real road conditions. All the car companies, all the, it doesn't even really clarify what an autonomous vehicle is, there's three or four different levels, three, four and five. Five being fully autonomous. Doesn't define the terminology. The companies that we have talked to have expressed huge concerns that this is just going to be again a de facto ban on testing. With this bill, they're going to be afraid to come to New Hampshire. It would be better to redo this in the fall and I would ask that the body vote down HB 314. Thank you.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President, and colleagues. I rise in support of the recommendation to adopt the Committee of Conference Report. I do recognize many of the concerns that Senator Gannon has raised. We discussed it pretty thoroughly in committee and of course, we did hear, as others may have gotten an email from the Autonomous Vehicle Manufacturers Association, about the bill. I think that what was important here is that the Senator from District 19 recognized that there was much more work to be done on autonomous vehicle testing and that's why the bill did add a commission to look at all these issues. I think it's also important to note the sequencing of the effective dates in the bill so that the commission has time to meet, has time to issue a report prior to the effective date of the rest of the bill. And I think that is helpful and it does give us time in January because, to introduce other legislation if needed. And I do recognize that it may mean that we don't have much testing if any go on for a few months. But I think that in the spirit of compromise what Senator, the Senators on the Transportation Committee worked on and other bills and other issues that were involved and working with the Chair of House Transportation, I think we ought to move this forward recognizing that, of course, there will be more work to be done later. Thank you, Mister President.

(The Chair recognized Senator Gannon for a question of Senator Watters.)

SENATOR GANNON: Just a couple questions, Senator. Thank you for taking them. Are you 100 percent sure that this is cyber secure, that someone can't just hack in and take control? Do you have assurances from this that these vehicles will be cyber secure?

SENATOR WATTERS: Thank you for your question. Boy, if I could say anything was cyber secure, wouldn't that be amazing? I think that's why we need a commission to look at all of these issues and it's not just in our state, that's an issue about the technology on these vehicles. Nationwide, not just in New Hampshire.

SENATOR GANNON: After a crash, it may put these, say they have a small crash and the vehicle's put back on the road. As far as I can tell that there's no requirements to tell that the vehicle, computer-wise, a delicate instrument is then, there's no testing to be assured that that vehicle's now going to be safe?

SENATOR WATTERS: Thank you again for your question. And you know, I'm somebody who with reservations often trusts manufacturers to recognize that they need to address these problems and that's why there are testing periods. I also again would say this is why we have a commission in the bill.

SENATOR GANNON: That's enough. Thank you very much.

The question is on the adoption of the Committee of Conference Report.

Recess. Out of recess.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister Chair, I'll be very quick. I just want to read the federal and state rules that NTSI sent out. It's just two sentences. The NTSI guidelines strongly encourages states not to codify this voluntary guidance that is incorporated into state statutes as a legal requirement for any phase of development testing or deployment of ABS. They're saying that we should do it and not follow this. This is just a guideline and that we're codifying something that shouldn't be codified. Thank you, Mister President.

A roll call was requested by Senator Gannon, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Morse.

The following Senators voted No: Giuda, Sanborn, Reagan, Birdsell, Gannon, Innis.

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 17 - Nays: 6. Adopted.

May 16, 2018
2018-2051-CofC
10/04

Committee of Conference Report on HB 317, relative to changes in the system benefits charge.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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 energy efficiency portion of the system benefits charge consistent with or authorized only by Order No. 25,932 issued by the commission, dated August 2, 2016***.

The signatures below attest to the authenticity of this Report on HB 317, relative to changes in the system benefits charge.

Conferees on the	*Conferees on the*
Part of the Senate	*Part of the House*
Sen. Avard, Dist. 12	Rep. Vose, Rock. 9
Sen. Innis, Dist. 24	Rep. D. Thomas, Rock. 5
Sen. Feltes, Dist. 15	Rep. Vadney, Belk. 2
	Rep. Notter, Hills. 21

The question is on the adoption of the Committee of Conference Report. Adopted.

May 14, 2018
2018-1980-CofC
03/06

Committee of Conference Report on HB 549-FN, relative to beverage vendor fees.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Fees; Beverage Vendor License. RSA 178:29, III(b) is repealed and reenacted to read as follows:

(b) Beverage vendor license:

(1) Sales of 1-10 barrels per year, $120;

(2) Sales of 11-100 barrels per year, $240;

(3) Sales of 101-200 barrels per year, $360;

(4) Sales of more than 200 barrels per year, $1,920, for each manufacturer whose beverages are sold or offered for sale.

2 Effective Date. This act shall take effect 60 days after its passage.

The signatures below attest to the authenticity of this Report on HB 549-FN, relative to beverage vendor fees.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Innis, Dist. 24	Rep. Hunt, Ches. 11
Sen. French, Dist. 7	Rep. Biggie, Hills. 23
Sen. Lasky, Dist. 13	Rep. Fromuth, Hills. 7
	Rep. Williams, Hills. 4

The question is on the adoption of the Committee of Conference Report. Adopted.

May 17, 2018
2018-2055-CofC
10/05

Committee of Conference Report on HB 561-FN, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Retirement System; Definition; Part-Time. Amend RSA 100-A:1, XXXIV to read as follows:

XXXIV. "Part-time" for purposes of employment of a retired member of the New Hampshire retirement system but excepting per diem court security officers and court bailiffs, means employment [~~during a calendar year~~] by one or more ***participating*** employers of the retired member which shall not exceed [~~32 hours in each normal calendar week. Employment in some instances may exceed 32 hours in any normal calendar week provided that in such case, the part-time employment of the retired member shall not exceed 1,300 hours in a calendar year, so long as such part-time employment does not occur outside of a 5-consecutive-month period in any 12-month period.~~] ***1,352 hours in a calendar year, except as provided in RSA 100-A:7-b. Notwithstanding the foregoing, no retired member shall be employed on a part-time basis by any participating employer for a period of 28 days from the member's effective date of retirement.***

2 Restoration to Service; Working After Retirement. Amend RSA 100-A:7 to read as follows:

100-A:7 [~~Restoration to Service~~] ***Working After Retirement; Exceeding Part-Time Hourly Limit***.

I. [~~If a disability beneficiary or any other beneficiary is~~] ***Any retired member returning to work for a participating employer in a position requiring mandatory membership pursuant to RSA 100-A:3 shall be*** restored to service[,] ***and*** the [~~beneficiary's~~] ***retiree's*** retire-

ment allowance shall cease, the [~~beneficiary~~] ***retiree*** shall again become a member of the retirement system***,*** and the [~~beneficiary~~] ***retiree*** shall contribute at the percentage payable pursuant to RSA 100-A:16, I(a). Anything herein to the contrary notwithstanding, any credit for membership service and for any prior service on the basis of which the [~~beneficiary's~~] ***retired member's*** creditable service was computed at the time of [~~the beneficiary's~~] ***his or her*** former retirement shall be restored to full force and effect; upon subsequent retirement, the [~~beneficiary~~] ***retiree*** shall receive a retirement allowance based on [~~the beneficiary's~~] ***his or her*** combined creditable service and [~~the member's~~] average final compensation.

II. Any retired member who, in any calendar year, works part-time for one or more participating employers and exceeds the maximum permitted hours as provided in RSA 100-A:1, XXXIV, shall forfeit the state annuity portion of his or her retirement allowance, and any allocable cost of living adjustments, with such forfeiture commencing as soon as administratively feasible in the next calendar year and continuing for a period of 12 months.

III. The board of trustees of the retirement system shall adopt rules under RSA 541-A as necessary to administer and enforce the provisions of this section.

3 Annual Notice Required. Amend RSA 100-A:7-a to read as follows:

100-A:7-a Certain Part-Time Employment; Notice Required. The retirement system shall annually provide written notice to all retired members of the retirement system of the [~~hourly~~] limitations on part-time employment as defined in RSA 100-A:1, XXXIV and the potential effect that exceeding such [~~hourly~~] limitations could have on the retired member's retirement benefits, including restoration to service as required in RSA [~~100-A:7~~] ***100-A:7, I and the forfeiture of the state annuity portion of his or her retirement allowance under RSA 100-A:7, II***.

4 Certain Part-Time Employment; Emergency Exception. Amend RSA 100-A:7-b to read as follows:

100-A:7-b Certain Part-Time Employment; Emergency Exception. The [~~hourly~~] ***annual*** limitations on part-time employment as defined in RSA 100-A:1, XXXIV shall be modified for retired members [~~who exceed the 32-hour limit while providing assistance~~] ***to exclude any hours worked*** during an emergency under this section. [~~While providing assistance during an emergency under this section, a retired member may exceed the 32-hour limit in a calendar week provided that the member has not exceeded 1300 hours in the current calendar year.~~] For purposes of this section, an emergency includes any event declared by the governor or while working under the direction of the director of the division of forests and lands during woodland fire control. ***Employers shall include hours worked during an emergency as a separate entry in the report required in RSA 100-A:16, VII(a).***

5 Retirement System; Employer Reports. Amend RSA 100-A:16, VII(a) to read as follows:

VII.(a) Every employer shall report to the retirement system [~~monthly~~] ***annually, on or before February 15,*** in a format provided by the retirement system, all compensation paid by***, and the total hours worked for,*** the employer [~~to retired members~~] ***by each retired member*** of the retirement system, including the name of, and the total hours worked, for each retired member of the retirement system, except that an employer shall not include in the report the compensation and hours worked by a retiree for serving as an elected state official or as an elected official of a political subdivision in either a group I or group II position.

6 Grandfathering of Existing Part-time Positions; Penalty; Reporting.

I. The amendments to the provisions of RSA 100-A made by this act shall not apply to a retired member working in a part-time position for a participating employer for the position in which the retired member is employed on the effective date of this act.

II. Any retired member working under the provisions of paragraph I who exceeds 1,664 hours shall forfeit the state annuity portion of his or her retirement allowance, and any allocable cost of living adjustments, with such forfeiture commencing as soon as administratively feasible in the next calendar year and continuing for a period of 12 months.

III. In order to establish and maintain eligibility for the grandfathering exception provided in paragraph I, on or before February 15, 2019, and annually thereafter, every employer shall provide, in a format provided by the retirement system, the names and part-time position titles of any retired members continuing to be employed by the employer as of the effective date of this act.

7 Effective Date. This act shall take effect January 1, 2019.

The signatures below attest to the authenticity of this Report on HB 561-FN, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Carson, Dist. 14	Rep. McGuire, Merr. 29
Sen. Bradley, Dist. 3	Rep. Sytek, Rock. 8
Sen. Soucy, Dist. 18	Rep. Proulx, Hills. 44
	Rep. Goley, Hills. 8

The question is on the adoption of the Committee of Conference Report.
Adopted.

May 16, 2018
2018-2034-CofC
04/10

Committee of Conference Report on HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 273:28, II as inserted by section 1 of the bill by replacing it with the following:

II. The commission shall consist of the following members:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) The commissioner of the department of labor, or designee.

(d) The commissioner of the department of education, or designee.

(e) The commissioner of the department of employment security, or designee.

(f) The commissioner of the department of health and human services, or designee.

(g) The chancellor of the university system of New Hampshire, or designee.

(h) The chancellor of the community college system of New Hampshire, or designee.

(i) One member of the public, appointed by the governor, who shall be appointed from a list of 5 nominees from organized labor consisting of one from each of the following: New Hampshire AFL-CIO, New Hampshire Building Trades Council, AFT-New Hampshire, NEA-New Hampshire, and the State Employees' Association of New Hampshire.

(j) One member representing the National Federation of Independent Businesses, appointed by that organization.

(k) One member who owns an automobile dealership in New Hampshire, appointed by the governor.

(l) One member representing the manufacturing industry, appointed by the governor.

(m) One member representing the Associated Builders and Contractors, appointed by that organization.

(n) One member representing the New Hampshire Nurses Association, appointed by the association.

(o) One member representing the New Hampshire High Technology Council, appointed by the council.

Amend RSA 273:28, V as inserted by section 1 of the bill by replacing it with the following:

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

Amend the bill by replacing all after section 2 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2018.

II. The remainder of this act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Innis, Dist. 24	Rep. S. Schmidt, Carr. 6
Sen. Carson, Dist. 14	Rep. Hunt, Ches. 11
Sen. Lasky, Dist. 13	Rep. MacKenzie, Hills. 17
	Rep. Seaworth, Merr. 20

2018-2034-CofC

AMENDED ANALYSIS

This bill establishes a commission to review and evaluate workforce and job training programs in New Hampshire.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 15, 2018
2018-2008-CofC
01/10

Committee of Conference Report on HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Carson, Dist. 14	Rep. Kotowski, Merr. 24
Sen. Avard, Dist. 12	Rep. L. Ober, Hills. 37
Sen. Hennessey, Dist. 5	Rep. LeBrun, Hills. 32
	Rep. J. MacKay, Merr. 14

The question is on the adoption of the Committee of Conference Report. Adopted.

May 15, 2018
2018-2009-CofC
05/10

Committee of Conference Report on HB 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 State Building Code and State Fire Code; Moratorium on the Adoption of Changes Pending the Legislative Study. Notwithstanding RSA 155-A:10, RSA 153:5, or any other provision of law to the contrary:

I. No amendment to the state building code and associated rules shall be made between July 1, 2018 and November 1, 2018, unless legislation is brought forth in either chamber based on the findings and recommendations of the study committee established in sections 1-5 of this act, in which case the moratorium shall continue until such legislation has been enacted or rejected.

II. No amendment to the state fire code and associated rules shall be made between July 1, 2018 and November 1, 2018, unless legislation is brought forth in either chamber based on the findings and recommendations of the study committee established in sections 1-5 of this act, in which case the moratorium shall continue until such legislation has been enacted or rejected.

The signatures below attest to the authenticity of this Report on HB 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Carson, Dist. 14	Rep. Beaudoin, Straf. 9
Sen. Gannon, Dist. 23	Rep. Roberts, Hills. 4
Sen. Soucy, Dist. 18	Rep. Kaczynski, Straf. 22
	Rep. McGuire, Merr. 29

2018-2009-CofC

AMENDED ANALYSIS

This bill:

I. Establishes a committee to study the procedures for adoption of national codes as part of the state building code and state fire code.

II. Establishes a moratorium on the adoption of changes to the state building code and state fire code pending the findings of the study committee.

III. Repeals the joint legislative committee on the emergency management system.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 14, 2018
2018-1979-CofC
10/05

Committee of Conference Report on HB 1286, relative to fishing and hunting licenses for permanently disabled veterans.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Hunting, Fishing, and Trapping; Permanently Disabled Veterans. Amend RSA 214:13 to read as follows:

214:13 [~~Veterans, Totally and Permanently Disabled~~] ***Permanently Disabled Veterans***.

I. If the applicant for a fishing and hunting license is a resident of the state, has received a discharge other than dishonorable from service in [~~any war or police action in which the United States has been engaged~~] ***the armed forces of the United States as defined in RSA 21:50, II*** and is totally and permanently disabled from such service-connected disability, the executive director shall issue a special veteran's license to said applicant. Said license shall be perpetual. The executive director shall retain the records for such licenses for a period not less than 7 years. Loss or destruction of the license after 7 years shall obligate the licensee to re-establish eligibility. A $10 administrative fee shall be charged once, upon application to the executive director for such license.

II. If the applicant for a fishing and hunting license is a resident of the state, has received a discharge other than dishonorable from service in the armed forces of the United States as defined in RSA 21:50, II and is at least 80 percent but not 100 percent permanently disabled from such service-connected disability, the executive director shall issue a lifetime license to such applicant at 50 percent of the cost of a lifetime license under RSA 214:9-c calculated pursuant to RSA 214:9-c, II.

The signatures below attest to the authenticity of this Report on HB 1286, relative to fishing and hunting licenses for permanently disabled veterans.

Conferees on the	*Conferees on the*
Part of the Senate	*Part of the House*
Sen. Innis, Dist. 24	Rep. Webb, Rock. 6
Sen. Avard, Dist. 12	Rep. Packard, Rock. 5
Sen. Feltes, Dist. 15	Rep. L'Heureux, Hills. 21
	Rep. Laflamme, Coos 3

2018-1979-CofC

AMENDED ANALYSIS

This bill permits the executive director of fish and game to issue a lifetime license to a permanently disabled veteran who is at least 80 percent permanently disabled for one-half the cost of a lifetime license.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2045-CofC
04/08

Committee of Conference Report on HB 1354, adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 University System; Trustees of the University System. Amend RSA 187-A:13, VIII and IX to read as follows:

VIII. The senate president or designee from the senate leadership[~~, who shall be a nonvoting member~~].

IX. The speaker of the house of representatives or designee from the house leadership[~~, who shall be a nonvoting member~~].

2 Speaker of the House of Representatives and Senate President; Effective Date of Repeal of Membership on the University System Board of Trustees. Amend 2015, 276:272, VII to read as follows:

VII. Section 250 of this act shall take effect [~~December 1, 2018~~] ***June 30, 2019***.

3 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 1354, adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Giuda, Dist. 2	Rep. Ladd, Graf. 4
Sen. Daniels, Dist. 11	Rep. M. Moffett, Merr. 9
Sen. D'Allesandro, Dist. 20	Rep. T. Wolf, Hills. 7
	Rep. Leishman, Hills. 24

2018-2045-CofC

AMENDED ANALYSIS

This bill extends the voting membership of the speaker of the house of representatives and senate president on the university system board of trustees until June 30, 2019.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2038-CofC
05/10

Committee of Conference Report on HB 1356, relative to data sharing between the department of environmental services and the department of health and human services.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

2 Department of Business and Economic Affairs; Appropriation: Relocation and Lease Costs. The sum of $75,000 for the fiscal year ending June 30, 2018, and the sum of $392,304 for the fiscal year ending June 30, 2019, are hereby appropriated to the department of business and economic affairs for the costs of relocating the department's operations to a new premises and for the costs of leasing the premises. The department of administrative services shall be responsible, in collaboration with the department of business and economic affairs, for signing the lease. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Taxation of Property; Exemption; Recreation Vehicles. Amend RSA 72:7-d, I(c) to read as follows:

[~~(c)~~] ***II. Notwithstanding RSA 75:3,*** campground owners shall not be responsible for payment of any taxes imposed on a recreational vehicle located at the campground unless the campground owner is the owner of the recreational vehicle.

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.

The signatures below attest to the authenticity of this Report on HB 1356, relative to data sharing between the department of environmental services and the department of health and human services.

Conferees on the
Part of the Senate
Sen. Sanborn, Dist. 9
Sen. Bradley, Dist. 3
Sen. D'Allesandro, Dist. 20

Conferees on the
Part of the House
Rep. Sytek, Rock. 8
Rep. Schuett, Merr. 20
Rep. L. Ober, Hills. 37
Rep. Spanos, Belk. 3

2018-2038-CofC

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. Clarifies that a campground owner shall not be responsible for payment of any taxes on a recreational vehicle located at the campground unless the campground owner is the owner of the recreational vehicle.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 14, 2018
2018-1997-CofC
05/06

Committee of Conference Report on HB 1377, relative to emancipation by marriage and establishing a committee to study the emancipation of minors.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Section; Common Law Rule Abrogated; Emancipation by Marriage. Amend RSA 21-B by inserting after section 2 the following new section:

21-B:3 Emancipation by Marriage. The certificate of marriage shall provide evidence of a minor's emancipation.

The signatures below attest to the authenticity of this Report on HB 1377, relative to emancipation by marriage and establishing a committee to study the emancipation of minors.

Conferees on the
Part of the Senate
Sen. Carson, Dist. 14
Sen. French, Dist. 7
Sen. Lasky, Dist. 13

Conferees on the
Part of the House
Rep. K. Rice, Hills. 37
Rep. Itse, Rock. 10
Rep. Lewicke, Hills. 26
Rep. Walz, Merr. 23

2018-1997-CofC

AMENDED ANALYSIS

This bill provides that the certificate of marriage shall provide evidence of a minor's emancipation.

The bill also establishes a committee to study emancipation of minors.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2028-CofC
05/10

Committee of Conference Report on HB 1415-FN-A, establishing a death benefit for a school employee killed in the line of duty.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

2 Appropriation; Public School Infrastructure Fund; School Emergency Readiness Program. To improve security in public schools, the sum of $10,000,000 for the biennium ending June 30, 2019 is hereby appropriated the public school infrastructure fund established in RSA 198:15-y to provide additional funding to the department of safety, division of homeland security and emergency management's school emergency readiness program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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.

The signatures below attest to the authenticity of this Report on HB 1415-FN-A, establishing a death benefit for a school employee killed in the line of duty.

Conferees on the Part of the Senate
Sen. Daniels, Dist. 11
Sen. Bradley, Dist. 3
Sen. D'Allesandro, Dist. 20

Conferees on the Part of the House
Rep. Proulx, Hills. 44
Rep. H. Marsh, Rock. 22
Rep. Goley, Hills. 8
Rep. L. Ober, Hills. 37

2018-2028-CofC

AMENDED ANALYSIS

This bill establishes a death benefit for a school employee killed in the line of duty. The bill also makes an appropriation to the public school infrastructure fund to provide additional funding for the department of safety's school emergency readiness program.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2044-CofC
06/04

Committee of Conference Report on HB 1496, relative to requirements for performance based accountability for an adequate education.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 189:11, II as inserted by section 4 of the bill by replacing it with the following:

II. As a component of instruction under paragraph I, a locally developed competency assessment of United States government and civics that includes, but is not limited to, the nature, purpose, structure, function, and history of the United States government, the rights and responsibilities of citizens, and noteworthy government and civic leaders, shall be administered to students as part of the high school course in history and government of the United States and New Hampshire. Students who attain a passing grade on the competency assessment shall be eligible for a certificate issued by the school district. The United States Citizenship and Immigration Services (USCIS) test may be used to satisfy the requirement of this paragraph. ***By June 30 of each year, each school district shall submit the results of either the locally developed competency assessment of United States government and civics or the United States Citizenship and Immigration Services (USCIS) test to the department of education.***

The signatures below attest to the authenticity of this Report on HB 1496, relative to requirements for performance based accountability for an adequate education.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Reagan, Dist. 17	Rep. Ladd, Graf. 4
Sen. Ward, Dist. 8	Rep. T. Wolf, Hills. 7
Sen. Watters, Dist. 4	Rep. V. Sullivan, Hills. 16
	Rep. Shaw, Hills. 16

The question is on the adoption of the Committee of Conference Report.
Adopted.

May 15, 2018
2018-2011-CofC
08/03

Committee of Conference Report on HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Sanborn, Dist. 9	Rep. Major, Rock. 14
Sen. Giuda, Dist. 2	Rep. Abrami, Rock. 19
Sen. Feltes, Dist. 15	Rep. Barnes, Rock. 8
	Rep. Ames, Ches. 9

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2052-CofC
10/03

Committee of Conference Report on HB 1550, requiring electric bills to include the cost of compliance with renewable energy standards.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 378:49, II(c) as inserted by section 1 of the bill by replacing it with the following:

(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 for the prior compliance year. The estimated cost for the compliance 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.

The signatures below attest to the authenticity of this Report on HB 1550, requiring electric bills to include the cost of compliance with renewable energy standards.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Avard, Dist. 12	Rep. Vose, Rock. 9
Sen. Bradley, Dist. 3	Rep. Vadney, Belk. 2
Sen. Fuller Clark, Dist. 21	Rep. Harrington, Straf. 3
	Rep. D. Thomas, Rock. 5

The question is on the adoption of the Committee of Conference Report. Adopted.

May 14, 2018
2018-1977-CofC
05/10

Committee of Conference Report on HB 1562-FN, relative to the role of foster parents.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 170-E:52, IV(b)-(d) as inserted by section 1 of the bill by replacing them with the following:

(b) Receive reasonable notice of any changes to the case plan as related to the child.

(c) Be apprised of the number of times the child has moved from one foster home to another and, as appropriate, the reasons therefor, as related to the child.

(d) Have the ability to request a team meeting to address concerns specific to the child.

The signatures below attest to the authenticity of this Report on HB 1562-FN, relative to the role of foster parents.

Conferees on the	*Conferees on the*
Part of the Senate	*Part of the House*
Sen. Bradley, Dist. 3	Rep. K. Rice, Hills. 37
Sen. Carson, Dist. 14	Rep. Hunt, Ches. 11
Sen. Fuller Clark, Dist. 21	Rep. Itse, Rock. 10
	Rep. Walz, Merr. 23

2018-1977-CofC

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 certain 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.

The question is on the adoption of the Committee of Conference Report.

Adopted.

May 14, 2018
2018-1981-CofC
01/06

Committee of Conference Report on HB 1565-FN, relative to requiring the secure psychiatric unit to be accredited as a psychiatric hospital and making an appropriation therefor.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-4 to read as 2-5, respectively:

1 Statement of Findings. The general court hereby finds that:

I. A separate forensic psychiatric hospital would be the preferred solution for persons who are violently psychotic.

II. The placement of the secure psychiatric unit inside the state's men's prison causes problems for civil patients and their families.

III. Transferring patients to forensic facilities outside of New Hampshire is not a viable option.

The signatures below attest to the authenticity of this Report on HB 1565-FN, relative to requiring the secure psychiatric unit to be accredited as a psychiatric hospital and making an appropriation therefor.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Avard, Dist. 12	Rep. McGuire, Merr. 29
Sen. Gray, Dist. 6	Rep. P. Schmidt, Straf. 19
Sen. Fuller Clark, Dist. 21	Rep. Sytek, Rock. 8
	Rep. Beaudoin, Straf. 9

The question is on the adoption of the Committee of Conference Report. Adopted.

May 15, 2018
2018-2013-CofC
03/06

Committee of Conference Report on HB 1614, relative to the international registration plan.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 14 with the following:

14 Effective Date.

I. Sections 5-13 of this act shall take effect July 1, 2019.

II. The remainder of this act shall take effect 60 days after its passage.

The signatures below attest to the authenticity of this Report on HB 1614, relative to the international registration plan.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Birdsell, Dist. 19	Rep. Steven Smith, Sull. 11
Sen. Sanborn, Dist. 9	Rep. T. Walsh, Merr. 24
Sen. Watters, Dist. 4	Rep. True, Rock. 4
	Rep. Abear, Belk. 2

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Soucy, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Sanborn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Ward, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Innis.

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 12 - Nays: 11. Adopted.

May 16, 2018
2018-2053-CofC
01/04

Committee of Conference Report on 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.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 4 with the following:

5 Liquor Commission; Appropriation Reduction. Notwithstanding RSA 176:16-a, for the fiscal year ending June 30, 2019, the liquor commission shall reduce the commission's budgeted appropriations by an amount equal to one percent of the fiscal year 2018 shortfall in the commission's budgeted revenues.

6 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on 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.

Conferees on the
Part of the Senate
Sen. Daniels, Dist. 11
Sen. Sanborn, Dist. 9
Sen. Soucy, Dist. 18

Conferees on the
Part of the House
Rep. L. Ober, Hills. 37
Rep. Emerick, Rock. 21
Rep. Lovejoy, Rock. 36
Rep. Hunt, Ches. 11

2018-2053-CofC

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 requires the liquor commission to reduce the commission's budgeted appropriations by a certain percentage.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2037-CofC
03/08

Committee of Conference Report on HB 1697-FN, authorizing the Daniel Webster Council of Boy Scouts of America to issue decals for multi-use decal plates.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 1697-FN, authorizing the Daniel Webster Council of Boy Scouts of America to issue decals for multi-use decal plates.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Birdsell, Dist. 19	Rep. Steven Smith, Sull. 11
Sen. Gannon, Dist. 23	Rep. Packard, Rock. 5
Sen. Watters, Dist. 4	Rep. T. Walsh, Merr. 24
	Rep. Sykes, Graf. 13

The question is on the adoption of the Committee of Conference Report. Adopted.

May 17, 2018
2018-2077-CofC
08/04

Committee of Conference Report on HB 1743-FN, relative to funding for the Sununu Youth Services Center, and unfunded positions in the department of health and human services.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

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 $900,000 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 New Subdivision; Excess Appropriation Allocation Account. Amend RSA 126-A by inserting after section 74 the following new subdivision:

Excess Appropriation Allocation Account

126-A:75 Excess Appropriation Allocation Account. There is hereby established under the department of health and human services an excess appropriation allocation account. For the biennium ending June 30, 2019, immediately upon acceptance by the fiscal committee of the general court of any federal funds attributable to the 38 percentage point enhanced federal match for the children's health insurance program, the commissioner of administrative services shall transfer general funds of an equal amount from accounting unit 05-95-47-470010-7948, Medicaid Care Management, into the excess appropriation allocation account. Any funds remaining unspent in the excess appropriation allocation account at the end of each fiscal year shall lapse to the state general fund and expenditure of federal funds authorized under this section.

3 Transfer; Department of Health and Human Services. After September 30, 2018 and with the approval of the fiscal committee of the general court, the department of health and human services may transfer funds to accounting unit 05-95-42-421510-7916 of up to $900,000 from the excess appropriation allocation account established in RSA 126-A:75 for the purpose of funding rehabilitation programs and operational costs of the Sununu youth services center for the fiscal year ending June 30, 2019. The fiscal committee shall consider the following when considering approval of the transfer of funds:

I. Whether the department has developed placements for no fewer than 35 youth in Medicaid eligible settings as specified in 2017, 156:165.

II. Whether the department has redeveloped the excess capacity at the Sununu youth services center to be used for an inpatient drug treatment facility for persons under the age of 18, including Medicaid eligible youth described in 2017, 156:166 and 167.

III. Whether the department has updated all the policies, procedures, and practices of the Sununu youth services center utilized for the placement of children pursuant to RSA 169-B to reflect the requirements of and legislative intent of 2017, 156:157 through 175, and delivered a description of such modifications to the fiscal committee of the general court.

IV. Whether the department has satisfied the requirements of the following statutes and utilized, to the maximum feasible extent, the authority provided by the following statutes to limit and reduce the population of the Sununu youth services center:

(a) RSA 169-B:19, VI, relative to certification of Medicaid eligible treatment facilities for the transfer of minors from the Sununu youth services center;

(b) RSA 621:19, III, relative to discharge plans for minors committed to the Sununu youth services center; and

(c) RSA 621:19, IV, relative to quarterly review of nonviolent offenders committed to the Sununu youth services center.

V. Whether the department has timely implemented their plan for reductions in staffing and other operating expenses.

4 Transfer; Department of Health and Human Services. After January 1, 2019 and with the approval of the fiscal committee of the general court, the department of health and human services may transfer funds to accounting unit 05-95-42-421510-7916 of up to $1,800,000 from the excess appropriation allocation account established in RSA 126-A:75 for the purpose of funding rehabilitation programs and operational costs of the Sununu Youth Services Center for the fiscal year ending June 30, 2019. The fiscal committee shall consider the following when considering approval of the transfer of funds:

I. Whether the department has developed placements for no fewer than 35 youth in Medicaid eligible settings as specified in 2017, 156:165.

II. Whether the department has redeveloped the excess capacity at the Sununu youth services center to be used for an inpatient drug treatment facility for persons under the age of 18, including Medicaid eligible youth described in 2017, 156:166 and 167.

III. Whether the department has updated all the policies, procedures, and practices of the Sununu youth services center utilized for the placement of children pursuant to RSA 169-B to reflect the requirements of and legislative intent of 2017, 156:157 through 175, and delivered a description of such modifications to the joint fiscal committee of the general court.

IV. Whether the department has satisfied the requirements of the following statutes and utilized, to the maximum feasible extent, the authority provided by the following statutes to limit and reduce the population of the Sununu youth services center:

(a) RSA 169-B:19, VI, relative to certification of Medicaid eligible treatment facilities for the transfer of minors from the Sununu youth services center;

(b) RSA 621:19, III, relative to discharge plans for minors committed to the Sununu youth services center; and

(c) RSA 621:19, IV, relative to quarterly review of nonviolent offenders committed to the Sununu youth services center.

V. Whether the department has timely implemented their plan for reductions in staffing and other operating expenses.

5 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.

6 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 of the average daily census and the estimated monthly cost per resident at the Sununu youth services center, including those funds used from accounting units not directly associated with the Sununu youth services center.

7 Committee Established. There is established a committee to study alternatives to the continued use of the Sununu youth services center facility.

8 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

9 Duties. The committee shall consider:

I. The disposal of the existing facility.

II. The transition to a smaller facility with a correctional capacity.

III. The transition to small residential treatment facilities with the capacity for secure placement.

IV. The ability to use excess capacity at the Sununu youth services center for an outpatient drug treatment facility for persons under the age of 18.

V. Whether the department has updated all policies, procedures, and practice consistent with the legislative intent of 2017, 156:157 through 175.

10 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

11 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2018.

12 Repeal. 2017, 156:168, II, relative to emergency funding for the operational costs of the Sununu youth services center, is repealed.

13 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 1743-FN, relative to funding for the Sununu Youth Services Center, and unfunded positions in the department of health and human services.

Conferees on the
Part of the Senate
Sen. Daniels, Dist. 11
Sen. Giuda, Dist. 2
Sen. D'Allesandro, Dist. 20

Conferees on the
Part of the House
Rep. Byron, Hills. 20
Rep. Emerick, Rock. 21
Rep. Hennessey, Graf. 1
Rep. Wallner, Merr. 10

2018-2077-CofC

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. Establishes criteria for the fiscal committee of the general court to consider when approving for certain transfers from the excess appropriation allocation account.

III. Establishes the excess appropriation allocation account for funds matching the federal funds for the childrens health insurance program.

IV. Establishes a committee to study alternatives to use of the Sununu youth services center.

V. Repeals a provision relative to emergency funding for the operational costs of the Sununu youth services center.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2035-CofC
08/05

Committee of Conference Report on HB 1753-FN, relative to transportation of alcoholic beverages by a minor.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 265-A:45, I and II as inserted by section 1 of the bill by replacing it with the following:

I. Notwithstanding RSA 265-A:45, I and II, no driver under the age of 21 shall, except when accompanied by a parent, ***stepparent,*** legal guardian, ***grandparent, step-grandparent,*** or legal age spouse***, domestic partner, or sibling***, transport any liquor or beverage in any part of a vehicle. A driver violating this section may have his or her license or privilege to drive suspended for 60 days.

II. No person operating a boat while under the age of 21 shall, except when accompanied by a parent, ***stepparent,*** legal guardian, ***grandparent, step-grandparent,*** or legal age spouse***, domestic partner, or sibling***, transport any liquor or beverage in any part of a boat with an intent to consume such liquor or beverage. Anyone violating this paragraph may, following a hearing, have his or her privilege to operate a boat on the waters of the state suspended for 90 days and may additionally have his or her license or privilege to drive suspended for 90 days.

The signatures below attest to the authenticity of this Report on HB 1753-FN, relative to transportation of alcoholic beverages by a minor.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Carson, Dist. 14	Rep. Welch, Rock. 13
Sen. Gannon, Dist. 23	Rep. Sapareto, Rock. 6
Sen. Lasky, Dist. 13	Rep. Cushing, Rock. 21
	Rep. Murray, Rock. 24

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2042-CofC
06/04

Committee of Conference Report on HB 1761, relative to the math learning communities program in secondary schools.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 193-I:2, I as inserted by section 2 of the bill by replacing it with the following:

I. Eligible students shall have completed or be near completion of algebra I. The department shall encourage every public high school in the state to administer the Next-Generation Acuplacer QAS exam to students who may benefit from this program as recommended by a school teacher or guidance counselor and a parent in the spring of grade 10. Students who score less than 63 and who have the recommendation of a teacher or guidance counselor and a parent may be assigned to course I, advanced math foundations. Students who score 63 or above shall be considered for either algebra II or course II, quantitative reasoning.

The signatures below attest to the authenticity of this Report on HB 1761, relative to the math learning communities program in secondary schools.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Reagan, Dist. 17	Rep. T. Wolf, Hills. 7
Sen. Ward, Dist. 8	Rep. Ladd, Graf. 4
Sen. Watters, Dist. 4	Rep. D. Wolf, Merr. 5
	Rep. Myler, Merr. 10

The question is on the adoption of the Committee of Conference Report. Adopted.

May 14, 2018
2018-1983-CofC
08/03

Committee of Conference Report on HB 1766-FN, relative to remediating the Coakley landfill in Greenland.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend subparagraph II(d) of section 2 of the bill by replacing it with the following:

(d) The chairman of the environment and agriculture committee, or the successor committee with jurisdiction over energy and natural resource issues.

Amend the bill by replacing section 3 with the following:

3 Senate and House of Representatives Committees; Duties. The senate energy and natural resources committee and the house environment and agriculture committee, or their successor committees as specified in section 2, paragraph II of this act, shall collect and evaluate the reports required in section 2 of this act along with any other reports, data, and information the committees deem relevant. The committees shall solicit information from commissions and informed citizens in southeastern New Hampshire and shall solicit information from the United States Environmental Protection Agency regarding the reports required in section 2.

The signatures below attest to the authenticity of this Report on HB 1766-FN, relative to remediating the Coakley landfill in Greenland.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Avard, Dist. 12	Rep. John T. O'Connor, Rock. 6
Sen. Bradley, Dist. 3	Rep. Darrow, Graf. 17
Sen. Fuller Clark, Dist. 21	Rep. Pearl, Merr. 26
	Rep. R. Gordon, Rock. 35

The question is on the adoption of the Committee of Conference Report. Adopted.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Ward.)

SENATOR WARD: Thank you. Up in the gallery we have fourth grade class I believe from the Mount Royal Academy in Sunapee. Glad to see you're all here and please Senate welcome them.

May 14, 2018
2018-1970-CofC
05/10

Committee of Conference Report on HB 1775, relative to the appointment of guardians ad litem in parenting cases.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

2 New Paragraphs; Alcoholism and Alcohol Abuse; Provision of Services; Acceptance Into Treatment; Alcohol and Drug Free Housing; Voluntary Registration Program. Amend RSA 172-B:2 by inserting after paragraph IV the following new paragraphs:

V. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to establishing and providing for the administration of a voluntary

registration program for operators of alcohol and drug free housing seeking registration in the state of New Hampshire. The rules developed for the administration of the registration program shall include a process for receiving complaints against registered alcohol and drug free housing operators. "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.

VI. The department shall prepare, publish, and disseminate a list of alcohol and drug free housing registered pursuant to paragraph V. A state agency or vendor with a state or federally funded contract that is providing treatment or recovery support services to a person shall not refer the person to alcohol and drug free housing unless the alcohol and drug free housing is registered pursuant to paragraph V. Nothing in this section shall prohibit a residence that is not registered from operating or advertising as alcohol and drug free housing or from offering residence to individuals recovering from substance use disorders.

3 Effective Date.

I. Section 2 of this act shall take effect June 30, 2019.

II. The remainder of this act shall take effect January 1, 2019.

The signatures below attest to the authenticity of this Report on HB 1775, relative to the appointment of guardians ad litem in parenting cases.

Conferees on the	*Conferees on the*
Part of the Senate	*Part of the House*
Sen. Carson, Dist. 14	Rep. K. Rice, Hills. 37
Sen. Gannon, Dist. 23	Rep. Itse, Rock. 10
Sen. Lasky, Dist. 13	Rep. M. Pearson, Rock. 34
	Rep. P. Long, Hills. 10

2018-1970-CofC

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 establish a voluntary registration program for operators of alcohol and drug free housing in New Hampshire.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 17, 2018
2018-2078-CofC
05/10

Committee of Conference Report on 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.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 24 with the following:

25 Appropriation; Department of Transportation.

I. The sum of $20,000,000 is hereby appropriated to the department of transportation for the fiscal year ending June 30, 2018, which shall be nonlapsing and expended 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.

II. There is hereby appropriated to the department of transportation the sum of $10,400,000 for the fiscal year ending June 30, 2019, which shall be nonlapsing and expended as state bridge aid for municipally-owned high traffic volume bridge projects under RSA 234. 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 Reserve Account. The sum of $10,000,000 is hereby appropriated to the revenue stabilization reserve 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 Appropriation; Community Development Finance Authority; Recovery Friendly Workplace Initiatives.

I. The sum of $1,000,000 for the fiscal year ending June 30, 2018 is hereby appropriated to the community development finance authority for the purpose of supporting recovery friendly workplace programs offered by nonprofit organizations. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The authority shall use the appropriation exclusively for the purpose of investing or lending to nonprofit organizations that deliver recovery friendly workplace programs. In this section, "recovery friendly workplace programs" means programs that educate employers in evidence-based practices that demonstrably 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 disbursement of funds and the effectiveness of the recovery friendly workplace initiatives supported by the authority, including, but not limited to, how many workers in recovery were attracted to and retained in the workforce.

28 Funding for Kindergarten Pupils; Fiscal Year 2019.

I. For the fiscal year ending June 30, 2019, notwithstanding RSA 198:38, I, for each kindergarten pupil counted in the average daily membership in attendance who is attending a full-day kindergarten program, a school district or a chartered public school shall receive a kindergarten grant pursuant to RSA 198:48-c, I, and may collect payment from a private party for that portion of a kindergarten pupil's education which is not covered by the school district.

II. For the fiscal year ending June 30, 2019, the amount collected by a school district or a chartered public school from a private party for a kindergarten pupil who is not educated at school district expense shall not exceed the difference of the amount the school district or chartered public school charges the private party less the amount of the kindergarten grant received under RSA 198:48-c.

29 Appropriation; Housing Finance Authority; Affordable Housing Fund.

I. The sum of $1,000,000 for the fiscal year ending June 30, 2018 and the sum of $1,500,000 for the fiscal year ending June 30, 2019 are hereby appropriated to the housing finance authority for deposit in the affordable housing fund established in RSA 204-C:57. The appropriation for the fiscal year ending June 30, 2019 shall be contingent upon submission of the plan developed by the working group established in paragraph II to the fiscal committee of the general court by September 2018. The governor is authorized to draw a warrant for said sums 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, in conjunction with the commissioner of the department of health and human services, 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 plan to award the funds, guidelines for accountability, and metrics for demonstrating results that maintain employability and sustained treatment effects as priorities.

III. On January 1, 2019, and January 1, 2020, 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.

30 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 $300,000 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 sum out of any money in the treasury not otherwise appropriated.

31 Appropriation; Department of Health and Human Services.

I. Notwithstanding RSA 167:64, the commissioner of the department of health and human services shall make payments for uncompensated

care costs, including state and federal share, 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 in 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.

32 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***, Medicaid supplemental payments, MCO directed payments to hospitals,*** [~~or~~] disproportionate share hospital payment adjustments, or ***any other allowable Medicaid payment, including*** 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 uncompensated care cost 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~~] ***uncompensated care cost*** payments***, including the state share and matching federal share,*** 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 – a sum equaling 92.2 percent of money collected pursuant to RSA 84-A for the fiscal year; fiscal year 2019 – a sum equaling 90.2 percent of money collected pursuant to RSA 84-A for the fiscal year; and fiscal years 2020 through 2024 - a sum equaling 86 percent of money collected pursuant to RSA 84-A for the fiscal year. Notwithstanding the foregoing sums for each fiscal year, in no event shall the amounts paid to hospitals as uncompensated care cost hospital payments, including the New Hampshire Hospital, in any particular fiscal year exceed the state share for matching the maximum state disproportionate share hospital allotment established under 42 U.S.C. section 1396r-4(f) for that fiscal year plus the matching federal share. If the maximum state disproportionate share hospital allotment established under 42 U.S.C. section 1396r-4(f) for any fiscal year, less the uncompensated care cost hospital payments to be made to New Hampshire Hospital, plus state matching funds equal to the available federal state disproportionate share hospital allotment for uncompensated care cost hospital payments is less than a sum equaling the percentage of money collected pursuant to RSA 84-A for the fiscal year, any remaining amount, including state and federal share, of the foregoing sums equaling the percentage of money collected pursuant to RSA 84-A for the fiscal year shall be paid to the hospitals as supplemental Medicaid payments, MCO directed payments to hospitals, increased hospital service provider rates, or any other allowable Medicaid payment:***

(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 ***for uncompensated care costs*** 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 sum equal to the remainder of the percentage of money collected pursuant to RSA 84-A for the fiscal year specified in subparagraph (a)(2)(A).***

(iii) If there is a change to the federal definition of uncompensated care costs that would result in a decrease to the calculation in subparagraph (i), the percentage of allowable uncompensated care costs for New Hampshire's hospitals with critical access designation percentage of allowable uncompensated care costs shall increase from 75 percent to a percentage that would be equivalent to their receiving 75 percent of uncompensated care costs calculated without regard to payments from Medicare or third party payers as allowable on the date of the enactment of this provision, except that 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. If increasing the percentage of the allowable uncompensated care costs would exceed 100 percent of the governing hospital specific limit, any amount in excess shall be paid to the New Hampshire hospitals with critical access designation as supplemental Medicaid payments, MCO directed payments to hospitals, increased hospital service provider rates, or any other allowable Medicaid payments.

(B) To make a [~~disproportionate share hospital~~] payment ***for uncompensated care costs*** 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~~] ***$250,000*** in each year of the biennium ***as set forth in subparagraph (b)(1)(A). For fiscal years 2018 and 2019 only, any payment under this subparagraph shall not reduce the payments made under subparagraphs (a)(2)(A)(i)-(iii).***

(C) ***To increase hospital service provider rates 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.

(E) Hospitals entitled to payments under subparagraphs (a)(2)(A)(i)-(iii) or (a)(2)(C) have a vested contractual right to receive these payments in fiscal years 2018 through 2024 as limited by paragraph IV.

[~~(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.~~]

33 Uncompensated Care and Medicaid Fund. RSA 167:64, IV is repealed and reenacted to read as follows:

IV. Payment of the federal share of uncompensated care cost hospital payments, supplemental Medicaid payments, MCO directed payments to hospitals, increased hospital service provider rates, and any other allowable Medicaid payment under this section is contingent upon New Hampshire receiving those federal funds and any necessary CMS approvals that the department is required to secure pursuant to paragraph III.

34 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~~].

35 Effective Date.

I. Sections 5, 7, 9, 11, 13, 15, 17, 18, and 21 of this act shall take effect June 8, 2018.

II. Sections 1, 2, and 4 of this act shall take effect July 1, 2018.

III. Sections 6, 8, 10, 12, 14, 16, 19, and 22 of this act shall take effect January 1, 2019.

IV. Section 3 of this act shall take effect July 1, 2019.

V. The remainder of this act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on 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.

Conferees on the
Part of the Senate
Sen. Daniels, Dist. 11
Sen. Bradley, Dist. 3
Sen. D'Allesandro, Dist. 20

Conferees on the
Part of the House
Rep. Umberger, Carr. 2
Rep. Hinch, Hills. 21
Rep. Byron, Hills. 20
Rep. Rosenwald, Hills. 30

2018-2078-CofC

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 and municipally-owned high traffic volume bridge projects.

VI. Makes an appropriation to the revenue stabilization reserve account.

VII. Makes an appropriation to the community development finance authority to support recovery friendly workplace initiatives offered by nonprofit organizations.

VIII. For the fiscal year ending June 30, 2019:

(a) Allows school districts and chartered public schools to receive kindergarten grant funds, and collect private payments for that portion of the pupil's education which is not covered by the school district; and

(b) Prohibits a school district or chartered public school from collecting payment from a private party for the education of a kindergarten pupil that exceeds the difference of the amount of charged to the private party and the kindergarten grant received.

IX. Makes an appropriation to the housing finance authority for affordable transitional housing.

X. Makes an appropriation to the department of health and human services for the state loan repayment program.

XI. Makes an appropriation for the purpose of funding disproportionate share hospital payments if there is a shortfall.

XII. Revises the formula for reimbursing hospitals for uncompensated care costs.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2049-CofC
06/04

Committee of Conference Report on HB 2018, relative to the state 10-year transportation improvement program.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 8 with the following:

8 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.

Amend the bill by replacing section 19 with the following:

19 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. Such authority shall remain in effect until June 30, 2022. Planning, engineering, and construction shall be funded solely with town funds.

Amend the bill by replacing section 22 with the following:

22 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.

III. The location of the Bedford mainline toll plaza.

IV. The status of Continental Boulevard in the town of Merrimack.

Amend the bill by replacing all after section 24 with the following:

25 Committee Established.

I. There is established a committee to study driveway permitting.

II. The members of the committee shall be as follows:

(a) Three members of the house of representatives, all of whom shall be members of the public works and highways committee, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall study the processing of permits for driveway construction under RSA 236:13.

V. Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2018.

26 Project Removed. The project named Nashua-Manchester-Concord, project number 40818 shall be removed from the 10-year transportation improvement plan.

27 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on HB 2018, relative to the state 10-year transportation improvement program.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Birdsell, Dist. 19	Rep. McConkey, Carr. 3
Sen. Gannon, Dist. 23	Rep. Milz, Rock. 6
Sen. Watters, Dist. 4	Rep. J. Graham, Hills. 7
	Rep. Cloutier, Sull. 10

2018-2049-CofC

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 committee to study removal of the Merrimack tolls.

XIX. Removes the project named Nashua-Manchester-Concord from the 10-year transportation improvement plan 2019-2028.

XX. Establishes a committee to study driveway permitting.

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Giuda, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Morse.

The following Senators voted No: Sanborn, Innis.

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 21 - Nays: 2. Adopted.

Recess. Out of recess.

ANNOUNCEMENTS

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. You know, this is a great time of the session, it happens to be a beautiful day outside, and we get to pay tribute and thank all the people that make our job possible, from keeping us safe to making all the deadlines, to drafting the legislation, to opening the State House and keeping it in shipshape condition, across the gamut, the people at the back of the room do that for us. And it's just a great day, and it's an honor to be able to spend a few minutes in thanking each office individually.

And we'll start out with Office of Legislative Services and our very capable leader David Alukonis.

Joyce Phinney and her team of accountants that keep us on the straight and narrow, where's Joyce? There she is, hiding.

Virginia Drew and Deb Rivers, where are you? They're taking a tour. How fitting! How fitting, they're doing a great job.

Scott Rupp and all the IT staff who keep us connected.

Doug Dolcino and his team at Operations that really make sure the building is spotless all the time. Doug.

I don't see Joe Burke, but his team at Protective Services. We've upgraded that significantly over the last few years. And given some of the things that are happening around the country, knowing that Joe and his team is doing such a great job keeping this building as safe as possible and as open as possible. Joe.

Dianne, our State House Nurse. Where is Dianne?

SENATOR D'ALLESANDRO: She's taking a pulse!

SENATOR BRADLEY: She must be–somebody other than Senator D'Allesandro that is getting treatment.

We've got to thank our friends in the House. Terry's not here. I'm sure he's working hard at the House, but the House also keeps things moving very well. Thank you, Terry.

Ann Fitzgerald and her team of House Researchers. Where's Ann?

Patrick Murphy, Diana Ferguson, and Theresa Neves, at Senate Research.

It's always a great pleasure to thank Tammy. The Senate Clerk's, I mean we all know it, there's nobody that could do a better job than Tammy and the team. It changes a little bit from time to time, but Tammy's constant leadership is just a wonderful thing.

So, on our side of the aisle we have a lot of great staff, also. I think Senator Soucy and Senator Woodburn will thank the Democratic staff.

Kate Spiner does a great job with the press. Thank you very much, Kate.

Bobby Collins, where are you Bobby? There he is–another great job.

Josh Elliott, a great job. I'm glad we have similar suits on today.

Nancy Nolin, couldn't do it without you upstairs running interference for all the rest of us.

Rick Lehmann, where'd he go? No applause for Rick?!

Senator Morse is not going to do it but I've known Shannon for a long time. It's great to have her back. It' great to have her back with her child, who now comes to visit us. You do such a great job, Shannon. Thank you very much.

And Angela's over there hiding in the corner. I'm sure she'll get thanked by Senator Innis, but Angela is the leader of all the Administrative Assistants and does a terrific job.

Now I get to thank Kyle. I wouldn't be able to do this job without Kyle. I've had a lot of people that have assisted me over the years, both in Washington and here. He's simply the best. For all of you in the gallery, don't go hiring him.

Thank you, Mister President.

PRESIDENT MORSE: Senator Bradley, I would like to make a couple of introductions because we planned this out this year, and we planned on having summer interns and they're joining us on the floor today, so Margot Shang from Harvard University; and Jarrod Solloway from Saint A's. And Kate's promoting that you keep them busy, so good luck!

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I want to just echo the comments of the Majority Leader and thank everybody who does so much in this building. You know, sometimes we think it's all focused around us, we understand that you do it all, and it the words of the Yankee slugger Reggie Jackson, "You're the straw the stirs the drink." You do it all, and we appreciate it very much. I want to, also, just recognize on the Minority staff, Donald Manning, Alan Raff, and Marlene Taylor, as well as all of the individual aides that serve our Senators in their respective offices. So, thank you for your service.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you. The Budget Assistant folks weren't here. They must be doing all the final calculations on 1817. They keep Senator Daniels and Senator Morse and the rest of us on the straight and narrow. Thank you very much.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. Hopefully I speak on behalf of my colleagues in my room 105-A. Many of you have probably seen the movie *Superman*, but you know that it was Wonder Woman that saved his butt! And I want to recognize Marie, my assistant. I'm just a front man–she actually is the brains behind the operation in the room. So, I'm very grateful for Marie, she does an amazing job taking care of three Senators.

And, also, standing next to her on the left hand is Griff. And Griff is amazing. I bounced everything off of him to make sure that I wasn't losing my mind, and he said, no, you are. But an amazing job, an amazing job.

And I also want to echo, again, Superman, which is Kyle, who does an amazing job.

And Radar, Josh, just amazing. You're always there; you always know what's going on.

And sitting next to him is the Captain. I've got a name for everybody up here.

But, thank you Marie for doing an amazing job, and keeping me, and all of us in line.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. On behalf of Senator Hennessey, and Senator Cavanaugh, and myself, I want to give a great shout-out to Jess Bourque, who keeps us all, you know, in line, on schedule, on time, under budget, all kinds of things in the LOB 5, the basement office of the Legislative Office Building. Staying strong. Thank you Jess for everything that you do.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Having been around here the longest, I salute everybody for all of the great work that you've done for me over the years. I couldn't have been here without your help, and that's everybody. That's sweet Joyce who handles the business office–I love her to death. Now that she's got her extended office, it's like a palace visiting. So, thank you very much, Joyce; to the LBA staff, to everybody who has helped me.

But especially to sweet Sonja–Sonja's been with me for, what, fourteen or sixteen years–fourteen. Alright, so she came along and kind of makes my day a good day. You know, as the old telephone ad used to say, "She makes my every hello a good bye." And I can't beat it. She's been with me a long, long time; done great things for the office, and you know it's busy. It's just a busy, busy place, but she takes care of it, and takes care of it well, and I just can't thank her enough for everything that she's done.

But I want to say one more thing before we go. And I have here an apple, okay? And let me tell you this: no one is prouder of his grandchild than I am of mine. Last Thursday night, in New York City, at the United Nations building, my grandson spoke to five-hundred executives, and he received the Hero Award for his work helping children and adults with hearing difficulties.

And as Senator Morse knows really more than most of my colleagues, this kid's been through the mill. He's had fourteen operations over his lifetime. He had open heart surgery when he was four-years-old and we're lucky to have him alive. But, the most important thing is he's helping others, and he's a Super Hero. But, I brought this apple back, and I want to give it to the Senate President because the Senate President bought the comic book, and he paid almost $1,000 for the comic book at an auction, and he has it in his office. And he knows how much I appreciate what he's done, so I said who else could better deserve an apple from the Big City than the Senate President?

So, thank you for caring, thank you for all of the work that you have done, but especially, in our family, thanks for all you've done to make our grandson's life better and to help those in need. And you can't say more than that. Thank you, Mister President.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. I want the Senate to help me welcome the students from Grinnell Elementary, the fourth graders from one of my favorite towns, Derry. Welcome.

ANNOUNCEMENTS

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to thank all of you for all of your hard work. I always have said that we are successful because we have such a dedicated staff working for us at all levels in the State House; so a couple of people that I'd like to recognize.

First, Mister Alukonis–I've known Mister Alukonis for years. We served in the House together, and he's also a constituent. And he's here every day, and he really works very hard for us and I think he's provided great leadership for OLS.

Anthony and Jeff, you helped me put my thoughts together and get them down right on paper, and I want to thank you both very much for all of your hard work.

I can't do two committees without two very, three really, able people that are just there every day: Jen, who is the committee secretary for Judiciary; Rick Lehmann, who is our attorney, and I know he's here because I saw him–there we go; and Miss Chroniak–I cannot say enough about Deb.

Deb and I have worked together for ten years and she handles everything; everything that I give her and she does so with style, with grace, and she gets the job done. And, again, Mister President, I couldn't thank her enough.

Mister President, I'd also like to thank you and the Majority Leader for leading us this session. I think we've had some rough spots, but you got us over that, and you have set the tone for civility in this body that I think matters so much to all of us. And I want to thank the both of you for all of your hard work, and even the Minority Leader, as well. We're very lucky to have these folks with us in this chamber. We might not always agree, but we're not disagreeable, and I think that's why we're able to get good things done for the state of New Hampshire.

And, lastly, I would like to say goodbye to my good friend, Senator Lasky. We don't always agree, but I've known Bette for almost twenty years now. We've served together in the House, we're on Judiciary together, and I am going to miss you so much. And I wish only the best for Bette as she moves on with her family, and you're going to be missed.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise to make a couple of comments for a couple of staffers: to Sonja, it's rare in this business that we, as legislators, find people who can take control of a committee for a long period of time. You've become an expert at it, and it's your expertise and proficiency that's truly made it very seamless,

with no disrespect to any new committee admin help, you're really a foundation of what makes that committee run very, very smoothly, and I've always appreciated it. Thank you very much.

And to Renata–you're living the American dream. Your love of your husband, your faith, the fact that you started to try and raise twin kids in foster care, and still work real hard–you're an amazing young lady. Thank you.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I want to thank, first, Deb; "Jenny from the Block," can't forget you; and Kat. I apologize, I've been free-lancing this whole year on the blurbs and sort of using them as a pattern, but I go off in little rhyming schemes.

Kat, thanks for putting up, mostly with me, but also with the bear, and the two deer, and if I get re-elected, the moose that's coming next year, but we'll talk about that. I just got to say one thing for Kat. Kat just graduated. I went to night law school; it's very hard to do it with a full time job. I have to concede to her–I think her GPA is slightly higher than mine was, and I congratulate her, and wish her a great life with her new husband Rick, and thank you all.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I just wanted to have a word of thanks to Michael Collopy, one of the rookies around here. And, you know, over there in 101-A, aka the "man cave," which had an interesting history since Patrick left. We had a lot of touch and go landings and empty desks for months at a time, and I think Michael's really a keeper and much appreciated. And I think a special sympathy is due. He's got the office with two academics–just let that one settle in. Thank you, Michael.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I rise to thank my assistant, Kathy Cummings. My first term here I didn't know exactly what we would be doing. I went in and I asked her what her position was, and she said everything except getting you lunch and getting you coffee. And I said thank you. She never has. Every day when I'm here and I go to a meeting, before I leave the room she asks me, do you have your glasses? I check, yes. Do you have a pen? Yes, thank you very much. I go to the meeting. She has kept me very much organized, and above all she guards the office in which we sit, John and I, like no one else. As you note, she's not here today because she's at her post. She will not leave it! She is a great assistant and we, truly, appreciate her.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I have to, first of all, thank Trish, who has been my loyal assistant and wonderful for me this session. She keeps me on track, and it's not an easy task because I must have her do a calendar every five minutes so that I don't miss something, and it gets worse as I get older. So, thank you, Trish, for everything. And we won't tell anybody about all the other things you do that you're probably not supposed to, so thank you.

And, oh, my long-suffering husband is here! At any rate, she let the cat out of the bag, I am retiring. Senator Carson let the cat out of the bag, and I am retiring and so I have to thank each and every one of you for

the assistance, the caring, the knowledge, everything that you have given me over the past twenty years in the House and in the Senate, and the friendship from all of you. I will miss you all, but I'm not leaving town so I may come back to haunt you.

And I have to give a special shout-out to my "Chair-head." Representative Alukonis and I, he was the Chairman of Ways and Means when I served on that, begrudgingly, in the House. They took Judiciary away from me and gave me–Representative Alukonis, well I have to tell you that, if I hadn't told you before, it was some of the best two years that I have had here, and thank you, and glad to see you back. And "Chair-head" is a little inside joke, but he will always be "Mister Chair-head" to me.

And, again, I guess, you know, again, thank you. Thank you for all the kindnesses you've shown me. I wish you all the best of luck, joy, and happiness to you all. Thank you.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. It's hard to go up against what the good Senator from District 12 said about Marie, but I just want to say thank you, Marie, for everything you've done, you do for us. You keep the three of us straight; you keep us going where we're supposed to be going; and I will always be "pink." I also want to…that's how she keeps us organized–pink, green, and yellow.

I also want to say thank you to Kat for the organization as being the Legislative Aide for Transportation has been unbelievable. You are a great Legislative Aide. I love having you there.

And Tricia, thank you for your patience. This is your first time around. You were amazing and we can't tell you how much we appreciate everything that you've done. Thank you.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. Griffin's grabbing his throat–I'm not sure why. I have to say that it is such an incredible honor and privilege to be here among my colleagues and among the staff. As many of us know, we weather life's storms away from this room, but are able to do amazing things through the people, and businesses and institutions of our state because of this room and because of every single one of you standing here. And so, from my heart, and from my mind, for the good of our people and our state, I thank each of you for what you do for me and for us and for the people of our state. Thank you, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I know that my colleague from District 21, Senator Fuller Clark, would no doubt want to recognize Jenny Horgan, and what I want to say in thanking Jenny, and all the Legislative Office Building team, is the camaraderie that they establish, and it makes me glad when I get into the office, being greeted by folks who I know are there day in, day out doing work for all of us, and Jenny, you're one of those spirited members of that group, and I appreciate you all. So, for Jenny, thank you.

And I just say, as an unbashful, first term Senator, that the folks who answer the requests in Senate Research, in the Legislative Budget Assistant's Office, and in Legislative Services, I just couldn't ask for better support, counsel; your turnarounds are rapid, I felt like a member of

many years getting the same kind of service that I know you provide everybody else. So, I need to thank you all, and everybody who helps make the spirit of this place endure. Thank you very much.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Oh, Angela. So, I'll go back to the first day I was here, and I walked into the office and I said why do I have a solo office? Nobody has a solo office as a freshman Senator. And she said well you're Chair of Commerce. And I said so… She said well it's a very busy committee. And that's all she said. And I think that really gets at–she doesn't remember. I do. That really gets at Angela: she is concise, she's right on point, and she uses those skills to keep me concise and right on point because I have a tendency to wander a little bit or think about something else. And she says no, you've got the FNs that have to be done, and you have to do this and you have to do that, and you've got seventeen more bills, and you have to be done in an hour. So get all that done. She never lets me see her rest. I've never seen you really take a break. I believe in mental health breaks, but she doesn't need one, that's awesome. She's incredibly organized, and I think she's someone–well I like to bend rules. Rules are there to bend. She will not bend them. And I think that's probably good in the Senate.

Finally, those of you who have been in my office, there are two aluminum poles that sit by my desk. Those are for flags. I had the wrong kind of flags for the poles so they looked like Festivus poles. And Angela has never once poked fun at my Festivus poles. So, come November I'm going to have the right kind of flags and put them up there. Angela, thank you so much for all that you've done.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I, too, want to thank all of the professional staff around this building; not just for their professionalism and confidence, but most of all for their support. You know, all of us come to this job with different ideas about what we want to accomplish and everyone, I think, in this staff treats every member of this body as an equal and as someone who is coming here to do the right thing and believes in the right thing whether you might personally agree or not, and that's really testament to all of your professionalism.

I certainly want to also want to thank Donald Manning and Alan, who do a phenomenal job, not just for me and Jeff but for our whole caucus.

But I have to give a special shout-out to Marlene Taylor, and I had not seen Marlene come up. I wish she were here. First of all because some of you may have noticed, but the job of keeping Jeff Woodburn organized and on top of things is a full time job plus in and of itself. And yet with all the work Marlene does to help Senator Woodburn she is my right hand in this building. I could not do the work that I do, sponsor the bills that I do, carry things through and, on a personal level, she is one of the kindest, most supportive, and wonderful people that I know; she's a very dear friend, and I really, truly appreciate Marlene. Thank you.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. I rise, and I'm so glad that Senator Innis brought up mental health because that's a specialty of mine, and one of the ways in which it's shone in this body is that there are some people who pick me up when I break into pieces, which is more often than some of you may know. First of all, I'd like to

thank all the people who look my way here who are just, I feel somehow as if I should go up and hold your hands or something sometimes. I just thank–being right up front and center it really–thank you, very much.

I'd also, I have to say that there are three people who, besides all the people in our caucus who have made phone calls as I've been driving home wondering if I'd ever come back to Concord, you know, people who have really, really helped me understand that this is a community that matters and that we take care of each other. But, also, of course, our unbelievable LOB 5 assistant, Jess Bourque, who many times picks up the pieces and puts me back together again with Scotch tape and bubblegum to try to get me out the door. Also, do you have a pen, do have a pad of paper, do you know where you're going? You know, that kind of stuff, it's really critical.

Of course, Jenn has been remarkable, as well. Every now and then I have to pop in her office and just say tell me again why I'm going to run again for this office? And it's just been absolutely remarkable having you on board; and also as the secretary of the Judiciary Committee, just remarkable, remarkable.

And, I have to say that within our caucus, of course, Jeff Woodburn has been wonderful about calling me up and checking in with me when he sees me leaving with some look on my face that I'm sure makes everyone wonder what might happen next. And, really, to check in with me and see how I'm doing and keep me going, and suddenly I sort of feel like I know a little bit about what I'm doing here and I appreciate that very, very much.

And to Bette Lasky, who has, on Judiciary, been a friend and a colleague and also walks behind me with a wad of Scotch tape to put me back together again. So I thank you very much.

And, of course, my office mates. I could thank you all. Thank you.

(The Chair recognized Senator Gray.)

SENATOR GRAY: Thank you. Being a Senator somebody told me I'm low maintenance. I don't know that Renata would say that, but, you know, there are certain people in your life that make things much better. Certainly Renata–keeping me on schedule, making sure that my memory, you know, is up to date.

Trish–even though this our first year together, you know when I would be concerned about how many bills I'd scheduled for a hearings and stuff, she says no problem, I've got it. You know, I mean all of you people out there have supported me in various ways. I appreciate you all. Thank you very much.

And Nancy keeps the gates, you know, so that I don't get overrun by anybody. So we've got to thank Nancy, too. Even though we may want to change some of her birthday cartoons, right?

Thank you all.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, and if I could just add one piece. I speak and I often look towards Senator Reagan and it's always, don't say much; and Senator Reagan always gives advice. But I just have to say one more thing, and that's I didn't praise, I just recognized, the staff in the Minority office, and starting at the top:

Marlene, who endures me, keeps me going, everything that's handed to me is lost, and doesn't mind meeting forty fourth graders and bring them right into the office and disrupt everything in there. Not to mention dealing with–she went from Sylvia Larsen's District of Concord, to the North Country where my constituents are so much different and our needs are so much different, and she has just been so graceful the way she's taking care of me, but more importantly, taking care of them.

And I also want to say to Donald Manning, who I convinced to come back to this building; best of friends for many years. We met in this building in the early '80s when I was an intern and he was a young staffer. So great to have life bring us back together and have him in the Minority.

And Alan, who we're losing very shortly here–just love having him and admire his work and his commitment.

But the purpose of my rising is to recognize the best school in the state of New Hampshire. Now I don't say that because I graduated from it, I don't say it because I taught there, I don't say it because my kids went there, but the Whitefield Elementary School is just a fabulous place and we are so glad to have you here in the State House, so welcome!

ANNOUNCEMENTS

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. There are two more people I think we need to pay tribute to. It's very typical of Kristy Merrill that when she would give me the list of everybody that I had to thank that her name would not be on it. It just goes to show how gracious, and humble, and self-effacing Kristy is. She was just honored in the 40 Under Forty–she barely made it, she'll be 39 forever! Senator Morse is always the first person here every day, but I can attest to the fact that Kristy is always the last to leave. She's incredibly hard working; without her, the trains just in this entire building, and for all of us, would not run. So, thank you very much Kristy.

And, lastly, I've been around this business a long time. I've had the opportunity to serve under a lot of people: Speaker Harold Burns, Speaker Sytek, Speaker Chandler, Speaker Hastert, Speaker Boehner, Senate President Larsen, Bragdon, and now Senator Morse. And I can tell you that there's nobody more trustworthy, nobody more principled, no one with more integrity than our leader, Senator Morse. He's always the first one here. He's the hardest working person I've ever seen. It's been a pleasure to have worked with you and for you for the Senate, but more than for the Senate I think all twenty-four of us, and everybody else in this room, epitomizes what Senator Morse stands for. We're not here for ourselves, we're here to serve the people of the state of New Hampshire, and Chuck knows that and that's how he lives his life. Thank you very much.

PRESIDENT MORSE: It's probably a perfect opportunity because all the staff's here, which we didn't plan it this way, but I think we should probably take advantage of the fact that everyone's here. I don't know if we're celebrating or we're a little saddened, but we certainly have two members of the Senate that have announced they're not returning, and I'd like to honor them today, and I'd like to give them the opportunity to come up and say a few words.

I'd like to honor Senator Bette Lasky and Senator Andy Sanborn. You've both given an incredible amount of time to the Senate, and your dedica-

tion for doing what you believe is right is unmatched. Your service and dedication to the Senate, constituents, and the state of New Hampshire has not gone unnoticed.

Senator Lasky–you've worked endlessly for the people of Nashua, fighting for their interests at every turn–and I want you to know I started in the House with you–especially in the Judiciary Committee and in the Commerce Committee where you served this session. In the eight years you've served in the Senate, not to mention the decade you served in the House before, you've worked to improve our public education system helping to create the leaders of tomorrow, ensure the rights of victims are protected, fought tirelessly for trains again and again, and supporting measures to improve our elections. In this session alone, three of the many bills you sponsored and co-sponsored, all with bipartisan support, are now law; with more to come, no doubt. The Senate, and the committees on which you serve, will certainly not be the same without your unique perspective and your dedication you have to your community and this state. I've truly enjoyed getting to know you over the years and know how important family is, but we hope that you will be able to spend more time with your husband Elliot, and your daughters and your grandchildren. We wish you the very best and we thank you for everything you've given to the Senate.

SENATOR LASKY: Wow, I've never been up here! Thank you, Mister President. Wow. I honestly don't, I had something, you know, sort of planned to say, but those of you who know me know that I am not often at a loss for words, but I truly am right now. But, I first need to thank the people of Nashua and the people in my district who have supported me all these years no matter where I've been, what I'm doing, and without them I would not have been able to serve in the House and the Senate; and I have to tell you that has given me the opportunity to have, oh probably, some of the best experiences of my life. We all know what an honor it is to serve the people of this state, and aside from that, there are tons of other opportunities that this opens the door for. I have been proud and honored to be a part of history in many ways, and hopefully to kind of help make that history, and that has been a remarkable experience, which I think those of us sitting here understand.

Also, my daughters, one time when I was in their good stead, they gave me a bowl that said, "To have helped someone's life breathe a little easier, that is to have succeeded." Well, I thought about that and I think about it often, and how lovely it was to come from them, but also in terms of this job. If, in any way, I have helped to make one person in this state's life easier, then I truly feel I have succeeded. We all know it's not an easy task, but it's one we all do because we love our state, we really, truly are here, I believe, each and every one of us for the right reasons. Lord knows it's not for the monetary value and what we get, but it is for the people; the people out there and, frankly, the people in here, and all of you, and everyone who has been a part of these two chambers.

I can't tell you how much you all mean to me. The memories I have in my heart will clearly live forever. I will have been proud to serve with each and every one of you; proud to know each and every one of you; and I just, you know, cannot tell you how much these years have meant to me.

My husband, Elliot, who if I look at, I will start to bawl. But has been with me through this, supported me through this, been my campaign manager, my speech writer, just my rock; and I hope we've all opened some doors for him as well to have been part of this, and I am so grateful.

To my daughters, who were young kids when I started this; now they are, unfortunately, part of the reason I'm leaving is that they are both far away. But they have given me three of the greatest gifts that I will ever have, my three granddaughters. And, as you all know, I want to be part, a bigger part of their lives and not feel torn about being here with the job that I love, and being there with the family that I love.

So, it is all good things, you know, have an end to some degree, and I'm just so happy I have the ability to say thank you to each and every one of you; to tell you how much you mean to me, all of you. To wish you all a good rest and I'm going to wish the Republicans a little longer rest then some of my other friends! But at any rate, I love you all, and please, my door is always open whether it's in Nashua or New Orleans, which may be enticing to many of you, or wherever I may land. I truly mean it; I don't want you to be strangers. Thank you.

Thank you, Mister President. It doesn't have an alarm, does it?! Oh, how lovely! Thank you.

PRESIDENT MORSE: Senator Sanborn, in the eight years that we have served together, I have seen you fight tooth and nail for your constituents in District 9 and businesses across the state of New Hampshire. As Chair of the Ways and Means Committee, to the Election Law and Internal Affairs, and with each of the bills you've brought forward, you have a familiar philosophy about the role of government, and have often voted together with me, including even when we're outnumbered. I have a lot of respect for your perspective and your drive to keep government out of business as a small business owner. Now that you are running for Congress, there is no doubt that you will continue to fight for our beliefs in Washington. We wish you the very best of luck on the campaign trail this summer, and we truly appreciate everything you've done for the New Hampshire Senate. Thank you.

SENATOR SANBORN: So, I didn't expect this so I have no remarks, which Reagan would love because I'll be relatively quick. You know it's interesting because my journey here is very different than, frankly, most of your journeys here because I never wanted to be here. I never wanted to be a Senator, never wanted to get into politics. But for me, as those of you who own businesses and have families in businesses understand, sometimes that relationship between business and government gets a little sideways. And today I think that's one of the biggest challenges we have, is the fact that our relationship in the business community is truly struggling with our government. Yes, as the Senate President would say, I fight tooth and nail because I'm very concerned about our future. I'm concerned about what it takes to solve our problems. You know I've long said that I believe that the single most important social program we could ever create that will solve virtually every single problem our society has, is a good job. And you can't be pro-job if you're not pro-business. Now I've seen the struggles in this building, I've seen the challenges that we all have as we all try to find that common ground and find solutions to the same problem by taking different roads. And I also say, regularly, that in this business sometimes you are the windshield and sometimes you are the bug. And I have been very, very fortunate that I have been the windshield more than I have been the bug, much to the chagrin of some of my friends from Nashua.

This is an amazing place, and it's been a great opportunity. I just hope as we all go forward, that there are a couple of things that we need to think about. I'm petrified that Concord, New Hampshire is actually becoming Washington, D.C. In the ten years I've been roaming these halls, I have

seen all of us get further apart versus closer together; the personal attacks; the back-handedness; the things that don't make us who we are. The things that are creeping in from across the country that doesn't make New Hampshire what New Hampshire is supposed to be.

But I've also seen great things. I have seen people coming to visit others when they're challenged, sick, hurt. I've seen people in this building and in this room stand up for others in a very private way because they never wanted to see or hear it talked about. You guys, that's what makes us who we are. The fact at the end of the day that Woodburn and I can stand up and debate like hell, fight, fight, and then meet for a beer after work, it's rare in this business today. And I truly hope for all of you that come back, and I hope all of you do come back that want to come back, that you spend time becoming friends again; recognizing the fact that we're here to fight about policy not personalities. That in spite of all of it, we're all trying to do good for our state and our people.

And lastly, I know it's very difficult in this building, and with the power, and the influence, and the opportunity–but believe in our people, believe in everyday peoples' ability to have common sense, to solve their own problem without passing legislation, to support our communities; not by making more programs and throwing more money at it, but by recognizing that every time you create a new program, or every time you expand this or expand that, you're actually taking money from hard working everyday people, who also sit down on a Friday night and say they have mortgage, health insurance and a broken car and they can't afford all three. Please do not forget about them. Thank you.

PRESIDENT MORSE: Well, from all of us here in the Senate, I just want to thank both of you for your service to the state of New Hampshire. On behalf of all of us, thank you very much for everything you've done for us. Thank you.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: Mister President, before we leave this chamber today, I just wanted to say that I've been blessed in the last couple of years to have had an assistant with Deb Martone. And I know that she's told me many, many times that she doesn't like the spotlight, but she has had the opportunity over the last two years, every day that I come in, to tell me where to go, and so it's only right that I bring her into the spotlight now, and recognize the hours that she has put into this job. I mean, Finance is like Union Central at times, it's Grand Central, people coming in and out. She's here early in the morning, she stays late at night, she's in on weekends, but the thing that I can always depend on is when I come in the next day, things are organized, ready to go forward. And we've been able to take "Chaos Central" and turn it into "Comedy Central" sometimes and that keeps things going. And I know that she has just been my left and right arm in making sure that things are organized as we go through Finance, and as we particularly go through the Committees of Conference, and I just can't say enough about the work that she has done. And so, on behalf of all those on Finance, I would just like to thank Deb for all the time, the effort and energy she has put into the job, and into the Senate on whole. So, thank you very much, Deb.

PRESIDENT MORSE: Why don't we take a recess for ten minutes? All the Senate Bills from the House have come over, so we'll take a ten minute recess and get ready for that.

Recess. Out of recess.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. I'd like the Senate to welcome another great group from Grinnell Elementary out of Derry, one of my favorite towns. Welcome to the State House.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 71, relative to the law governing alimony.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 84, relative to payment of workers' compensation benefits by direct deposit.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 119, relative to the length of docks on a water body and boat slips.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 318, relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 342, requiring identification of specific items in the default budget.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 343, relative to legislative ethics guidelines.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 379, relative to retroactive denials of previously paid claims and relative to a second opinion on health care matters for state or county prisoners.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 415, relative to condominium unit owners' special meetings and voting proxies.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 418, (Third New Title) relative to wine samples and samples for consumption on the premises of a beverage manufacturer.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 437, relative to the robotics education development program.

HOUSE MESSAGE

The House of Representatives refuses to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 438, relative to the postponement of local elections.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 459, relative to reciprocity for licensure as a real estate broker or salesperson.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 473, relative to employment contract restrictions upon certain health care providers.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 487, relative to requirements for certain alcohol and other drug use professionals and establishing a state substance use disorder treatment services program.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 491, transferring responsibilities for produce safety from the department of health and human services to the department of agriculture, markets and food.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 506, limiting amendments to warrant articles.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 512, relative to compact sections of towns.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 527-FN-LOCAL, relative to absentee voting and relative to the statewide centralized voter registration database.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 531-FN, relative to the office of professional licensure and certification.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 535-FN, relative to certain revenues from the sale of commemorative liquor bottles of historic significance.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 537, conferring extraterritorial financing powers on the New Hampshire business finance authority.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 540-FN, relative to the operation of keno games in unincorporated places and permitting keno games in cigar bars.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 541-FN-A, relative to the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 549-FN-A, relative to plans of safe care for infants affected by substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 580, relative to transfers of appropriated funds, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Senate Bill(s):

SB 589-FN, relative to authorizing petitions to state licensing boards for review of an individual's criminal record concerning disqualification for licensure.

May 8, 2018
2018-1944-CofC
05/10

Committee of Conference Report on SB 71, relative to the law governing alimony.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 5 with the following:

6 Applicability.

I. This act shall apply to all cases filed on or after January 1, 2019.

II. Cases filed between the effective date of this section and January 1, 2019 shall be controlled by the law in effect on the effective date of this section unless the court in its discretion finds that adopting any or all of the provisions due to take effect on January 1, 2019 would be both equitable and consistent with the law existing as of the date of passage.

III. Parties to any case filed prior to January 1, 2019 may agree to adopt some or all of the provisions of this act.

7 Effective Date.

I. Section 6 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2019.

The signatures below attest to the authenticity of this Report on SB 71, relative to the law governing alimony.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Carson, Dist. 14	Rep. K. Rice, Hills. 37
Sen. French, Dist. 7	Rep. Itse, Rock. 10
Sen. Lasky, Dist. 13	Rep. Spencer, Straf. 18
	Rep. Walz, Merr. 23

The question is on the adoption of the Committee of Conference Report.

Adopted.

May 15, 2018
2018-1990-CofC
01/03

Committee of Conference Report on SB 84, relative to payment of workers' compensation benefits by direct deposit and authorizing electronic payment of payroll.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 84, relative to payment of workers' compensation benefits by direct deposit and authorizing electronic payment of payroll.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Innis, Dist. 24	Rep. S. Schmidt, Carr. 6
Sen. French, Dist. 7	Rep. D. Ley, Ches. 9
Sen. Soucy, Dist. 18	Rep. Merner, Coos 7
	Rep. Cahill, Rock. 17

The question is on the adoption of the Committee of Conference Report.

Adopted.

May 15, 2018
2018-2004-CofC
08/03

Committee of Conference Report on SB 119, relative to the length of a dock on a water body.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Seasonal Docks. RSA 482-A:3, IV-a(a) is repealed and reenacted to read as follows:

(a) A legally constructed, grandfathered, permitted, or conforming structure;

2 Seasonal Docks. Amend RSA 482-A:3, IV-a(e) to read as follows:

(e) No more than 6 feet wide and no more than [~~40~~] ***50*** feet long if the water body is 1,000 acres or larger, or no more than [~~30~~] ***40*** feet long if the water body is less than 1,000 acres;

3 New Paragraph; Seasonal Boat Lifts. Amend RSA 482-A:3 by inserting after paragraph IV-a the following new paragraph:

IV-b. Temporary seasonal boat lifts installed in any lake or pond shall be exempt from the permitting requirements of this section, provided that a notification is sent to the department by the owner of the property that includes the name and address of the property owner, the municipality, the water body, and tax map and lot number on which the proposed lift will be located. No more than one boat lift shall be located on any property under this paragraph. To qualify for an exemption under this paragraph, a temporary seasonal boat lift shall:

(a) Only be installed adjacent to an existing permitted or grandfathered dock in a legally existing boat slip, such that no additional boat slip or dock is created;

(b) Be located at least 20 feet from the abutting property line or imaginary extension of the property line over the water under this section;

(c) Be removed during the non-boating season; and

(d) Be removed from the lake bed for a minimum of 5 months each year.

4 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 119, relative to the length of a dock on a water body.

Conferees on the	*Conferees on the*
Part of the Senate	*Part of the House*
Sen. Bradley, Dist. 3	Rep. Christensen, Hills. 21
Sen. Sanborn, Dist. 9	Rep. Renzullo, Hills. 37
Sen. Fuller Clark, Dist. 21	Rep. T. Johnson, Graf. 7
	Rep. McConkey, Carr. 3

The question is on the adoption of the Committee of Conference Report.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President I rise in opposition to the Committee of Conference Report on Senate Bill 119 for two reasons. One is there is a commission that has

been formed in House Bill 1810 to review all of the dock issues in aggregate to make recommendations about how we move forward dealing with a lot of the dock issues including in dry seasons, and other navigational issues. Second, this bill in the Committee of Conference extends the size of the docks allowable particularly, well in all lakes, but of particular concern is on lakes with less than one thousand acreage or smaller lakes. From thirty feet to forty feet. Thirty feet to forty feet, 125 percent, wait a second, 133 percent, something like that. Senator Innis? Thirty-three percent. Creating severe concerns about abutter conflicts, navigational issues on these smaller lakes and restricting uses of public waters. The lakes are public waters. That's what they are. And so, this is a sincere issue that I think we need to take seriously, and we ought to vote down this Committee of Conference Report. It's been a controversial issue to extend the docks, just pluck it into a Committee of Conference Report and extend the docks willy-nilly when there's a commission that's going to be looking at this, I think is not the way to go. So, let's vote down this Committee of Conference Report. Let's let the commission deal with this in a comprehensive way. Thank you, Mister President.

(The Chair recognized Senator Innis for a question of Senator Feltes.)

SENATOR INNIS: Senator, just a quick question. I'm looking at the spreadsheet here and it indicates that the increase from three feet to four feet is a water depth increase. Am I reading this correctly, Josh?

SENATOR FELTES: I'm not sure what it says on the spreadsheet. I'm looking at the Committee of Conference Report which allows for docks for small lakes to be forty feet long instead of thirty feet long.

SENATOR INNIS: So, the new amendment is a ten foot extension, right?

SENATOR FELTES: Thirty-three percent of the existing length allowable.

SENATOR INNIS: Yeah, I remember that number. Okay, I think I've got it. What's the grave concern with adding an extra ten feet if it, in periods of drought, allows boaters access to their boat through the whole season?

SENATOR FELTES: Keep in mind this is not just about drought.

SENATOR INNIS: I know it's not but–

SENATOR FELTES: So I think this is, Senator Innis, as we've seen in testimony at our committee, you have, and I don't know what their position on this, I haven't checked in with them after the Committee of Conference Report, but the Board of Realtors in fact worried about these conflicts, abutter conflicts, between one riparian owner with a dock and another. There's also navigational issues especially on the small lakes, with the docks jutting out even further, including by channels. There's navigational and public safety issues. And I think you are ostensibly, when you allow this, you're allowing the restriction of the use of public waters. The lakes are public waters. We're allowing an additional private taking of public waters of another ten feet or thirty-three percent. Thank you for correcting me on my math earlier.

SENATOR INNIS: Senator and forgive me, of course I am on the committee with you but, when this bill originated, was it not primarily focused on drought conditions? And do you know if any of those remain in the bill presently?

SENATOR FELTES: Thank you for the question, Senator Innis. In terms of the issues about the droughts, that was one of the concerns that was raised in the initial bills that were raised before our committee. But this

is broader and it's just dealing within a dock extension. And we were dealing with other issues too in terms of just the square footage of the docks, we were dealing with what you can do at the base of the docks, we were dealing with all kinds of issues. All of those issues, Senator, if you may recall, were going in Representative Mullen's, Representative Mullen's commission in HB 1810, to look at in the aggregate. I think just putting the dock extension in is not the way to go.

SENATOR INNIS: So this, in your view, has little or nothing to do with drought conditions on a lake? This current bill?

SENATOR FELTES: In my view, that's correct.

SENATOR INNIS: Okay, Thank you. I appreciate it. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: What's the opposite of drought? Flood conditions. In my desk so I apologize for that. This bill has had a long and winding process. When it was introduced by our friend from District 9, it dealt strictly with drought situations and emergencies and we passed it and as I recall, we passed it on a voice vote and I think there was bipartisan support for it. Went for the House, it sort of took a turn that I didn't like very much where it increased the depth that you could extend a dock out to from three feet to four feet. There is some merit to that because more people have the boats today that draw deeper amounts of water and need four feet to get to their docks. And my friend from Concord is correct, a commission will look at that. We passed that in 1810. But in the Committee of Conference and we pressed the Department of Environmental Services very hard on this, to try to figure out if there was some area of reasonable compromise. And that's what we came up with which is a move from thirty feet to forty feet on smaller lakes and on the larger lakes, and there are several of them, like Winnipesaukee, from forty to fifty feet.

I've always been concerned, and I live on a lake so I probably should declare even though I don't have a dock, that it could affect me. And I've grown up on Lake Winnipesaukee and so navigation is an issue but the Department of Safety, Captain Dunleavey, who has testified in front of the Energy and Natural Resources Committee in the past, wasn't at the Committee of Conference because the extension was fairly small. And Rene Pelletier from the Department of Environmental Services, who I think most of us in this room know well, felt that this was an acceptable compromise that prevents dredging. And with some of these larger boats, there's much more of an incentive if you can't get your boat to the dock, to dredge and that's much more of an environmental impact than allowing an extension of ten feet.

And so, for that reason, even though there is a commission that's going to be looking at all these dock issues, I think it's a reasonable compromise. I don't think there's anybody that probably represents more lakes than I do. Haven't heard too much on either side of it. But it's a reasonable compromise. It won't undermine the environment. It will help people especially in low water conditions. We're blessed so far this year, water is at normal levels, but in drought conditions, it's certainly helpful and if you have larger boats this could be helpful too. So, I urge adoption of the Committee of Conference Report and thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise first to declare a conflict. I own several docks on several lakes but I'm obviously still participating. To answer some questions for my friend from Senate District 15, I'd like to remind the body that Lake Winnipesaukee, which is one of the larger drivers for this conversation we keep having about docks, their drought is man-made, their drought happens every single year. Their drought is man-made and happens every single year. Some of you on the Energy Committee, although the good Senator from District 15 left, might remember that we have legislative statutory requirements that Winnipesaukee must flow 250,000 cubic feet a day in order to keep the electric, hydro generating plants running. So it doesn't make a difference if it rains, it doesn't make a difference if it snows, it doesn't make any difference whatsoever. Every single day up on the big lake, our statutes require a certain level of flow.

We know that for the past twenty-five years, the lake has never been at what they consider high water mark. Every lake in New Hampshire has a high water standard water level, and Lake Winnipesaukee has never been on it, it wasn't there today, it wasn't there last week and it's still springtime. As a result of the fact that that lake is never at the level that it's supposed to be at, boaters are having a problem. Two years ago, when you combined the statutory requirement of flow with the drought we had in the summer, eight-hundred boats required repair. That's a lot of boats. The Mount Washington itself couldn't even go to all of the communities that it typically goes to because the water was so shallow. So we know on some of our lakes, we have a true problem with people having access to their property.

Now, as the Senator from District number 3 said, this bill has had a very long journey. It has been up and down the river about a half a dozen times. To me it doesn't go nearly as far as it should, but just providing people just a little bit more room on temporary seasonal docks, which again, I remind the body temporary seasonal docks must come out of the water every fall. These are not permanent docks. But trying to give the tourists, the people that spend money in our state, if they can use their boats on the weekend all summer long, just to give them a little bit of room. And my last comment to my friend from Senate District number 15, we do understand New Hampshire water is a public right and public access but we have something called riparian rights, which means the people who have property on the water also have a right to have a dock and have rights to some access of their property. So it's about finding that balance. So at the end of the day while I'm not happy the bill doesn't go as far as I would like it to go, it is a compromise and for people on the big lakes, and remember this is a bill solely about big lakes, not little lakes right now, it provides, I mean, my apologies, it's ten feet on the big lakes up to forty feet on the small lakes, under a thousand. This is a reasonable compromise ladies and gentlemen. I'd ask that you support it. Thank you very much.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I rise and I support the defeat of this Conference Committee and the testimony of my colleague from District 15. I guess I'll, this bill doesn't go far enough. It goes ten feet too far. And you've got to imagine this on the smaller lakes and I can do that because alright, I have a place on something called Island Pond, Island Pond. Guess why it's got its name. Yeah, they're all over the place in the pond, islands, boulders connecting the land to the various islands out in the waterways. It's maybe seventeen feet deep at its deepest point.

Ten feet more, I guarantee this has an impact. I throw my dock out ten more feet, my neighbor's going to have real hard time getting in from my side. Oh hey, I can do that. I could put my dock out ten more feet, my neighbor wouldn't be able to swing in from my side. You see, there are some real disadvantages here. It will cut off navigation on a lake.

You know, a study committee I think would look at these big lakes and these little lakes and they might say well, ten feet on a big lake might not matter much but on a small lake, it might matter a lot. And we're just, you know, on Winnipesaukee, I don't know ten feet looks like a pretty big body of water to me, maybe that makes sense. On Island Pond, I don't think it makes sense and I think what we're trying to do here is have one act try to make sense for all of our bodies of water in the state, which are a thousand. And I think we're falling short. That should be shorter, ten feet shorter. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I had to check because I'm in agreement with Senator from 10 and 15, so that's a unique time for me. But I am on a little pond also. If you come out from the wall, you'd come out to about where Senator Kahn is and that would be, and then I, we have a very narrow portions of our lake and we have islands. The boat docks at some places now are twenty, thirty feet across from each other. And then at angles when the coves come out again, it is a problem. They're cutting off the access to the lake for everyone else. So on the small navigable waters like Phillips Pond in Sandown, a great place to visit and tour, spend your money at our ice cream places, I'm friends with the ice cream shack owner, it really is, it's interfering with the property use and the water rights. I was on the boat commission last summer and we were dealing with the width from boat dock to boat dock. This year I guess we'll talk about length more, but again, I echo the sentiments of Senators from 10 and 15 and think in small bodies of water, this is a big problem. Thank you.

(The Chair recognized Senator Sanborn for a question of Senator Kahn.)

SENATOR SANBORN: Senator, thank you for taking my question. Senator, I hear your concern about dock extending way out in the water, so my first, my two part question if the Senate President will allow, do you know what the current length that's authorized by statute for a water break is on our New Hampshire lakes?

SENATOR KAHN: For a water break?

SENATOR SANBORN: Yeah, you know the big rocks that kind of stop the wave action?

SENATOR KAHN: I just know that docks are at thirty feet.

SENATOR SANBORN: Alright Senator, would you be surprised to know that we currently have in statute that water breaks can go out fifty feet. Fifty feet already.

SENATOR KAHN: I wouldn't want to put a water break on my lake.

SENATOR SANBORN: Senator I appreciate that but knowing that current, that the state today allows a fifty foot water break is current statute so by bringing a dock out to what the state already allows, I just question if that seems like that much of a challenge. And my second question if I might Mister President, if you'll allow, are you aware that temporary seasonal docks, even under this legislation and this goes to my friend from District number 23 as well, that it's a permit by notification, which

would mean you would have to get approval from the abutters, notarized approval from the abutters that they're okay with it and send it in to DES's Water Marine Resource Division to actually see the permit, so there should be ample reasoning that if people feel that they're being encroached upon, or if their navigational way is getting limited at some level that there are several different ways that abutters and the state of New Hampshire can revisit someone's desire to bring their dock out another ten feet. Are you aware of that?

SENATOR KAHN: That was a lot to– I take my dock out and I think that that's what most people do if you want to preserve your investment so I– During the season when the water's high, thirty feet's just enough on my lake. Forty feet, I'm going to impair. It's not a right thing for me and you're going to disagree with me. But I think, I'm standing in a short pond here and I think that for those who do, this is the wrong legislation.

SENATOR SANBORN: Thank you, Sir. Thank you, Mister President.

The question is on the adoption of the committee of conference report on SB 119.

A roll call was requested by Senator Innis, seconded by Senator Gannon.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Carson, Birdsell, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Gannon, Innis.

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 11 - Nays: 12. Failed.

May 16, 2018
2018-2039-CofC
04/06

Committee of Conference Report on SB 318, relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 9 the following and renumbering the original section 10 to read as 11:

10 Repeal. RSA 276-A:22, relative to evidence of violations of youth employment in certain jobs, is repealed.

The signatures below attest to the authenticity of this Report on SB 318, relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Sanborn, Dist. 9	Rep. Murphy, Hills. 7
Sen. French, Dist. 7	Rep. Avellani, Carr. 5
Sen. Lasky, Dist. 13	Rep. S. Schmidt, Carr. 6
	Rep. Baldasaro, Rock. 5

The question is on the adoption of the Committee of Conference Report.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I rise in opposition to this bill, Senate Bill 318. We had a lengthy discussion about it. This is significant and drastic modifications to our minor and employment labor laws and I'm just going to highlight two, I'm not going to go through the whole bill.

Number one, this deletes the powers of the commissioner with respect to visiting and inspecting places of employment and causing provisions of this chapter, the youth employment law chapter, to be enforced as directed by the commissioner; and for the purposes of this section, the serving of warrants including investigations into child labor law violations. That provision is deleted and I understand that some people within the department have kind of shrugged their shoulders at deleting these type of powers, but the upshot is that as policymakers including making sure that our children and minors are treated properly in the workplace, I don't think we should be deleting that provision, getting rid of those investigatory powers of the commissioner. So that's one of many reasons.

The second reason is the hours. When school's in session for four days, we bump up the hours ten and one fourth of allowable time that a minor is working. Ten and one fourth, so if you're taking four school days, and this happens a lot. There's a lot of in-session for schools or some state and federal holidays. There's a lot of four-day school weeks. So those four-day school weeks, you're looking at about thirty hours. Seven and a half roughly for the school and then forty and one fourth, so you're looking at sixteen, seventeen year olds, when you couple school with work, seventy plus hours a week? Folks, I know that the Bar and Restaurant Association and lobbyists support this, but I don't think that this is the proper way to deal with our workforce shortage, is by saying children work more. That's not the way I think we should be dealing with this.

Now there's going to be those who say, well you know what, the parents can, you know, moderate this and kind of be a check on this. But especially in low income households, where kids are being told and sometime definitely being told they need to work by their parents, and they're subjected to this kind of situation? Seventy plus hours? And then what about their opportunity after they graduate high school? Are they pursuing other opportunities, when their seventy plus hours bottled up? They're not. So I just encourage us to think long and hard about this and vote this down. This is not the answer to workforce shortages in the restaurant and bar industry. It's not. Kids working more, that's not the answer. Let's vote this down. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. Mister President, I rise to try to dispel some of the fiction or lack of facts, I'm sorry, that my friend from Senate District number 15 talked about. Now let's be honest ladies and gentlemen, because on our last day of the year we need to get our facts straight. One day I pray, well just one day we can just actually talk about the policy without fabricating. The House Labor Committee, which is no friend to the business community, ever, in the ten years I've been in this building, passed this bill with overwhelming support, passed on the floor of the House on a voice vote, went to Committee of Conference. Again, we negotiated things that we thought were relevant.

Now look, we all know the past thirty years in New Hampshire have been a very generous time for our people, 80s, 90s, 2000s, 2010s, tremen-

dous financial success, all types of wealth, every high school kid around here driving a BMW with a cellphone in their hand, parents don't make them work at all. But we also know that there are some kids that actually want to work. I know it's a strange thing to think about today, but where I came from when I started pumping gas at ten years old, and wanted to pump gas at ten years old, because I wanted to buy my own stuff. But yet in our Legislature and our times today, we've ended up in a process where if you are sixteen or seventeen years old, you can't get a job unless your school signs off on it, the state signs off on it, and your parents sign off on it. Is that what we've become? Literally, is that what we have become, that a sixteen or seventeen year old kid cannot get a job unless the state tells them they can get it? Unless their school tells them that they can work.

And I'm very, very fortunate. Some of you might not know I'm a twin. I have a twin brother I care very deeply about. He has a great little nephew. Truth is he's not that little, I think he's about the size of Gannon today, big kid. Fifteen years old. Good looking kid, just like Gannon is, good looking. Here's a kid that pitched in a little league World Series, here's a kid that was being coached by Nolan Ryan's pitching coach when he was seven years old. Here's a kid that has played two years above every sport he's ever done. He plays a sport year round living in San Diego. He travels from Texas to Wyoming. Fortunately he's been getting letters of offers now that he's a junior in high school, at Yale, at Princeton, at Stanford, at USC, at Michigan, at Oregon and you name it. People say this kid will be in the NFL. In addition to going to school full time, he practices two hours every morning, three to four hours every night and games all weekends. No one's complaining about that. But he's one of the lucky ones, right? He is exceptional. So he gets to go out and play his sports and no one, everyone's okay with it.

Well, what about the young man or the young woman that wants a job, that wants to be able to just go work? Shouldn't their parents make a determination that they should be able to work or not? Because that's all this bill does, when you wind it right down. It takes us back to parental control of raising your children. And the other big thing that it does to dispel this seventy hour a week rumor thing Mister President, is right now we know schools meet one day a week as we head towards the fall, right? When school starts up it'll start back up in August, it'll meet one day and then be off for Labor Day Weekend. But in current contracts, if the school meets one single day, kids today are prohibited from working for the week. There's a limit on the week, and last time I checked we had Memorial Day, we had Labor Day, we had you know vacations in June and there are times not just for the New Hampshire Lodging Association of which I'm a member of for the record, but for all types of businesses. So if a child is not in school, it would open up the availability of when they can work. And at the end of the day, should we be teaching our kids the hard value of getting a job? Last time I checked going to school was about learning a career, so they can be self-sufficient in their day. And for those kids that want to work, shouldn't we allow them the ability to do so? That's really what this bill is all about. It's gotten too tight, it's gotten too restricted, it's become too difficult and this is a very, very minor adjustment supported by the House and for the record the reason we are debating it right this second is because the House has passed it again. The Labor Committee passed it again. So I'd urge the body to support kids and their parents who want to work that have a job Mister President.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. It is an honor to welcome to the Senate Chambers, the fourth grade class of Concord Christian Academy. Give a round of applause to the fourth grade class.

(The Chair recognized Senator Watters for a question of Senator Feltes.)

SENATOR WATTERS: Thank you for taking my question. Senator, isn't the reason that we have regulations relating to employment for school age youth is that we have a constitutional responsibility to educate our children?

SENATOR FELTES: Yes. And I think when we're dealing with minors, in addition to the constitutional responsibility to educate children and balancing that responsibility so they can dedicate their time to actually learning. I think we also have a responsibility in terms of child protection and protection of our minors who in many situations are being told, including in low income households, and really told by their parents they have to work as long as possible. Some cases, getting kicked out of their houses. And having represented minors in that situation, it happens. So this is about education, it's about child protection and in my view it's not– For us to vote for this bill, for us to vote for this bill in light of this debate, in light of what we've had without any clear I think argument for it, I just think it's the wrong way to go.

SENATOR WATTERS. Thank you. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I urge my colleagues not to concur with this piece of legislation. Speak very briefly. As a teacher one of my basic responsibilities was to make sure kids stayed in school. When I was teaching, kids were forced to get a job because their parents needed the money. That's not a good situation. Kid leaves school. Many kids didn't graduate. Graduation rate at some of the schools in the district that I represent is 60 percent, 60 percent. They're working too much. This takes advantage of those kids. We want kids to have a better life. We want them to be able to sustain themselves. But by putting a situation in place where they can work extended hours is not a good thing for the kid and in the long run, it's not a positive situation for that kid. So I urge my colleagues to vote against this Committee of Conference, think about the kids, think about their future as our parents thought about our future. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. Never has it been better exemplified, the term "nanny state". Our constitution also says that parents are responsible for educating their children, okay? And for rearing their children. And this is a bill that allows the parents the latitude to make a decision, okay? It is not the duty of the school or of the state to dictate what a parent can allow their child to do. It's just that simple. That too is a tenet of freedom and a constitutional premise in our governing document. And for that reason I ask you to support the committee report. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I ask the body not to concur also. I have been fortunate, my kids are fortunate, that they're

getting the opportunities to go to Saint Paul's, to little Ivies and it's only because of education and their grades. All my kids work from fourteen up, they all have summer jobs somewhere. But during the school year, by the time they are finished school, then they go to a sport, it's four o'clock. If they do Honor Societies, it's six o'clock. When are these kids going to study? The only path to a good future is through education and we have to have that first for our kids so I ask you not to concur. Thank you.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. Real briefly, I live in Franklin. A lot of the children from my town don't go to Harvard. They stay right at home after they graduate. These kids have to be able to learn one, how to work, if they're working, maybe the opiate crisis will diminish. If they feel good about themselves because they are working and putting in long hours and they're tired at night, they'll get a good night's sleep and get up the next morning and when they do graduate from high school, and they don't go on to college, they'll know how to work and how to put in a good day, do a good job. That's what we need and I ask you to vote for this legislation.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Lots of children, even today, grow up without an easy path before them. Some of you may have heard, and you'll hear again in the fall, when I'm campaigning, that I came from nothing. I couldn't consider a private school. My grandparents bought us our clothes. When I turned fourteen, my mother said you've got to buy your own clothes now. When I turned sixteen, she said you've got to find a car and pay for your insurance and continue to buy your own clothes, and when you turn eighteen if you're still here, you're paying rent. Because they needed it. And I worked. I worked every day after school. I hit the golf course at three o'clock. I'd be there until it got dark. Five days a week and then I'd be back there at 6:00 a.m. on Saturday morning for another four hour shift. I told my Grandpa one day I hated the job and he said you'll never have a job that doesn't teach you something. Learn from this. So I started learning about organizing people and setting up processes and maintaining equipment and the patterns to doing that. What I learned from that job was far more than the money, and it's one of the reasons I'm standing here before you today. Because Jerry Dunphy gave me a chance to work that job and my parents encouraged me to do it. I made it through school, did really well on the SAT, went to some good schools, got a PhD and I worked my tail off when I was in high school and saved money to do all of this. Let's support this. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, just to clarify a couple things. This has nothing to do with whether or not people can get jobs. This is about gutting our child labor laws and the oversight. Including the investigatory powers of the commissioner. So when I hear my friend from District 9 say it's all about a kid getting a job, it's not. It's about extending the hours significantly, I think 33 percent roughly, harkening back to our earlier debate, and it's about eliminating that oversight and that regulatory review. That's the facts. And it's also a fact that this was controversial in the House, not sailed through. It was an 11-9 vote on House Labor. They just barely passed it, sending it over here. So the notion that this is not without

controversy is not correct. And just as a matter of personal privilege, the notion that my earlier comments were "fabricating something," and then listening to hear no citation of anything that was suggested to be fabricated, I think making those kind of personal remarks is not the way to do business. Let's vote this down, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. One of the great things about a free market, if you don't like what you're buying or what you're doing, if you're in a job that you don't care for, quit. Find something else. I ended up at the golf course because I couldn't work for my Dad at the printing company. Move around, there's always something else out there that fits your schedule and your life better. Thank you, Mister President.

A roll call was requested by Senator Soucy, seconded by Senator Giuda.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Sanborn, Daniels, Avard, Reagan, Birdsell, Innis, Morse.

The following Senators voted No: Woodburn, Watters, Hennessey, Kahn, Lasky, Carson, Feltes, Cavanaugh, Soucy, D'Allesandro, Gannon.

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 12 - Nays: 11. Adopted.

May 16, 2018
2018-2023-CofC
06/01

Committee of Conference Report on SB 342, requiring identification of specific items in the default budget.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and
That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 342, requiring identification of specific items in the default budget.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Gray, Dist. 6	Rep. Matthews, Rock. 3
Sen. Daniels, Dist. 11	Rep. F. McCarthy, Carr. 2
Sen. Woodburn, Dist. 1	Rep. Tripp, Rock. 6
	Rep. Migliore, Graf. 9

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. I respect that this bill has now started here in the Senate, it's gone back to the House, I got the process, you got the process. This bill began as a transparency bill and I think we all support transparency in our local elections, in local warrant articles, and in the budget process that takes place in our localities. What we have though in front of us with this amendment, this is Senate Bill 342. What we have is a bill that it had an amendment, eliminates and trying to add more specificity to the default budget. And in doing so went a little too far, at least according to the House. Went a little too far in just saying an eliminated position shall not be included in the default budget. Well, the House apparently didn't agree with that. The House apparently thought, okay, let's add some more words to this. And so, shall not include vacant positions except those that are under recruitment or positions that

are defined or the positions that are redefined in the proposed operating budget. You see what we've done is we've taken something that was about transparency and we've turned it into ambiguity. And the ambiguity in here isn't going to help our town meetings. The ambiguity now is, okay, we don't want eliminated positions in here but you can take them out but you can put them back into the budget if they meet a couple of criteria so be creative, meet those couple of criteria. Leave them in the budget. And then you'll have the default budget that we've always had. And I think this is where we've lost the center of what I believe the sponsor was most interested in. A transparency bill. It's now become an ambiguity bill. It's now going to have to have interpretation at every local jurisdiction as to whether things ought to be in a default budget or not. I think that we're better starting from scratch and defeating this because we agreed that we'd retreat to the House position. It's got all those extra words, but it's not adding enough meaning. It's confusing and I don't think that we should be going forward adding more confusion around a statute that we're trying to add more transparency to. Thank you, Mister President.

(The Chair recognized Senator Daniels.)

SENATOR DANIELS: –There's a transparency bill and it comes back to us as a transparency bill. For those who sat through the House Subcommittee Work Session on this as I did, you'd have known that they took painstakingly time to make sure it was abundantly clear what this was about, that default budgets can be higher or lower than operating budgets. The fact that the language was added in to say that if you had eliminated positions that the salaries and benefits of those positions would not be in the default budget. That is transparency. If we decided, and I'm talking now as a Selectman, if we decide that we're going to do away with three positions in the Department of Public Works and there's $200,000, it's only transparency to let the people know that those positions have been eliminated. And if those positions have been eliminated and we have no intent whatsoever of using that $200,000, then why should it be in the default budget? It should not. This is truth and transparency to the taxpayer. The House understood that, they understood that in the work session and went back to full committee, voted for it. It comes back to us as transparency. Folks it's what it's about, it's about high time that we did something with the default budget. We've been trying to do it for years, now is the opportunity to let the people know what the default budget is, what caused it to go up and what down and be honest with what's in the default budget. Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

Senator Soucy is in opposition to the adoption of the Committee Conference Report on SB 342.

May 16, 2018
2018-2024-CofC
03/08

Committee of Conference Report on SB 343, relative to legislative ethics guidelines.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Legislative Ethics Committee; Definitions; Rule. Amend RSA 14-B:1 by inserting after paragraph III the following new paragraph:

III-a. "Rule" means any rule adopted pursuant to this chapter and shall not include any rule of proceeding adopted by the house of representatives or the senate.

2 Definitions; Expense Reimbursement. Amend RSA 14-C:2, III to read as follows:

III. "Expense reimbursement" shall mean any price, charge, fee, expense, or other cost which is waived, forgiven, reduced, prepaid, or reimbursed in any form for the reasonable expenses of attendance, registration, travel, meals, or lodging related to a bona fide conference, meeting, seminar, or educational, cultural, or informational program, or an event to which the recipient is invited in his or her official capacity as a representative of the senate or the house of representatives of which the recipient is a member. ***"Expense reimbursement" shall not include any expense reimbursement made by the general court to a legislator, legislative officer, or legislative employee.***

3 Gifts, Honorariums, and Reimbursements. Amend RSA 14-C:2, IV(a)(2) to read as follows:

(2) Any other tangible thing, intangible thing, service, or the use thereof having an individual value of greater than $50. ***For purposes of this section, "service" shall not include acceptance of legal services on an individual basis when the legislator enters into an attorney-client relationship with the attorney for the purposes of addressing a complaint or petition if the attorney is not a registered lobbyist.***

4 New Subparagraph; Definitions; Gift; Exclusions. Amend RSA 14-C:2, IV(b) by inserting after subparagraph (13) the following new subparagraph:

(14) Any expense reimbursements made by the general court to a legislator, legislative officer, or legislative employee.

5 Effective Date. This act shall take effect 60 days after its passage.

The signatures below attest to the authenticity of this Report on SB 343, relative to legislative ethics guidelines.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Carson, Dist. 14	Rep. Packard, Rock. 5
Sen. Avard, Dist. 12	Rep. Hinch, Hills. 21
Sen. Soucy, Dist. 18	Rep. Hoelzel, Rock. 3
	Rep. Shurtleff, Merr. 11

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2048-CofC
10/04

Committee of Conference Report on SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 153-A:35, V(d)-(f) as inserted by section 1 of the bill by replacing them with the following:

(d) The individual enters a remote state to pick up a patient and provide care and transport to a third member state; and

(e) Other conditions as determined by rules promulgated by the commission.

Amend RSA 153-A:35, X(d)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. Such rules shall be valid in New Hampshire upon their adoption under RSA 541-A by the commissioner of safety. Issuance of these rules shall be considered an emergency for purposes of RSA 541-A:18. The rules shall have the force and effect of law and shall be binding in the member state;

Amend RSA 153-A:35, XII(h)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) A recording of such hearings shall be made and retained by the commission for a period of one year following the adoption of the rule or rules for which the hearing was held. A transcription of a hearing shall be made available to any individual or organization within 60 days of written request therefor, and the requesting party shall bear all reasonable costs of producing the transcript. The commission shall make a copy of hearing recordings available to the division of fire standards and training and emergency medical services.

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Emergency Medical Services; Rulemaking; Commissioner of Safety. Amend RSA 153-A:20 by inserting after paragraph XXIII the following new paragraph:

XXIV. Implementation and coordination of the emergency medical services personnel licensure interstate compact adopted in RSA 153-A:35, including defining the circumstances not authorized under the privilege to practice established in the compact. Emergency medical services units licensed under RSA 153-A:10 shall not use emergency medical services providers who are privileged to practice from a remote state under the compact as regular and usual staff personnel.

The signatures below attest to the authenticity of this Report on SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.

Conferees on the	*Conferees on the*
Part of the Senate	*Part of the House*
Sen. Carson, Dist. 14	Rep. Proulx, Hills. 44
Sen. Gannon, Dist. 23	Rep. White, Graf. 13
Sen. Cavanaugh, Dist. 16	Rep. H. Marsh, Rock. 22
	Rep. Hansen, Hills. 22

The question is on the adoption of the Committee of Conference Report. Adopted.

Senator Cavanaugh is in opposition to the adoption of the Committee Conference Report on SB 370-FN.

May 14, 2018
2018-1975-CofC
01/10

Committee of Conference Report on SB 379, relative to retroactive denials of previously paid claims.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on SB 379, relative to retroactive denials of previously paid claims.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Avard, Dist. 12	Rep. Hunt, Ches. 11
Sen. Carson, Dist. 14	Rep. Butler, Carr. 7
Sen. Hennessey, Dist. 5	Rep. Plumer, Belk. 6
	Rep. Schwaegler, Graf. 3

2018-1975-CofC

AMENDED ANALYSIS

This bill changes the time frame for insurance companies and managed care organizations to recover payments from a health care provider for services completed.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 15, 2018
2018-1994-CofC
10/03

Committee of Conference Report on SB 415, relative to condominium unit owners' special meetings.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 415, relative to condominium unit owners' special meetings.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Innis, Dist. 24	Rep. Hunt, Ches. 11
Sen. Birdsell, Dist. 19	Rep. Williams, Hills. 4
Sen. Lasky, Dist. 13	Rep. Sanborn, Hills. 41
	Rep. Panasiti, Hills. 22

The question is on the adoption of the Committee of Conference Report. Adopted.

May 15, 2018
2018-2016-CofC
08/04

Committee of Conference Report on SB 418, relative to beverage manufacturers and nano breweries and defining table wine.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 418, relative to beverage manufacturers and nano breweries and defining table wine.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Innis, Dist. 24	Rep. Hunt, Ches. 11
Sen. Bradley, Dist. 3	Rep. Williams, Hills. 4
Sen. Soucy, Dist. 18	Rep. Fromuth, Hills. 7
	Rep. Panasiti, Hills. 22

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2030-CofC
06/05

Committee of Conference Report on SB 437, relative to the robotics education development program.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 437, relative to the robotics education development program.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Reagan, Dist. 17	Rep. Ladd, Graf. 4
Sen. Avard, Dist. 12	Rep. T. Wolf, Hills. 7
Sen. Watters, Dist. 4	Rep. M. Moffett, Merr. 9
	Rep. Heath, Hills. 14

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2031-CofC
10/06

Committee of Conference Report on SB 459, relative to reciprocity for licensure as a real estate broker or salesperson.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 459, relative to reciprocity for licensure as a real estate broker or salesperson.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Reagan, Dist. 17	Rep. Hansen, Hills. 22
Sen. Carson, Dist. 14	Rep. P. Schmidt, Straf. 19
Sen. Soucy, Dist. 18	Rep. McGuire, Merr. 29
	Rep. Woitkun, Rock. 12

The question is on the adoption of the Committee of Conference Report. Adopted.

May 15, 2018
2018-1998-CofC
10/08

Committee of Conference Report on SB 473, relative to employment contract restrictions upon health care providers.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 473, relative to employment contract restrictions upon health care providers.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Gray, Dist. 6	Rep. Hunt, Ches. 11
Sen. Avard, Dist. 12	Rep. Butler, Carr. 7
Sen. Fuller Clark, Dist. 21	Rep. Plumer, Belk. 6
	Rep. Schwaegler, Graf. 3

The question is on the adoption of the Committee of Conference Report. Adopted.

May 14, 2018
2018-1978-CofC
10/01

Committee of Conference Report on SB 487, relative to license requirements for certain alcohol and other drug use professionals and establishing a state substance use disorder treatment services program.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 State Services System Established. Amend RSA 172:2-a to read as follows:

172:2-a [~~Program Established~~] ***State Substance Use Disorder Services System Established***. The commissioner shall provide for the scientific care, treatment, and rehabilitation of [~~alcohol and drug abusers~~] ***individuals with substance use disorders and their families,*** and work towards the prevention of, and assist in the control of, alcohol and drug [~~abuse~~] ***misuse*** within the state through education, treatment, community organization, and research. ***The department shall establish, maintain, implement, and coordinate a system of substance use disorder treatment services under this chapter. This system shall***

be supervised by the commissioner. With the exception of a youth drug treatment center required to be operated by a non-governmental entity at the Sununu youth services center, at the discretion of the commissioner, the department may directly operate and administer any program or facility which provides, or which may be established to provide, services to persons with substance use disorders or may enter into a contract with any individual, partnership, association, public or private, for profit or nonprofit, agency or corporation for the operation and administration of any such program or facility.

The signatures below attest to the authenticity of this Report on SB 487, relative to license requirements for certain alcohol and other drug use professionals and establishing a state substance use disorder treatment services program.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Bradley, Dist. 3	Rep. Beaudoin, Straf. 9
Sen. Gray, Dist. 6	Rep. Schultz, Merr. 18
Sen. Feltes, Dist. 15	Rep. Sytek, Rock. 8
	Rep. Hansen, Hills. 22

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2046-CofC
08/10

Committee of Conference Report on SB 491, relative to food protection services in New Hampshire.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 23 with the following:

24 Produce Safety; Transfer of Responsibilities; Department of Health and Human Services to Department of Agriculture, Markets and Food.

I. All of the functions, positions, powers, duties, responsibilities, and funding for United States Food and Drug Administration produce safety is here by transferred from the department of health and human services to the department of agriculture, markets and food, effective July 1, 2018. Such transfer shall include all associated books, papers, records, personnel files, and equipment, including, but not limited to, work station and information technology equipment, and any unexpended appropriations for any of the foregoing, as well as any unexpended appropriations for salary/payroll, benefits, support costs, or any other costs associated with the transferred personnel of the division of public health services, department of health and human services related to produce safety inspections.

II. All contracts, rules, statutory responsibilities, regulations, and procedures related to produce safety inspections in effect, in operation, or adopted in the department of health and human services are transferred to the department of agriculture, markets, and food.

25 Department of Health and Human Services; Food and Drug Administration; Produce Safety; Fiscal Year 2019 Appropriation Reduced. Amend the appropriation to the department of health and human services, accounting unit 05-95-90-901510-5030, FDA produce safety, as inserted by 2017, 155, by striking out:

Class	Class Name	
010	Personal Services-Perm. Classi	$51,515
020	Current Expenses	7,751
041	Audit Fund Set Aside	171
049	Transfer to Other State Agenci	10,000
060	Benefits	28,571
070	In-State Travel Reimbursement	17,800
080	Out-Of State Travel	8,296
102	Contracts for program services	119,902
548	Reagents	10,000
TOTAL		254,006

26 Department of Agriculture, Markets and Food; FDA Produce Safety; Fiscal Year 2019 Supplemental Appropriation. For the purpose of administering food produce safety, the sum of $254,006 in federal funds is hereby appropriated to the department of agriculture, markets and food in a separate accounting unit to be established by the department of administrative services, bureau of accounts, in the following classes, for the fiscal year ending June 30, 2019:

Class	Class Name	
010	Personal Services-Perm. Classi	$51,515
020	Current Expenses	7,751
041	Audit Fund Set Aside	171
049	Transfer to Other State Agenci	10,000
060	Benefits	28,571
070	In-State Travel Reimbursement	17,800
080	Out-Of State Travel	8,296
102	Contracts for program services	119,902
548	Reagents	10,000
TOTAL		254,006

27 Position Transferred. The following position is transferred from the department of health and human services to the department of agriculture, markets, and food: 42945 (Program Planner III).

28 Repeal; Effective 2021. RSA 426-A, relative to produce safety, is repealed.

29 Effective Date.

I. Section 28 of this act shall take effect June 30, 2021.

II. The remainder of this act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 491, relative to food protection services in New Hampshire.

Conferees on the
Part of the Senate
Sen. Bradley, Dist. 3
Sen. Avard, Dist. 12
Sen. Fuller Clark, Dist. 21

Conferees on the
Part of the House
Rep. John T. O'Connor, Rock. 6
Rep. Darrow, Graf. 17
Rep. Pearl, Merr. 26
Rep. Bixby, Straf. 17

2018-2046-CofC

AMENDED ANALYSIS

This bill:

I. Requires the department of agriculture, markets, and food to enforce the federal Food Safety Modernization Act.

II. Requires milk served at bona fide boarding houses to be pasteurized.

III. Moves rulemaking from the milk sanitation board to the department of health and human services.

IV. Defines cream, butter, and cheese.

V. Reorganizes the milk sanitation board.

VI. Transfers the responsibilities for produce safety from the department of health and human services to the department of agriculture, markets and food.

VII. Repeals RSA 426-A relative to produce safety effective June 30, 2021.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 15, 2018
2018-2010-CofC
06/01

Committee of Conference Report on SB 506, limiting amendments to warrant articles.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 506, limiting amendments to warrant articles.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Gray, Dist. 6	Rep. Matthews, Rock. 3
Sen. Giuda, Dist. 2	Rep. Treleaven, Straf. 17
Sen. Kahn, Dist. 10	Rep. Hinch, Hills. 21
	Rep. J. Graham, Hills. 7

The question is on the adoption of the Committee of Conference Report. Adopted.

May 15, 2018
2018-2003-CofC
06/01

Committee of Conference Report on SB 512, relative to compact sections of towns.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Highway System; Establishing Compact Sections by Agreement with Municipalities. RSA 229:5, V is repealed and reenacted to read as follows:

V.(a) The commissioner of transportation may establish compact sections in the following cities and towns:

(1) Amherst
(2) Bedford
(3) Berlin
(4) Claremont
(5) Concord
(6) Derry
(7) Dover
(8) Durham
(9) Exeter
(10) Franklin
(11) Goffstown
(12) Hampton
(13) Hanover
(14) Hudson
(15) Keene
(16) Laconia
(17) Lebanon
(18) Londonderry
(19) Manchester
(20) Merrimack
(21) Milford
(22) Nashua
(23) Pelham
(24) Portsmouth
(25) Rochester
(26) Salem
(27) Somersworth

(b) The commissioner of transportation may establish additional compact sections in such other cities and towns as agreed between the department and the municipality. In addition to the authority in RSA 229:5, IV, the commissioner may review and adjust the compact limits for established compacts by agreement with the municipality.

(c) The department of transportation shall maintain a complete list of compacts within the state on the department's website.

The signatures below attest to the authenticity of this Report on SB 512, relative to compact sections of towns.

Conferees on the	*Conferees on the*
Part of the Senate	*Part of the House*
Sen. Gray, Dist. 6	Rep. Steven Smith, Sull. 11
Sen. Ward, Dist. 8	Rep. T. Walsh, Merr. 24
Sen. Watters, Dist. 4	Rep. Sykes, Graf. 13
	Rep. True, Rock. 4

The question is on the adoption of the Committee of Conference Report. Adopted.

May 15, 2018
2018-1999-CofC
03/10

Committee of Conference Report on SB 527-FN-LOCAL, relative to absentee voting.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 9 with the following:

9 Effective Date.

I. Section 8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2019.

The signatures below attest to the authenticity of this Report on SB 527-FN-LOCAL, relative to absentee voting.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Birdsell, Dist. 19	Rep. B. Griffin, Hills. 6
Sen. Gray, Dist. 6	Rep. Freeman, Hills. 12
Sen. Bradley, Dist. 3	Rep. Hill, Merr. 3
	Rep. Negron, Hills. 32

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in opposition to Senate Bill 527. Albert Einstein said everything should be made as simple as possible but not simpler. The story of Senate Bill 527 should be simple, but it's not. It's as simple as the difference that Mark Twain said between lightning and a lightning bug. Senate Bill 527's a good bill. It's a compromise to settle a suit. And in the House, another honorable effort was made to improve it by adding, Representative Kurk, added an amendment that would protect our checklist voter data from being used and abused, something that he fought for and served with the Senator from District 13 in bringing a case against the Trump Commission, something that he is a hero on, protection of privacy. And all was good. Everything was fine, until we get to the Committee of Conference. And that's where the problems arise. An amendment, seemingly simple amendment, to change the effective date from January 1, 2019 to immediately upon passage. Why so fast? I asked. Where's the threat? What's the issue? What's the hurry? Was told this is just a simple idea we want to get this protection done immediately, why wait six months? I continued to press, to ask questions. I asked if they thought were there any issues that this information is trying to be obtained. And I asked about the litigation on SB 3. Is this going to interfere with an ongoing litigation? And I was assured it was not. I was looking for trouble, looking for suspicions that didn't exist. I didn't know. I didn't know the story behind this bill. But I asked further questions and I got further response that this had nothing to do with the litigation around SB 3, the bill that we spent many hours arguing and fighting for, pro and con.

So, later that day I learned late that afternoon that John DiStaso, WMUR reporter had contacted the attorney general's office, Anne Edwards, and the following quote was in the story: "Lawmakers request the language out of concern about the judge's order that information must be released to the plaintiffs in the Senate Bill 3 case." This is the Attorney General's Office, contradicting exactly what I was told in committee. And we also know, if we dig a little deeper, that this information had been not only requested, but a process, a very detailed secure process and a timetable for releasing this information from this hand to this hand. It is moving and this effort to say immediately block versus six months from now is

an effort to keep this information out of the hands where the court has said they want this information to be part of this process. I was mad. I'm old fashioned. I wrote a letter. Explained my gripe. In the old days, you make a mistake, it stops, you slow down, you look, you think oh my gosh, you act. We're not in the old days, sorry to say. I offered in the letter a solution. You can kill this bill, which would be too bad, or we can offer an amendment excluding pending cases. If it's not about the SB 3 litigation, it is easy enough to exclude it. Unlike the old days, Committee of Conference was scheduled the next day. I went to the meeting with my amendment to find that it wasn't meeting, that I was removed, the group had met and signed off on it without a response, without a consideration, without solving this constitutional problem. Now I'm no constitutional scholar, I'm a civics teacher. The constitutional issue this rises is Article 2 Part 1, that no member of the legislature should interfere with a court case. Because in the old days I guess, if you have an issue, you got a buddy who's in legislature, what you do is you beat him to the courthouse door, you change the law before they ever have a chance to go to court. You interfere with the process. We also have Article 2 Part 7 which is retrospective laws, it's laws going backwards, okay? And then we have an 1818 Supreme Court decision which says a legislature can't overrule the court, substituting their judgement in a particular case.

Now Mister President, this is a troubling matter. I tried to teach kids when I taught civics, about the mechanical aspect of our government, these conflicting ambitions, conflicting grabs at power that are held back by either, that the mechanics of conflict produce better government. America's greatness is due in no small measure to our system of government in which the power and authority are deliberately divided, the separation of powers is not a mere technicality, it is the centerpiece of our constitution. Our freedoms depend on it in the future just as they have in the past, said Richard Allen Epstein, a scholar. We are in this building here, which for a time served as the Supreme Court. We balance the use of this space, respecting each other and respecting our roles, our natural conflicts, our frustrations with each other. Balancing ambitions as to who is right. And we understand that the ends don't justify the means. And it's our job, especially when you're in the majority to balance those conflicts. Manage those disagreements, those internal disagreements. Now it's the minority's job to use leverage and it's our voice to raise these questions. And today our national politics needs to reward those who stand up against their political parties, against their own political interests, and we have some examples in Washington. It is the job of the majority to take a look at these issues and act appropriately. We can disagree on SB 3, and we have, we have vigorous debates here, but we can't disagree that this legislature cannot put itself between a pending lawsuit. Let the lawsuit fail, let it succeed. SB 3 will become the law of the land or it will be tossed in the garbage can, but we cannot allow this issue to become part of the political debate of the legislature. We need to let the process take its course. The majority must stand for decency, honesty, fair play, but much, much more important, the constitutional principles which our government was founded, the separation of the branches. Thank you, Mister President.

(The Chair recognized Senator Watters for a question of Senator Woodburn.)

SENATOR WATTERS: Thank you for taking my question, Senator. In your discussion you referenced Article 2 Part 7 which says no member of the General Court shall take fees, be of counsel or act as an advocate in any case before either branch of the Legislature and upon the proof

thereof, such member shall forfeit his seat in the Legislature. So, from what you've said in your argument here is that by voting for this someone might be potentially liable to the provisions of that section?

SENATOR WOODBURN: That's for each member to make a determination. I know it's right, I know it's constitutionally sound, and each of us have to make those determinations.

SENATOR WATTERS: Thank you, so it's my understanding under our current ethics laws that anyone in the state from what I– Any citizen from whatever district could bring to the Ethics Committee a complaint about any one of us who may vote for this?

SENATOR WOODBURN: Thank you, Senator. You know, I want to focus on the issue here at hand which is everyone voting what they believe is the right thing to do. That is it, that is it. There's no other pathway, there's no other issue that I see other than, let's not get involved in a pending court case. And the fact that I wanted to offer this amendment which would solve the problem, solve my suspicions, clarify what the Attorney General's Office said which is in contradiction with what was told to me in the committee. That would have solved it. I wish we weren't here having this discussion. I wish we solved it at that moment.

SENATOR WATTERS: Thank you. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. I rise in support of the Committee of Conference. I will say, the Secretary of State was a member of the Voter Fraud Commission last year and public voter information was requested and all we heard was the need for voter privacy. To the point where our good Senator from District 13, representatives, the representative from Weare and the ACLU sued to prevent, to make sure that public information, and this was public information, would not be sent to Washington D.C. based, except in a PDF form so it could not be hacked, it could not be manipulated. So my question is, if it's good enough to protect our voter privacy on January 2019, why is it not good enough to protect it today? I don't understand. The statute is very clear, that the voter base is confidential information.

There's an enormous amount of private information in the full database and we're talking about sending private information, our citizen's private information which includes partial social security numbers, birthdates, naturalization dates, driver's license number, including those of domestic violence. All that information can be sent down to D.C. at this point. Releasing this data could give a clear road map of the state's database and how it's structured and that's a hacker's dream. If it's released there are no safeguards as to how the data's handled and who's going to keep it. If you're concerned about hacking, what could possibly go wrong with our confidential voter information shipped down to a law firm in D.C. who is responsible for the Steele Dossier in a town, in D.C., where leaks happen basically on an hourly basis? I have concerns.

This could also run the real risk of chilling the right to vote in this state by dissuading citizens of registering to vote because they know that their personal identification information can be given to third parties in any case where a person or an entity decides to sue us. So, I have concerns and I think our voter privacy, our voter's database should be protected from day one regardless of when it happens.

And I will say when the decision came down last year from the Supreme Court that the public information needed to be placed into a PDF form, the chair of the Democratic Party, Ray Buckley, said New Hampshire's live free or die spirit puts a high value on privacy. Today we learned that New Hampshire's attempt to comply with Trump's sham election integrity commission requested interfere with the most sacred privacy imaginable. That was on a public database. Now we're talking full private information getting shipped. He also stated domestic violence victims deserve to have their vote protected, and non-public. What has changed? For me? Nothing. So Mister President, I respectfully request that we support the committee of conference. Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, the language that was added by Representative Kurk on the floor and that was supported by the Committee of Conference, in fact bumping up the effective date, has nothing to do with the Trump Commission. Nothing. Why? The language prohibits the release of information in response to a subpoena or civil discovery request. That's the language. Trump Commission didn't even have that authority. They didn't issue a subpoena or a civil discovery request on the state of New Hampshire. They did not. It has nothing to do with the Trump Commission, which by the way doesn't even exist anymore. What subpoena or civil discovery request is pending right now? It's the Senate Bill 3 litigation. In a recent court order Mister President, the court said release date of birth and place of birth subject to a protective order to the litigants against the state of New Hampshire challenging the Senate Bill 3 litigation to determine whether or not there's a disparate impact based on age and place of birth. It's encrypted, it's subject to a protective order on an air gap laptop. It's going to a Dartmouth professor, and after he gets done crunching the numbers and doing a report, it has to be sent back. That's the protective order roughly that people are envisioning that outlines the contours of it. I understand that the state and the litigants have different views about how they're trying to nuance it, but that's the reality of it right now.

So to say that we're going to pass something Mister President, that directly, potentially directly interferes with a recent court order and ongoing litigation that says the state lost this decision and we're going to just reverse it, so that the litigants don't get to litigate the case? I agree with the Senator from District 1. Whatever the response of the case, whatever the judge and ultimately probably the New Hampshire Supreme Court concludes with respect to Senate Bill 3 is whatever they conclude. But let's not interfere and try to tinker with it which this language would have either intended or unintended consequence of doing. It's not the right thing to do. We should stay out of it, stay out of the litigation and let the process play its course. Thank you, Mister President.

(The Chair recognized Senator Woodburn for a question of Senator Birdsell.)

SENATOR WOODBURN: Thank you Senator, for taking my question. Will this amendment, which you brought forward, have any impact on the SB 3 litigation?

SENATOR BIRDSELL: Honestly Senator, I don't know. I don't know.

SENATOR WOODBURN: I thought you answered that question quite differently in the Committee of Conference, if my memory is correct. If not, please correct me.

SENATOR BIRDSELL: Honestly, I don't remember, but I have no idea whether or not this is going to affect the Supreme Court case.

SENATOR WOODBURN: Thank you for that frankness. Then if you're unsure, why didn't we have a chance to meet to discuss my amendment that would have said if it doesn't have an impact, why wouldn't we just exclude any pending lawsuits, litigation? Why didn't we meet to have a discussion about excluding the SB 3, excluding pending litigation from this bill, this amendment?

SENATOR BIRDSELL: Because frankly Senator, you didn't tell me you were going to bring forth an amendment. And we had discussed in the Committee of Conference, if we're all in agreement and you had agreed that you probably are going to be taken off, then the rest of us decided that we didn't, we weren't going to meet because we were all in agreement.

SENATOR WOODBURN: Just so I understand this right, we ended our meeting. A new meeting was set up for the next day at nine o'clock or eleven o'clock and I sent a letter that day to everybody. I hand delivered it to everybody and saying there was a concern, there was what I believed to be a conflict and a remedy. A remedy which was an amendment that just excluded. So, I'm trying to understand how these pieces fit together and I'm also trying to understand because again, none of this would have come to me and my question Mister President is, is the Attorney General's Office, Anne Edwards, is her interpretation of the motivation behind this wrong?

SENATOR BIRDSELL: I can't answer for the AG's office but again, I say, I did not get any notification that you were bringing forth an amendment or we would have met again.

SENATOR WOODBURN: Thank you.

(The Chair recognized Senator Feltes for a question of Senator Birdsell.)

SENATOR FELTES: Thank you very much for taking my question. Attorney Anne Edwards indicated that the language was requested by lawmakers in response to the recent court order in the Senate Bill 3 litigation. Did you request that language, or, and if not, who did?

SENATOR BIRDSELL: I'm the one that put in the amendment but I was told that we wanted to change the date.

SENATOR FELTES: Okay. Thanks.

(The Chair recognized Senator Bradley for a question of Senator Birdsell.)

SENATOR BRADLEY: Thank you very much for taking my question. Isn't what this comes down to, consistency, rather for protecting the privacy rights of our citizens from hacking, from leaks, from untoward disclosure or not? Isn't that what you're trying to prevent or make sure doesn't happen?

SENATOR BIRDSELL: Thank you for the question and yes, it is. And again, I specify if it's good to protect our voter integrity in January of 2019, why are we not willing to try and protect it now?

SENATOR BRADLEY: Thank you.

(The Chair recognized Senator Avard for a question of Senator Birdsell.)

SENATOR AVARD: Thank you, Senator for taking my question. Very simple. If we vote in favor of this, we're going to be protecting victims of domestic violence. Is that correct?

SENATOR BIRDESLL: Correct.

SENATOR AVARD: If we do not vote for this, will we potentially put them at risk? Potentially.

SENATOR BIRDSELL: Potentially.

SENATOR AVARD: Thank you.

Recess. Out of recess.

(The Chair recognized Senator Soucy for a question of Senator Feltes.)

SENATOR SOUCY: Senator, can you tell me if passage of this legislation could impact and limit the ability of voters to engage with future litigation?

SENATOR FELTES: Thank you for the question, Senator Soucy. By including language that prohibits the release of data by the state to litigants in response to a subpoena and civil discovery requests, limits in the statute itself, the ability to litigate cases against the state when voter rights may have been aggrieved, whether rightly or wrongly. And like we said here as the Senator from District 1 said, we should just let the process take its course. The Trump Commission, not a subpoena or civil discovery process. Has nothing to do with the Trump Commission. It has everything to do with this litigation and potential future litigations.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. Methinks thou doth protest too much. The question I have is rhetorical. It is why is it that we'd risk the privacy of every citizen in this state? Why would you risk the identities of domestic violence? If somebody wants this information really badly, and for the Democrats to turn around and flip positions, to me says something. This is private information. You vote against this, you are voting to disclose information. I was elected by citizens, not by judges and not by the Executive Branch, and we as elected representatives have an obligation. We act separately and equally. This is not a trial, this isn't a courtroom. This is the people's Senate. And for those reasons I will move to support and protect the information of citizens that ask me to be here and do so. Thank you, Mister President.

Senator Avard moved to call the question.

Recess. Out of recess.

Senator Avard moved to call the question. Adopted.

The question is on the adoption of the Committee of Conference Report.

A roll call was requested by Senator Sanborn, seconded by Senator Soucy.

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.

The following Senators were excused: Fuller Clark.

Roll Call, Yeas: 14 - Nays: 9. Adopted.

May 16, 2018
2018-2033-CofC
10/01

Committee of Conference Report on SB 531-FN, relative to the office of professional licensure and certification.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 531-FN, relative to the office of professional licensure and certification.

Conferees on the	*Conferees on the*
Part of the Senate	*Part of the House*
Sen. Reagan, Dist. 17	Rep. Hansen, Hills. 22
Sen. Carson, Dist. 14	Rep. P. Schmidt, Straf. 19
Sen. Soucy, Dist. 18	Rep. H. Marsh, Rock. 22
	Rep. L. Ober, Hills. 37

The question is on the adoption of the Committee of Conference Report.

Adopted.

May 17, 2018
2018-2068-CofC
10/06

Committee of Conference Report on SB 535-FN, relative to licensure for the practice of professional art therapy and establishing an advisory council on alternative mental health therapies, and relative to certain revenues from the sale of commemorative liquor bottles of historic significance.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing sections 1-3 with the following and renumbering the original sections 4 and 5 to read as 2 and 3, respectively:

1 New Chapter; Professional Art Therapy. Amend RSA by inserting after chapter 326-K the following new chapter:

CHAPTER 326-L
PROFESSIONAL ART THERAPY

326-L:1 Definitions. In this chapter:

I. "Professional art therapy" means the integrated use of psychotherapeutic principles, art media, and the creative process to assist individuals, families, or groups in:

(a) Increasing awareness of self and others;

(b) Coping with symptoms, stress, and traumatic experiences;

(c) Enhancing cognitive abilities; and

(d) Identifying and assessing clients' needs in order to implement therapeutic intervention to meet developmental, behavioral, mental, and emotional needs.

II. "Practice of professional art therapy" means to engage professionally and for compensation in art therapy and appraisal activities by providing services involving the application of art therapy principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions that includes, but is not limited to:

(a) Clinical appraisal and treatment activities during individual, couples, family, or group sessions which provide opportunities for expression through the creative process;

(b) Using the process and products of art creation to tap into a client's inner fears, conflicts, and core issues with the goal of improving physical, mental, and emotional functioning and well-being;

(c) Using diagnostic art therapy assessments to determine treatment goals and implement therapeutic art interventions which meet developmental, mental, and emotional needs; and

(d) Employing art media, the creative process, and the resulting artwork to assist clients to:

(1) Reduce psychiatric symptoms of depression, anxiety, posttraumatic stress, and attachment disorders;

(2) Enhance neurological, cognitive, and verbal abilities, develop social skills, aid sensory impairments, and move developmental capabilities forward in specific areas;

(3) Cope with symptoms of stress, anxiety, traumatic experiences, and grief;

(4) Explore feelings, gain insight into behaviors, and reconcile emotional conflicts;

(5) Improve or restore functioning and a sense of personal well-being;

(6) Increase coping skills, self-esteem, awareness of self, and empathy for others;

(7) Channel feelings of anger and guilt in a healthy way; and

(8) Improve school performance, family functioning, and parent/child relationship.

326-L:2 Education Required; Title.

I. A person engaged in this state in the practice of professional art therapy shall hold a master's or doctoral degree in art therapy from an accredited educational institution.

II. No person who is not qualified for the practice of professional art therapy may use the title "art therapist" or "professional art therapist" or make use of any title, words, letters, abbreviations, or insignia indicating or implying that he or she is a professional art therapist.

326-L:3 Exceptions. This chapter shall not apply to a person who provides art therapy while acting within the scope of practice of the person's license and training, provided the person does not hold himself or herself out to the public as a professional art therapist, or is a student enrolled in an art therapy educational program or graduate art therapy educational program approved by the American Art Therapy Association, or any successor of said association, and art therapy is an integral part of the student's course of study and such student is performing such therapy under the direct supervision of a professional art therapist.

326-L:4 Penalty. Any person who violates any provision of this chapter shall be guilty of an unfair or deceptive act or practice as provided in RSA 358-A and shall be penalized in accordance with RSA 358-A:6.

The signatures below attest to the authenticity of this Report on SB 535-FN, relative to licensure for the practice of professional art therapy and establishing an advisory council on alternative mental health therapies, and relative to certain revenues from the sale of commemorative liquor bottles of historic significance.

Conferees on the
Part of the Senate
Sen. Reagan, Dist. 17
Sen. Carson, Dist. 14
Sen. Soucy, Dist. 18

Conferees on the
Part of the House
Rep. H. Marsh, Rock. 22
Rep. McGuire, Merr. 29
Rep. Hoell, Merr. 23
Rep. Gagnon, Sull. 5

2018-2068-CofC

AMENDED ANALYSIS

This bill defines the practice of professional art therapy. The bill also credits revenue from the sales of commemorative liquor bottles until December 31, 2019 to the New Hampshire state house bicentennial education and commemoration fund.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 15, 2018
2018-1993-CofC
05/03

Committee of Conference Report on SB 537, conferring extraterritorial financing powers on the New Hampshire business finance authority.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 162-S:5, VI as inserted by section 1 of the bill by replacing it with the following:

VI. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the state, for the increase of their commerce, welfare, and prosperity, and for the improvement of their health and living conditions, and shall constitute the performance of an essential governmental function, and the authority shall not be required to pay any taxes or assessment upon or in respect of a project or any property acquired or used by the authority or under the jurisdiction, control, possession, or supervision of the same or upon the activities of the authority in the operation or maintenance of any project under the provisions of this chapter, or upon income or other revenues received therefrom, and any bonds of the authority issued under the provisions of this chapter, their transfer and the income therefrom, including any profit made on the sale thereof, as well as the income and property of the authority, are at all times exempt from taxation of every kind by the state and by the municipalities and all other political subdivisions of the state.

The signatures below attest to the authenticity of this Report on SB 537, conferring extraterritorial financing powers on the New Hampshire business finance authority.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Carson, Dist. 14	Rep. Hunt, Ches. 11
Sen. Gannon, Dist. 23	Rep. Williams, Hills. 4
Sen. Cavanaugh, Dist. 16	Rep. Biggie, Hills. 23
	Rep. Panasiti, Hills. 22

The question is on the adoption of the Committee of Conference Report. Adopted.

May 17, 2018
2018-2071-CofC
06/10

Committee of Conference Report on SB 540-FN, relative to the counting of kindergarteners for "average daily membership in attendance" and relative to the operation of keno games in unincorporated places.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 540-FN, relative to the counting of kindergarteners for "average daily membership in attendance" and relative to the operation of keno games in unincorporated places.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Reagan, Dist. 17	Rep. Ladd, Graf. 4
Sen. Giuda, Dist. 2	Rep. T. Wolf, Hills. 7
Sen. D'Allesandro, Dist. 20	Rep. Martin, Hills. 23
	Rep. Packard, Rock. 5

The question is on the adoption of the Committee of Conference Report. Adopted.

May 17, 2018
2018-2056-CofC
01/03

Committee of Conference Report on SB 541-FN-A, establishing a fund to reimburse costs associated with firefighters who have cancer and establishing a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the introductory paragraph of RSA 281-A:17, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) A firefighter who has been a firefighter for 10 years shall have the benefit of this prima facie presumption as follows:

Amend RSA 281-A:17, II(a)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) If the fire department does not follow the medical examination standard, the firefighter shall guarantee that he or she has lived a tobacco free life and has been a firefighter for 10 years and shall be required to present after action reports filed after fire incidents which demonstrate exposure to the known carcinogens as part of the claim, but shall not have the benefit of the prima facie presumption.

Amend RSA 281-A:17, II as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) No active or retired firefighter shall receive the presumption benefit unless the employer voluntarily has in effect a policy that follows the fire standards and training commission curriculum requirement for best practices for use and cleaning of equipment.

The signatures below attest to the authenticity of this Report on SB 541-FN-A, establishing a fund to reimburse costs associated with firefighters

who have cancer and establishing a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.

Conferees on the	*Conferees on the*
Part of the Senate	*Part of the House*
Sen. Daniels, Dist. 11	Rep. L. Ober, Hills. 37
Sen. Giuda, Dist. 2	Rep. Emerick, Rock. 21
Sen. D'Allesandro, Dist. 20	Rep. Spanos, Belk. 3
	Rep. Leishman, Hills. 24

The question is on the adoption of the Committee of Conference Report. Adopted.

May 15, 2018
2018-1996-CofC
05/10

Committee of Conference Report on SB 549-FN-A, relative to plans of safe care for infants affected by substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Sections; Protection for Maternity and Infancy; Plan of Safe Care. Amend RSA 132 by inserting after section 10-d the following new sections:

132:10-e Development of a Plan of Safe Care. When an infant is born with and identified as being affected by substance abuse or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder, the health care provider shall develop a plan of safe care, in cooperation with the infant's parents or guardians and the department of health and human services, division of public health services, as appropriate, to ensure the safety and well-being of the infant, to address the health and substance use treatment needs of the infant and affected family members or caregivers, and to ensure that appropriate referrals are made and services are delivered to the infant and affected family members or caregivers. The plan shall take into account whether the infant's prenatal drug exposure occurred as the result of medication assisted treatment, or medication prescribed for the mother by a health care provider, and whether the infant's mother is or will be actively engaged in ongoing substance use disorder treatment following discharge that would mitigate the future risk of harm to the infant. A copy of the plan of safe care shall be included in the instructions for the infant upon discharge from the hospital or from the health care provider involved in the development of the plan of safe care. The plan of safe care shall not be submitted to the department of health and human services unless it is pursuant to RSA 132:10-f or the department makes an official request for a copy of the plan in compliance with confidentiality requirements.

132:10-f Mandatory Reporting. When a health care provider suspects that an infant has been abused or neglected pursuant to RSA 169-C:3, the provider shall report to the department of health and human services in accordance with RSA 169-C:29. If the infant has a plan of safe care developed under RSA 132:10-e, a copy of the plan shall accompany the report.

The signatures below attest to the authenticity of this Report on SB 549-FN-A, relative to plans of safe care for infants affected by substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Gray, Dist. 6	Rep. Kotowski, Merr. 24
Sen. Avard, Dist. 12	Rep. LeBrun, Hills. 32
Sen. Hennessey, Dist. 5	Rep. J. MacKay, Merr. 14
	Rep. McMahon, Rock. 7

The question is on the adoption of the Committee of Conference Report. Adopted.

May 15, 2018
2018-2017-CofC
04/10

Committee of Conference Report on SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 597:2, IX as inserted by section 2 of the bill by replacing it with the following:

IX. Upon the appearance of a person charged with a class B misdemeanor, the court shall issue an order that, pending arraignment, the person be released on his or her personal recognizance, unless the court determines pursuant to paragraph IV that such release will endanger the safety of the person or the public. The court shall appoint an attorney to represent any indigent person charged with a class B misdemeanor denied release for the purpose of representing such person at any detention hearing.

Amend RSA 651:5, III(a)(2) as inserted by section 6 of the bill by replacing it with the following:

(2) For a violation with a conviction date on or after January 1, 2019 where the violation was the highest offense of conviction, unless the underlying conviction was for an offense specified under RSA 259:39, or another violation for which there is an enhanced penalty for a subsequent conviction, one year after the person has completed all the terms and conditions of the sentence. Upon completion of a petition by the person stating that the conviction is eligible for annulment, the court shall submit a notice of its determination to the person convicted of the offense and to the prosecutor. The prosecutor shall have 20 days from the date of receipt of the notice to object to the annulment on the ground that the offense is not eligible for annulment or that the person has not completed all the terms and conditions of the sentence. If the prosecutor fails to timely object or the court denies the prosecutor's objection, the court shall annul the conviction.

Amend the bill by replacing all after section 10 with the following:

11 New Subdivision; Commission on Pretrial Detention, Pretrial Scheduling, and Pretrial Services. Amend RSA 597 by inserting after section 42 the following new subdivision:

Commission on Pretrial Detention, Pretrial Scheduling, and Pretrial Services

597:43 Commission Established.

I. There is established a commission on pretrial detention, pretrial scheduling, and pretrial services. The commission shall consist of the following members:

(a) One member of the senate, appointed by the senate president.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(c) The attorney general, or designee.

(d) The chief justice of the New Hampshire superior court, or designee.

(e) The chief administrative judge of the New Hampshire circuit court, or designee.

(f) The executive director of the American Civil Liberties Union of New Hampshire, or designee.

(g) The executive director of the New Hampshire Public Defender, or designee.

(h) The president of the New Hampshire Association of Chiefs of Police, or designee.

(i) The president of the New Hampshire Police Association, or designee.

(j) One superintendent of a New Hampshire county correctional facility, appointed by the governor.

(k) One member from the public with experience in law enforcement, appointed by the governor.

II. The commission shall:

(a) Review and provide recommendations on risk assessment, dangerousness determinations, pretrial services, and funding for pretrial services in advance of the 2019-2021 state biennial operating budget.

(b) Review and provide recommendations on cost-effective court communications and scheduling of pretrial matters.

(c) Solicit testimony and input from the general public.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission. 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.

IV. 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.

12 Repeal. RSA 597:43, relative to the commission on pretrial detention, pretrial scheduling, and pretrial services, is repealed.

13 Effective Date.

I. Sections 1-10 of this act shall take effect 60 days after its passage.

II. Section 12 of this act shall take effect November 1, 2018.

III. The remainder of this act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Carson, Dist. 14	Rep. Welch, Rock. 13
Sen. French, Dist. 7	Rep. Sapareto, Rock. 6
Sen. Feltes, Dist. 15	Rep. Rodd, Merr. 6
	Rep. Cushing, Rock. 21

2018-2017-CofC

AMENDED ANALYSIS

This bill revises the procedures for the granting of bail, amends the procedure for annulment of violations and class B misdemeanors depending on the date of conviction, and amends the requirements for demonstrating indigency for the purpose of annulment of a criminal record. The bill also establishes a commission on pretrial detention, pretrial scheduling, and pretrial services.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President, I just wanted to thank everybody for the bipartisan work on this common sense criminal justice reform bill. In particular, my colleague from District 14, the Chair of Senate Judiciary and my colleague from District 7, Senator French, along with Governor Sununu and his staff for helping to facilitate a reasonable compromise with some of the stakeholders and I just really appreciate the bipartisan work that folks put into this. Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 14, 2018
2018-1972-CofC
10/08

Committee of Conference Report on SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose and Intent Statement. The general court intends that this act be liberally construed and applied to promote the following underlying purposes and policies:

I. The general court recognizes that:

(a) New and emerging technologies in the late 20th and early 21st centuries have resulted in the creation of entire new industries within the United States and that those technologies have been the primary drivers of economic development during that period.

(b) When such industries are created, they tend to grow in geographic concentrations, create additional opportunities for new businesses of all varieties, and boost the overall economy of the states in which they appear.

(c) Regenerative manufacturing, the creation of new tissue for medical purposes, is an example of an emerging technology that will change current medical practice, advance the health of the citizens of New Hampshire and the United States, and create a new industry.

(d) New technologies require substantial investments in research and development in order to become economically viable, and therefore often require support during this process that other industries do not require.

(e) The government of the United States and companies within New Hampshire have already begun investing time and resources into the advancement of regenerative manufacturing in the state, making it uniquely suited to New Hampshire and the most likely of all emerging industries to replicate here the successes seen elsewhere.

II. The general court therefore declares:

(a) It is the public policy of the state of New Hampshire to advance the study and practice of regenerative manufacturing within the state.

(b) This public policy will advance the public interests of the state and its citizens by:

(1) Providing new, high paying jobs, both in the field of regenerative manufacturing and in other fields that support that industry and those who engage in it.

(2) Attracting highly skilled professionals who will raise their families in the towns and cities of the state.

(3) Fostering the development of a new industry that will grow and advance in New Hampshire.

(4) Contributing to the sciences within the state and improving its reputation as a place that fosters science and technology.

(5) Increasing tax revenues by attracting and generating new businesses and property owners that otherwise would not have located in New Hampshire.

(c) The intent of this act is to achieve this public interest by:

(1) Making New Hampshire a more attractive place for new businesses to begin studying regenerative manufacturing.

(2) Attracting companies that are already engaged in the study of regenerative manufacturing into the state.

(3) Supporting any current New Hampshire company that wishes to enter the field of regenerative manufacturing.

2 New Paragraph; Business Profits Tax; Definition of Qualified Regenerative Manufacturing Company. Amend RSA 77-A:1 by inserting after paragraph XXIX the following new paragraph:

XXX.(a) "Qualified regenerative manufacturing company" means any business organization which meets each of the following requirements at all times during the entire taxable year:

(1) It files with its return for the taxable year an election to be a qualified regenerative manufacturing company in accordance with RSA 77-A:5-c or has made such election for a previous taxable year; and

(2) At least 75 percent of its business activities over the course of the tax year meet the requirements for an active regenerative manufacturing business, or, in the case of a subsidiary located in New Hampshire, 75 percent of that subsidiary's business activities meet the requirements for an active regenerative manufacturing business.

(b) For purposes of this paragraph, the term "regenerative manufacturing" means any aspect of the manufacturing of blood, tissues, tissue constructs, and organs for the purpose of researching, diagnosing, treating, or curing any disease or injury, such as (1) cell collection, culture and

scale-up, (2) biomaterial selection and scale-up, (3) tissue process automation and monitoring, (4) tissue maturing, and (5) tissue preservation and transport.

(c) For purposes of this paragraph, the term "active regenerative manufacturing business" means the conduct of any business activity the primary focus of which is any one or more of the following areas:

(1) Performing research relating to regenerative manufacturing;

(2) Performing regenerative manufacturing activities;

(3) Researching, developing, manufacturing, or supplying technical services in support of regenerative manufacturing, such as process engineering, automation, facility set-up, and distribution services;

(4) Researching, developing, manufacturing, or supplying technologies utilized in regenerative manufacturing, such as cellular and non-cellular source materials, tools, equipment, reagents, and other supplies; and

(5) Performing any activity necessary to bring a product created through regenerative manufacturing to market, including but not limited to seeking patents, regulatory approval, performing clinical trials, and sales.

3 New Paragraph; Business Enterprise Tax; Definition; Qualified Regenerative Manufacturing Company. Amend RSA 77-E:1 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Qualified regenerative manufacturing company" means any business enterprise which is a qualified regenerative manufacturing company as that term is defined under RSA 77-A:1, XXX at all times during the entire taxable year.

4 Business Organization; Exemption for Qualified Regenerative Manufacturing Company. Amend RSA 77-A:1, I to read as follows:

I. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust or other form of organization; organized for gain or profit, carrying on any business activity within the state, except such enterprises as are expressly made exempt from income taxation under the United States Internal Revenue Code as defined in RSA 77-A:1, XX. Each enterprise under this definition shall be subject to taxation under RSA 77-A:2 as a separate entity, unless specifically authorized by this chapter to be treated otherwise, such as, but not limited to, combined reporting. Trusts or foundations treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their owners, and such owners shall be subject to the tax thereon to the extent such owners would be considered a business organization hereunder notwithstanding the existence of the trust or foundation. The use of consolidated returns as defined in the United States Internal Revenue Code as defined in RSA 77-A:1, XX is not permitted. Notwithstanding any other provision of this paragraph, an enterprise shall not be characterized as a business organization and shall be excluded from taxation at the entity level if it elects to be treated as a qualified investment company as defined in RSA 77-A:1, XXI ***or if it elects to be treated as a qualified regenerative manufacturing company as defined in RSA 77-A:1, XXX***. A partnership, limited liability company, estate, trust, or foundation except grantor trusts pursuant to section 671 of the United States Internal Revenue Code, "S" corporation, real estate investment trust, or any other such entity, other than an organization electing to be treated as a qualified investment company as defined in RSA 77-A:1, XXI whose net income is reportable by the true owners either directly or indirectly**,**

or an organization electing to be treated as a qualified regenerative manufacturing company as defined in RSA 77-A:1, XXX, shall be subject to tax at the entity level, and no part of such earnings or loss shall be included in the calculation of the gross business profits of the owners of such entity.

5 Business Enterprise; Exemption for Qualified Regenerative Manufacturing Company. Amend RSA 77-E:1, III to read as follows:

III. "Business enterprise" means any profit or nonprofit enterprise or organization, whether corporation, partnership, limited liability company, proprietorship, association, trust, foundation, business trust, real estate trust or other form of organization engaged in or carrying on any business activity within this state, except such enterprises as are expressly made exempt from income taxation under section 501(c)(3) of the United States Internal Revenue Code to the extent such enterprise does not engage in any business activity constituting unrelated business activity as defined by section 513 of the United States Internal Revenue Code. Each business enterprise under this definition shall be subject to the tax imposed under RSA 77-E as a separate entity except that trusts and foundations treated as grantor trusts under section 671 of the United States Internal Revenue Code shall be included in the return of their owners, and such owners shall be subject to the tax thereon to the extent any such owners would be considered a business enterprise hereunder notwithstanding the existence of the trust or foundation. The use of consolidated returns as defined in the United States Internal Revenue Code or of combined reporting is not permitted. Notwithstanding any other provision of this paragraph, an enterprise shall not be characterized as a business enterprise and shall be excluded from taxation at the entity level if it is a qualified investment company as defined in RSA 77-E:1, XIV ***or if it is a qualified regenerative manufacturing company as defined in RSA 77-E:1, XIV-a***.

6 New Paragraph; Business Profits Tax; Qualified Regenerative Manufacturing Company; Election and Reporting. Amend RSA 77-A by inserting after section 5-b the following new section:

77-A:5-c Election and Reporting for Qualified Regenerative Manufacturing Companies.

I. Business organizations shall file an election with the commissioner to be a qualified regenerative manufacturing company with respect to any taxable period on a form prescribed by the commissioner at any time on or before the fifteenth day of the third month immediately following the end of such taxable period. Such an election shall be effective for the taxable period of the qualified regenerative manufacturing company for which it is made and for all succeeding taxable periods until such election is terminated as provided in this section.

II. The election to be a qualified regenerative manufacturing company shall expire for taxable periods beginning after December 31, 2027. No subsequent election may be made after the expiration of an election, with respect to either the business organization or the active regenerative manufacturing business conducted by such business organization or any successor business organization.

III. Every business organization electing treatment as a qualified regenerative manufacturing company shall, with respect to each taxable period, file a report, in accordance with such rules or forms as the commissioner may prescribe, setting forth the following:

(a) The names, addresses, and federal taxpayer identification numbers of the holders of any equity interests in such qualified regenerative manufacturing company.

(b) The name, address, and federal taxpayer identification number of the manager of such qualified regenerative manufacturing company.

(c) The amount of the income received and expenses incurred by the qualified regenerative manufacturing company for the tax period.

(d) Notwithstanding any other provision of this section, a qualified regenerative manufacturing company shall be deemed to have satisfied the reporting requirements of this section if it files with the commissioner a copy of its federal income tax return, as filed with the Internal Revenue Service.

IV. Such report or copy of the federal income tax return shall be filed at any time on or before 30 days following the filing of the federal income tax return with the Internal Revenue Service. Any qualified regenerative manufacturing company which fails to timely file the report as required by this section shall pay a penalty equal to $100 for each day such report is not filed, unless an extension has been granted by the commissioner. In no event shall the monetary fine imposed by this paragraph exceed $5,000. A qualified regenerative manufacturing company notified by the department that such report is overdue by more than 50 days shall have 30 days from the date of such notification to file the delinquent report.

V. The qualified regenerative manufacturing company shall be subject to the provisions of RSA 77-A:11 and RSA 77-E:10. The commissioner is authorized to audit and enforce such provisions with any of the powers granted under this chapter and RSA 77-E.

VI. The election provided for in paragraph I may be terminated as follows:

(a) By revoking said election by consent of the majority of the members, partners, or shareholders of the qualified regenerative manufacturing company, or by determination of the manager of the qualified regenerative manufacturing company. Such revocation must be filed with the department on or before the fifteenth day of the third month of the taxable period to be effective for such period. Any revocation filed after the fifteenth day of the third month of the taxable period shall be effective for the following tax period; or

(b) Whenever the company ceases to satisfy the requirements for qualification as a qualified regenerative manufacturing company as provided in RSA 77-A:1, XXX.

VII. Notwithstanding any provision of law to the contrary, the Advanced Regenerative Manufacturing Institute, Inc., a New Hampshire non-profit formed to advance the regenerative manufacturing industry and as of the effective date of this paragraph is operated out of Manchester, New Hampshire, is deemed a "qualified regenerative manufacturing company" as that term is defined in RSA 77-A:1, XXX, provided that it complies with the requirements of RSA 77-A:5-c, III.

7 New Chapter; Qualified Regenerative Manufacturing Company; Business Finance Authority. Amend RSA by inserting after chapter 162-R the following new chapter:

CHAPTER 162-S
REGENERATIVE MANUFACTURING WORKFORCE DEVELOPMENT PROGRAM

162-S:1 Declaration of Need and Purpose. It is declared that there is a statewide need for the preservation and development of a skilled workforce for the betterment of the economy of the state, its inhabitants, and in particular for the development and preservation of a regenerative manufacturing workforce. It is the purpose of this chapter to provide for the development, attraction, and retention of skilled, qualified, and pro-

ductive workers within the state who will be capable of supporting the preservation, establishment, and redevelopment of business and industry, preserving or increasing the social welfare or economic prosperity of the state or its political subdivisions, and promoting the general welfare of the state's citizens. It is further declared that the business finance authority (hereinafter the "authority"), acting pursuant to the powers granted in this chapter shall be regarded as performing an essential governmental function in carrying out the provisions of this chapter.

162-S:2 Acquisition of Student Loans of Qualified New Hampshire Employees.

I. The business finance authority, as established and authorized under RSA 162-A (hereinafter the "authority"), may expend or loan money upon such terms and conditions as prescribed by the authority to acquire loans or other evidences of education indebtedness incurred by persons for the purpose of financing postsecondary education and to provide for deferment or forgiveness of repayment of such education indebtedness pursuant to a program or programs established by the authority and approved by the governor and council pursuant to this chapter.

II. In granting deferment to any loan or other evidence of education indebtedness incurred by persons for the purpose of financing postsecondary education, the authority shall cause no interest to accrue to the principal of the loan during any period of deferment it offers.

III. Any student indebtedness that may be subject to a program or programs established by the authority under this chapter shall meet the following minimum requirements.

(a) The person shall have achieved academic requirements such as graduate degrees or other evidence of academic achievement as has been determined by the authority;

(b) The person shall be employed to perform primarily active regenerative manufacturing business activities as that term is defined in RSA 77-A:1, XXX and the principal office at which such person is employed is located within New Hampshire;

(c) No forgiveness of such student indebtedness shall be effected unless the person shall have been employed to perform primarily active regenerative manufacturing business activities at a location within New Hampshire for a minimum period of 5 years.

IV. Prior to the expenditure or loan of any money under this section, the authority shall enter into one or more agreements with any person obligated to make payments under education indebtedness to provide for the conditions on which the expenditures, deferments, or forgiveness will be made, the terms of repayment of such expenditure or loan, the time and manner of such repayment, the form and amount of security if any, to be pledged to the authority for such repayment, and such other provisions as the authority may determine are necessary or desirable.

V. The authority, to further its education indebtedness loan programs pursuant to this chapter, shall have the power to:

(a) Determine the nature of education indebtedness programs for eligible persons, including how such loans may be acquired, the mechanisms for deferral of payment or forgiveness with respect to such education indebtedness;

(b) Enter into contracts with employers of persons who are subject to the programs established under this chapter to assist in the administration of such programs;

(c) Enter into contracts for the administration or servicing of education indebtedness acquired pursuant to the programs established under this chapter;

(d) Receive and accept from any public agency or any other source loans, grants, guarantees, or insurance with respect to education indebtedness and the programs established under this chapter;

(e) Establish guidelines governing the actions of the authority with respect to the programs established under this chapter; and

(f) Exercise all powers incidental and necessary for the performance of the powers listed in this paragraph.

162-S:3 State Regenerative Manufacturing Workforce Development Fund Established.

I. There is established within the authority a state regenerative manufacturing workforce development fund, which shall be held by the authority apart from all of its other funds. Annual state appropriations and other funds from state or federal sources, and any gifts, grants, or donations, shall be credited to the fund. The state regenerative manufacturing workforce development fund shall be administered by the authority and shall be used for the sole purposes of carrying out the purposes of RSA 162-S:2. The authority shall invest the fund in accordance with RSA 6:8. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the fund for the purpose of providing regenerative manufacturing worker educational debt relief as provided in this section.

II. The authority may create subfunds or trusts of the state regenerative manufacturing workforce development fund, which shall be held by the authority apart from all of its other funds, which may be deemed irrevocably pledged to secure the repayment of state workforce development bonds issued under RSA 162-S:4. If such a pledged amount or amounts are called upon to be honored, the authority shall draw upon such fund for the purpose of honoring such pledge.

162-S:4 Issuance of Bonds.

I. The authority may issue bonds pursuant to this section which shall be obligations of the authority and not general obligations of the state, except as provided in RSA 162-A:17. Such bonds may be issued from time to time consistent with the purposes and provisions of this chapter to make expenditures under RSA 162-S:2, to pay or refund any bonds issued pursuant to this section or interest thereon, or to pay the costs and expenses of the authority. The principal of, and premium, if any, and interest on all bonds shall be payable solely by the authority in accordance with the provisions of this chapter. The bonds shall be issued by the authority in such amounts as the board shall determine, not exceeding in the aggregate at any time $5,000,000. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the authority, and shall mature at such time or times as may be determined by the authority, except that no bonds shall mature more than 30 years from their date of issue. Bonds may be made redeemable before maturity either at the option of the authority or at the option of the holder, or upon the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine the form and details of the bond. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest as the authority may determine.

II. Every bond shall be signed on behalf of the authority by 2 persons designated by the authority. One person shall be a member of the

board who is also the chairperson of the board, or the vice chairperson of the board, or the treasurer of the authority, or an assistant treasurer of the authority. The other person shall be any member of the board or the executive director of the authority. The signatures may be manual or facsimile but at least one signature on every bond shall be manual, unless the bond bears a manual authentication or certification by a bank, trust company or other financial institution, in which case both signatures on behalf of the authority may be facsimile. Interest coupons, if any, shall bear the facsimile signature of one of the persons signing the bond on behalf of the authority. Bonds shall also bear the seal of the authority or a facsimile of the seal. Bonds executed as provided in this paragraph shall be valid notwithstanding that any or all of the persons whose signatures appear on the bond shall have ceased to hold office before delivery of and payment for the bond.

III. Any bonds issued under this chapter may be issued pursuant to and entitled to the benefits of a security document between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state, or by a security document directly between the authority and the purchasers of the bonds. Such security document shall be in such form and executed in such manner as may be determined by the board. Such security document may include the mortgage, pledge, or grant of a security interest in any property of the authority and may pledge or assign, in whole or in part, the revenues held or to be received by the authority, any contract or other rights to receive the revenues, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the authority, and any proceeds thereof. Such security documents may contain provisions for protecting and enforcing the rights, security, and remedies of the bondholders as may, in the discretion of the board, be reasonable and proper and not in violation of law. Such security documents may include provisions defining defaults and providing for remedies in the event of defaults, which may include the acceleration of maturities and the enforcement of any mortgage, pledge or security interest, and covenants setting forth the duties of, and limitations on, the authority in relation to the custody, safeguarding, investment, and application of moneys, the issue of additional or refunding bonds, the fixing, revision and collection of fees and other revenues, the use of bond proceeds, the establishment of reserves, the acquisition of any property or interest therein or undertaking of any project, any contracts relating thereto and subsequent amendments of such provisions and contracts. It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues, or other moneys under a security document and to furnish such indemnification or to pledge such securities and issue such letters or lines of credit or credit facilities as may be required by the authority acting under the paragraph. Any such security document may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders.

IV. Any bonds issued under authority of this chapter may be issued pursuant to lines of credit or other banking arrangements under such terms and conditions not inconsistent with this chapter, and under such agreements with the purchasers or makers thereof, as the board may determine to be in the best interests of the authority. In addition to other security provided herein or otherwise by law, bonds issued by the authority under this section may be secured, in whole or in part, by in-

surance or by letters or lines of credit or other credit facilities issued to the authority by any bank, trust company or other financial institution, within or without the state, and the authority may make any pledge, mortgage, assignment or security interest in respect of its property and revenues as security for the reimbursement by the authority to the issuers of such letters or lines of credit, insurance or credit facilities, or any payments made thereunder.

V. Any mortgage, pledge or security interest made by the authority under this chapter shall be valid and binding and shall be deemed continuously perfected for the purposes of RSA 382-A and all other laws from the time when the mortgage, pledge, or security interest is made. The property or revenues so mortgaged, pledged, or subjected to a security interest then held or thereafter acquired or received by the authority shall immediately be subject to the lien of such mortgage, pledge, or security interest without any physical delivery or segregation thereof or further act. The lien of such mortgage, pledge, or security interest shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof. No such property or revenues may be used in a manner inconsistent with the terms governing such mortgage, pledge, or security interest. Any agreement by which a pledge or security interest in personal property is created under this chapter shall be filed or recorded in the records of the secretary of state. Any mortgage or other agreement by which a security interest in real property is created under this chapter shall be filed with the register of deeds for the county in which such property is located.

VI. Any owner of a bond issued under the provisions of this section and any trustee under a security document securing the same, except to the extent the rights given in this paragraph may be restricted by such security document, may bring suit upon the bonds and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, protect and enforce any and all rights under the laws of the state granted hereunder or under such security document, and may enforce and compel performance of all duties required by this chapter or by such security document to be performed by the authority or by any director or officer of the authority.

VII. The authority may issue refunding bonds for the purpose of paying any bonds issued under the provisions of this section at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such times prior to the maturity or redemption of the bonds being refunded as the board may determine. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other expenses from the proceeds of such refunding bonds as may be required by a security document securing the bonds. The authorization and issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and, obligations of the authority in respect to the same shall be governed by the provisions of this chapter relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

VIII. Any debt service fund or debt service reserve fund established in connection with the issuance of bonds under this chapter shall be kept

separate from other moneys of the authority. All proceeds of any bonds issued under this chapter, together with the income derived therefrom, shall be expended without further authorization or appropriation as provided for in the security document with respect to such bonds.

IX. Moneys in any fund or account created under the provisions of this chapter, subject to the terms and provisions of any security document applicable thereto, may be invested. Except as otherwise provided by any such security document, obligations so purchased as an investment of money in said fund or account shall be deemed at all times to be part of said fund or account, and the interest thereon and any profit arising from the sale thereof shall be credited to said fund or account, and any loss resulting on their sale shall be charged to said fund or account, respectively.

X. The state does hereby pledge to and agree with the holders of bonds issued under this chapter that the state shall not limit or alter the rights hereby vested in the authority to fulfill the terms of any agreements made with the holders of such bonds or in any way impair the rights and remedies of such holders until such bonds, together with the interest on them, with the interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state in any agreement with the holders of such bonds.

XI. Bonds issued under this section and their transfer and income, including any profit made on their sale or transfer, shall at all times be exempt from all taxation by or within the state.

XII. Notwithstanding any of the provisions of this chapter or any recitals in any bonds issued under this section, all such bonds shall be deemed to be investment securities under RSA 382-A.

XIII. No bonds or other obligations shall be issued except after the governor and council, or their designee, after hearing, shall have found that:

(a) The proposed issuance will serve a public use and provide a public benefit.

(b) The proposed issuance is within the policy of, and the authority conferred by, this chapter.

(c) The proposed issuance will preserve or increase the social welfare or economic prosperity of the state and one or more of its political subdivisions, and will promote the general welfare of the state's citizens.

(d) The proposed issuance will promote the orderly development of business activities, create or preserve employment opportunities, or protect the physical environment.

(e) Adequate provision has been or will be made for the payment of the principal of, or interest on, any obligations issued by the authority to finance such loan programs.

(f) Adequate provision has been made for the payment of the reasonable expenses of administration of the loan programs as are necessitated by the programs.

162-S:5 Reporting and Approval Regarding Workforce Development Program. The business finance authority shall undertake to design the terms, conditions, and provisions of the regenerative manufacturing workforce development program authorized by this chapter. The authority shall deliver to the fiscal committee of the general court a report on the progress of its efforts to develop such terms, conditions, and provisions every 6-month period following the effective date of this chapter. Prior to taking any ac-

tion to implement a final workforce program pursuant to this chapter, the authority shall first present the program to the fiscal committee of the general court and receive the approval of such committee.

8 Tax Expenditure Reports; Regenerative Manufacturing Added. Amend RSA 71-C:2 to read as follows:

71-C:2 Tax Expenditures Specified. Tax expenditures include, but may not be limited to, the community development finance authority investment tax credit as computed in RSA 162-L:10; the economic revitalization zone tax credit as computed in RSA 162-N:6; the research and development tax credit under RSA 77-A:5, XIII; the Coos county job creation tax credit under RSA 77-E:3-c; the education tax credit as computed in RSA 77-G:4; [~~and~~] the weighted apportionment factors under RSA 77-A:3, II(a)***; and the exemption for qualified regenerative manufacturing companies allowed under RSA 77-A:1, I and RSA 77-E:1, III***.

9 Applicability. The provisions of sections 2 through 6 of this act shall apply for taxable periods beginning after December 31, 2017.

10 Effective Date. This act shall take effect 60 days after its passage.

The signatures below attest to the authenticity of this Report on SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.

Conferees on the	*Conferees on the*
Part of the Senate	*Part of the House*
Sen. Bradley, Dist. 3	Rep. Major, Rock. 14
Sen. Sanborn, Dist. 9	Rep. Hinch, Hills. 21
Sen. D'Allesandro, Dist. 20	Rep. Abrami, Rock. 19
	Rep. Almy, Graf. 13

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I urge my colleagues and thank my colleagues, particularly the Majority Leader, for leading us down a path that's really going to make a difference in the lives of people. It's not going to happen tomorrow or the next day but as a result of this, a process will take place that will make the lives of a lot of people a lot better. And I applaud this Senate and I applaud this Legislature for taking a stance and moving forward. It was a tough, tough decision but the right decision and I applaud again the work that the Majority Leader and the co-sponsors of this bill. Something that's going to really change lives and that's what we're here for. Thank you, Mister President.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 17, 2018
2018-2075-CofC
08/05

Committee of Conference Report on SB 580, relative to the creation of new class lines within the department of transportation and the department of health and human services, and amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 9:16-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Notwithstanding any other provision of law, every department as defined in RSA 9:1 is hereby authorized to transfer funds within and among all accounting units within said department, provided that any transfer of $100,000 or more shall require prior approval of the fiscal committee of the general court and the governor and council, and provided that no funds may be transferred in violation of the provisions of RSA 9:17-a, 9:17-b, 9:17-c, or 9:17-d or in violation of any restrictions otherwise provided by law. The restrictions included in RSA 9:17-a, 9:17-b, 9:17-c, or 9:17-d shall not apply if a transfer is necessary to satisfy a federal maintenance of effort requirement to ensure the receipt of federal funds.

Amend the bill by deleting section 4 and renumbering the original sections 5-12 to read as 4-11, respectively.

Amend the bill by replacing section 8 with the following:

8 Legislative Branch Capital Projects; Lapse Eliminated. The appropriations made to the legislative branch in 2017, 228:1, XIV as amended by section 7 of this act, shall not lapse.

Amend the bill by replacing section 11 with the following:

11 Effective Date.

I. RSA 9:16-a, II-a(a)-(b) as inserted by section 2 of the bill shall take effect July 1, 2018.

II. RSA 9:16-a, II-a(c)-(d) as inserted by section 2 of the bill shall take effect July 1, 2019.

III. Section 3 of this act shall take effect July 1, 2018.

IV. Section 11 of this act shall take effect June 30, 2019.

V. The remainder of this act shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 580, relative to the creation of new class lines within the department of transportation and the department of health and human services, and amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital.

Conferees on the
Part of the Senate
Sen. Daniels, Dist. 11
Sen. Giuda, Dist. 2
Sen. Feltes, Dist. 15

Conferees on the
Part of the House
Rep. McConkey, Carr. 3
Rep. Milz, Rock. 6
Rep. L. Ober, Hills. 37
Rep. Jack, Hills. 36

2018-2075-CofC

AMENDED ANALYSIS

This bill:

I. Amends language concerning transfers of appropriated funds.

II. Authorizes departments to establish additional expenditure class lines with fiscal committee and governor and executive council approval.

III. Amends the capital budget to allow for door replacements at the New Hampshire hospital.

IV. Transfers a capital budget appropriation for painting the ceiling of Representatives Hall from the department of administrative services to the legislative branch.

V. Authorizes the commissioner of the department of administrative services to transfer appropriated funds for one year.

The question is on the adoption of the Committee of Conference Report. Adopted.

May 16, 2018
2018-2032-CofC
10/03

Committee of Conference Report on SB 589-FN, relative to regulation of certified recovery support workers.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and
That the Senate and House each pass the bill as amended by the House.

The signatures below attest to the authenticity of this Report on SB 589-FN, relative to regulation of certified recovery support workers.

Conferees on the Part of the Senate	*Conferees on the Part of the House*
Sen. Reagan, Dist. 17	Rep. McGuire, Merr. 29
Sen. Carson, Dist. 14	Rep. Hoell, Merr. 23
Sen. Soucy, Dist. 18	Rep. Sytek, Rock. 8
	Rep. Gagnon, Sull. 5

The question is on the adoption of the Committee of Conference Report. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Carson: HB 1761
Senator Cavanaugh: HB 1761
Senator Morse: SB 318
Senator Sanborn: HB 169-FN, HB 225, HB 252, HB 263, HB 314, HB 317, HB 549-FN, HB 561-FN, HB 1100, HB 1102-FN, HB 1254, HB 1286, HB 1354, HB 1356, HB 1377, HB 1415-FN-A, HB 1496, HB 1501-FN, HB 1546-FN, HB 1550, HB 1562-FN, HB 1565-FN, HB 1614, HB 1626-FN, HB 1697-FN, HB 1743-FN, HB 1753-FN, HB 1761, HB 1766-FN, HB 1775, HB 1817-FN, HB 2018, SB 71, SB 84, SB 119, SB 318, SB 342, SB 343, SB 370-FN, SB 379, SB 415, SB 418, SB 437, SB 459, SB 473, SB 487, SB 491, SB 506, SB 512, SB 527-FN-L, SB 531-FN, SB 535-FN, SB 537, SB 540-FN, SB 541-FN-A, SB 549-FN-A, SB 556-FN, SB 564-FN-A, SB 580, SB 589-FN
Senator Soucy: SB 541-FN-A
Senator Woodburn: SB 459

ANNOUNCEMENTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. A point of personal privilege, please? You know, many times I talk to you about my career in life and I was a coach, and yesterday morning I lost a player who played for me at Bishop Bradley High School in 1962. His name was Richard Powers. Dickey was a great football player, a great basketball player, a great baseball player. We have a friendship that lasted from the day he walked on the field to this day. I spoke with him a couple of nights before he passed away. It's amazing to me when I begin to lose players that were close to me, very good friends of mine, and who I've lived through their lives as a high school player, as a college player, and as a coach. It's really difficult to take when you talk to a person on a Tuesday and they're dead on a Wednesday; it's inconceivable to me. And Dick Powers–you know it wasn't an easy life; he had a number of tough things happen. He had a son who took his own life, which was devastating to the family. He had a series of real physical problems, but he was a good human being, he was a great kid to coach, he was a great person to have a friend, and my sympathies go to his wife and his family. Dick Powers was an ordinary New Hampshire kid who really did well; he did well. And it's a tough life, we all understand that, and it wasn't an easy one for Dick. But I will remember him as a solid human being, a wonderful athlete, good father, and a wonderful, wonderful friend; a wonderful friend.

And, along with Dickey, we lost just a magnificent human being in Bill Craig; former Democratic leader of the House of Representatives, a friend and a mentor to me, a guy who really knew his way around politics, did wonderful things for the city of Manchester. Bill Craig helped a lot of people, a lot of people, and he was a man who was true to his word. If Bill Craig gave you his word, boy, his word was his bond. A lot of children–I think ten, twelve children; he came from a family of ten; worked hard; graduated from Saint Joseph's; graduated from Saint A's; I think went to Boston College Law School; made a mark on New Hampshire politics and New Hampshire history.

So, we're losing a lot of great people. It kind of makes us all understand that our lifespan is finite, so do the best you can with what you've got, and I think both of these guys did that. They did the best they could and they helped others. And, as I say, the great legend that you leave, or the great legacy you leave, is the fact that you made an impact on other people's lives; you did something good for others and you stand behind it. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Mine is much more light-hearted. But I just want to thank Senator Birdsell and Senator Carson for taking me into their committees and teach me this last year. All four Gannon children, I want you to know, are a treasurer or vice president in their classes, so we're doing good there; and my number three, Carrie, is the fastest freshman in the state and is going onto the State's, and that's it for the Gannon Family. Thank you.

PRESIDENT MORSE: Any further announcements? I have one; I'll try to make my way through it. I first want to thank Kristy, Shannon, Bobby, Josh, Kate, Rick–what they've done for the Senate is incredible. You know, when my father was being buried, they all came in in the morning that day to make sure you functioned, which I truly appreciate. Thank you.

You know, my sister wrote something, and I don't know how she delivered it, but I'm going to give you a piece of it because I think you need to know what a great man my step-father was.

Richard John Deputy, to many he was Dick Deputy; to us he was Dad, Daddy-o, Grandpa, and Papa; born June 8th, 1937 in Philadelphia, Pennsylvania to Edward and Marie Deputy. He had twin sisters, Joan and Joyce. Although Daddy-o did move out of the area, he often visited them and helped them out tremendously with anything they needed. Most people would bring home a cooked meal when they visited a family, but not Daddy-o. He would bring a washer, a dryer, a TV, whatever they needed. After finishing school, Daddy-o joined the S.S. Kresge Company in Philadelphia as a stock person; within two years, he had already became an assistant manager. He would be transferred from store to store along the East Coast, but it was in January of 1972 when he became the store manager of a brand new KMART in Salem, New Hampshire. His employees loved him. He had unmatched knowledge of the retail industry, and was always trying to beat his numbers one day to the next. It was this very store that he met the love of his life, Doris Morse. It was always Dick and Doris, they were inseparable. He loved her so much, he was willing to take on the challenge of three more children. Over the years you could imagine the energy to raise five kids that were between middle school and high school. Although Alzheimer's seemed to consume a lot of their later years, my parents were fortunate enough to get some of the traveling done before they became ill. And the one thing Dick firmly believed in, which was kind of crazy, was John Wayne. He had this thing about movies and favorite actors. And my sister read it at the very end, and it certainly is what I believe in: "When the road looks rough ahead, remember the 'Man Upstairs' and the word H-O-P-E. Hang onto both and 'tough it out'." Thank you all for everything you did. Thanks.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. As our great colleague from District 23 always says, let's end on a high note. Okay? On Saturday, the beautiful and talented Mrs. D'Allesandro and I will celebrate our 57th wedding anniversary! So, I have to say she's made 57 years great. I'm very, very fortunate, and God bless her. That's all I can say. Thank you very much.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: I went to the Special Olympics last year at UNH, and I'm sure the Dean will join me this year. They would love all of us to be there in some function; either giving out awards or cheering them on at races. So, if any of you have the week, it's about a month from now. If you can go to the Special Olympics, if we could all be there together, it would be really fun, too. So, you'll see it in your e-mail, so hopefully you all can attend. Thank you.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

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 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.

OUTSTANDING BILLS

On Thursday, May 17, 2018 the following Legislation was not signed off in Committee of Conference:

SB 354, relative to disclosure of information relative to lower cost drugs under the managed care law.
SB 393, relative to county financial audits, performance audits, and forensic audits.
SB 411-FN-A, relative to the research and development tax credit.
SB 569-FN, relative to animal cruelty and establishing a commission to study cost of care for confiscated animals.
HB 372, relative to construction of the terms "resident," "inhabitant," "residence," and "residency."
HB 1273, relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center.
HB 1428-FN, relative to roadside memorials.
HB 1637, requiring school districts to establish policies relating to suspensions and expulsions.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 1546-FN, authorizing the town of Hampton to hold a special town meeting.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled House Bill(s):

HB 169-FN, relative to limits on wagers in charitable games of chance and licensing historic racing.
HB 225-FN, relative to information collection concerning electric renewable portfolio standards.
HB 252, relative to pro se litigants under the right-to-know law.
HB 263, relative to facilities licenses for charitable gaming and relative to security requirements for games of chance.
HB 314, establishing an automated and connected vehicle testing and deployment commission and establishing an automated vehicle pilot program.
HB 317, relative to changes in the system benefits charge.
HB 549-FN, relative to beverage vendor fees.
HB 561-FN, relative to part-time employment of a retirement system retiree by a participating employer.
HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire and relative to veterans' preference in public employment.
HB 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 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire; establishing a moratorium on the adoption of changes to the state building code and state fire code; and repealing the joint legislative oversight committee on the emergency management system.

HB 1286, relative to fishing and hunting licenses for permanently disabled veterans.
HB 1354, relative to the speaker of the house of representatives and senate president as members of the university system board of trustees.
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 1377, establishing a committee to study the emancipation of minors.
HB 1415-FN-A, making an appropriation to the public school infrastructure fund to improve security in public schools.
HB 1496, relative to requirements for performance based accountability for an adequate education and relative to reporting requirements for the civics competency assessment.
HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7.
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 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 1697-FN, relative to organizations authorized to issue decals for multiuse decal plates.
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 1753-FN, relative to transportation of alcoholic beverages by a minor.
HB 1761, relative to the math learning communities program in secondary schools.
HB 1766-FN, requiring the department of environmental services to report to the general court regarding bedrock testing and perfluorochemical contamination in the Seacoast area and at other landfills and hazardous waste sites.
HB 1775, relative to the appointment of guardians ad litem in parenting cases and relative to alcohol and drug free housing.
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 2018, relative to the state 10-year transportation improvement program and establishing a committee to study the removal of the Merrimack tolls.

HOUSE MESSAGE

The House of Representatives refuses to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 1614, relative to the international registration plan and relative to registration of semi-trailers.

May 21, 2018
2018-2086-EBA
06/04

Enrolled Bill Amendment to SB 313-FN

The Committee on Enrolled Bills to which was referred SB 313-FN

AN ACT reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.

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 313-FN

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to SB 313-FN

Amend RSA 126-AA:2, I(a) as inserted by section 1 of the bill by replacing line 14 with the following:

offering cash incentives and other forms of incentives to the insured by choosing

Amend RSA 126-AA:2, I(e) as inserted by section 1 of the bill by replacing line 3 with the following:

capacity for, all behavioral health services including, as appropriate, establishing specific substance

Amend RSA 126-AA:2, I(g)(2) as inserted by section 1 of the bill by replacing line 1 with the following:

(2) The commissioner shall include in MCO contracts actuarially appropriate rebate

Amend RSA 126-AA:2, II(b) as inserted by section 1 of the bill by replacing line 4 with the following:

individual resides, furniture, and one vehicle owned by the individual applying for benefits shall

Amend RSA 126-AA:2, II(b) as inserted by section 1 of the bill by replacing line 6 with the following:

or excluding the individual's household resources, the total countable resources equal or fall below

Amend RSA 126-AA:2, III(b)(1) as inserted by section 1 of the bill by replacing line 1 with the

(1) The beneficiary experiences the birth or death of a family member living with

Amend RSA 126-AA:2, III(c) as inserted by section 1 of the bill by replacing line 1 with the following:

(c) This paragraph shall only apply to those considered able-bodied adults as described

Amend RSA 126-AA:2, III(d)(1) as inserted by section 1 of the bill by replacing line 4 with the following:

a licensed physician assistant, a licensed alcohol and drug counselor (LADC), or a board-certified

Amend RSA 126-AA:2, III(d)(1) as inserted by section 1 of the bill by replacing line 6 with the following:

assistant, LADC, or psychologist shall certify, on a form provided by the department, the duration

Amend RSA 126-AA:2, IV as inserted by section 1 of the bill by replacing line 6 with the following:

the speaker of the house of representatives, and the president of the senate, informing them of the

Amend RSA 126-AA:2, IV(c) as inserted by section 1 of the bill by replacing line 2 with the following:

the president of the senate, and the speaker of the house of representatives a plan for the implementation

Amend RSA 126-AA:3, VI as inserted by section 1 of the bill by replacing line 3 with the following:

is sufficient funding in the fund to cover projected program costs for the nonfederal share for the

Amend section 5 of the bill by replacing line 10 with the following:

provider shall refer the individual to available child care service programs, including specifically

Amend RSA 176:16, III-a as inserted by section 13 of the bill by replacing line 3 with the following:

an amount no less than 1/2 of 5 percent of such gross profits based on the state

Amend paragraph II of section 23 of the bill by replacing line 2 with the following:

by the federal government and the states into a block grant, the New Hampshire granite advantage

Amend paragraph II of section 23 of the bill by replacing line 6 with the following:

commissioner of the department of health and human services shall, within 48 hours after the event

Amend paragraph V of section 25 of the bill by replacing it with the following:

V. Sections 3-9 of this act shall take effect January 1, 2019.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

June 1, 2018
2018-2121-EBA
08/03

Enrolled Bill Amendment to SB 370-FN

The Committee on Enrolled Bills to which was referred SB 370-FN

AN ACT adopting the emergency medical services personnel licensure interstate compact.

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 370-FN

This enrolled bill amendment renumbers a section to avoid a conflict with provisions enacted in SB 482-FN of the 2018 regular legislative session.

Enrolled Bill Amendment to SB 370-FN

Amend section 1 of the bill by replacing line 2 with the following:

Amend RSA 153-A by inserting after section 35 the following new subdivision:

Amend section 1 of the bill by replacing line 4 with the following:

153-A:36 Emergency Medical Services Personnel Licensure Interstate Compact.

Amend RSA 153-A:20, XXIV as inserted by section 2 of the bill by replacing line 2 with the following:

licensure interstate compact adopted in RSA 153-A:36, including defining the circumstances not

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 23, 2018
2018-2096-EBA
08/01

Enrolled Bill Amendment to SB 377-FN

The Committee on Enrolled Bills to which was referred SB 377-FN

AN ACT relative to the regulation of dentists and dental hygienists by the board of dental examiners.

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 377-FN

This enrolled bill amendment makes grammatical corrections and inserts a contingency to resolve a potential conflict with 2018, HB 1577.

Enrolled Bill Amendment to SB 377-FN

Amend RSA 317-A:17, II(g)(2) as inserted by section 10 of the bill by replacing line 1 with the following:

(2) The Centers for Disease Control and Prevention as published in Infection Control

Amend RSA 317-A:20, III(d) as inserted by section 11 of the bill by replacing lines 1 and 2 with the following:

(d) Graduates from [~~an American Dental Association~~] ***a Commission on Dental Accreditation*** accredited school from practicing in [~~an American Dental Association~~] ***a Commission***

Amend the bill by replacing all after section 15 with the following:

16 New Paragraph; Rulemaking; Expanded Function Dental Auxiliaries. Amend RSA 317-A:12 by inserting after paragraph XII-d the following new paragraph:

XII-e. The requirements for a dental assistant or dental hygienist to be permitted to provide services as an expanded function dental auxiliary as provided in RSA 317-A:21-g;

17 Contingency. If HB 1577 of the 2018 regular legislative session becomes law, section 5 of this act shall not take effect and section 16 of this act shall take effect 60 days after its passage. If HB 1577 of the regular legislative session does not become law, section 5 of this bill shall take effect 60 days after its passage and section 16 of this act shall not take effect.

18 Effective Date.

I. Sections 5 and 16 of this act shall take effect as provided in section 17 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 21, 2018
2018-2088-EBA
05/03

Enrolled Bill Amendment to SB 386

The Committee on Enrolled Bills to which was referred SB 386

AN ACT relative to access to criminal records.

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 386

This enrolled bill amendment incorporates changes to RSA 21-J:3-a made by 2018, 52 (SB 406-FN) and inserts a contingency to address potential conflicts with HB 1684 of the 2018 regular legislative session.

Enrolled Bill Amendment to SB 386

Amend the bill by replacing all after section 35 with the following:

36 Department of Revenue Administration; Duties of Commissioner; Background Checks. Amend RSA 21-J:3-a to read as follows:

21-J:3-a [~~Employee Candidate~~] Background Checks.

I. The commissioner of the department of revenue administration may require a background investigation and a criminal history records check on any candidate for employment in a position in the department prior to a final offer of employment. The commissioner may request only a state records check or both a federal and state records check, to be conducted through the division of state police. The commissioner may extend a conditional offer of employment to a candidate, with a final offer of employment subject to a successfully completed criminal history records check.

I-a. The commissioner of the department of revenue administration may require a background investigation and a criminal history records check on any current employee of the department for the purpose of determining that employee's suitability to access confidential tax information, including federal tax information. The commissioner may request only a state records check or both a federal and state records check, to be conducted through the division of state police.

II. A candidate for employment in a position in the department ***or a current employee required by the commissioner to submit to a***

background investigation and a criminal history records check shall submit to the commissioner a criminal history records release form, as provided by the division of state police, which authorizes the release of the person's criminal records, if any. The candidate ***or employee*** shall submit with the release form a complete set of fingerprints taken by a law enforcement agency as directed by the commissioner. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, [~~the~~] ***any*** conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the commissioner may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where a candidate ***or employee*** has lived during the past 5 years.

III. To obtain a state records check only, the commissioner or his or her designee shall submit a state criminal history records release form to the division of state police. To obtain both the federal and the state records check, the commissioner or his or her designee shall submit the criminal history records release form and applicant finger print card to the division of state police, which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall report any criminal conviction information to the commissioner or his or her designee. The commissioner or his or her designee may submit fingerprint information electronically, in accordance with procedures established by the division of state police. The department shall maintain the confidentiality and security of all criminal history records information received pursuant to this paragraph.

IV. The commissioner may require the candidate ***or employee*** to pay the actual costs of the background investigation and the criminal history records check.

V. For purposes of this section, the terms "candidate" and "employee" shall include any contractor, subcontractor, vendor, or other person performing work, including unpaid work or as a volunteer, at the department of revenue administration.

37 Nullification. The provisions of 2018, 52:2 (SB 406-FN of the regular legislative session) shall not take effect.

38 Contingency; Emergency Medical and Trauma Services; Criminal History Record Checks. If HB 1684 of the 2018 regular legislative session becomes law, section 8 of this act shall not take effect. If HB 1684 does not become law, section 8 of this act shall take effect 60 days after its passage.

39 Effective Date.

I. Section 36 of this act shall take effect January 1, 2019.

II. Section 8 of this act shall take effect as provided in section 38 of this act.

III. The remainder of this act shall take effect 60 days after its passage.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 23, 2018
2018-2097-EBA
06/10

Enrolled Bill Amendment to SB 421

The Committee on Enrolled Bills to which was referred SB 421

AN ACT relative to insurance coverage for prescription contraceptives.

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 421

This enrolled bill amendment makes grammatical corrections, renumbers certain RSA sections to avoid duplicating the numbering of sections inserted by SB 247, and inserts a contingency to avoid conflicts with HB 1822.

Enrolled Bill Amendment to SB 421

Amend section 1 of the bill by replacing line 3 with the following:

415:6-w Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices

Amend section 1 of the bill by replacing line 9 with the following:

outpatient basis and related to the use of contraceptive methods to prevent pregnancy which have

Amend RSA 415:18-i as inserted by section 2 of the bill by replacing line 9 with the following:

pregnancy which [~~has~~] ***have*** been approved by the U.S. Food and Drug Administration. Each insurer that

Amend RSA 420-A:17-c as inserted by section 3 of the bill by replacing line 10 with the following:

pregnancy which [~~has~~] ***have*** been approved by the U.S. Food and Drug Administration. Each health

Amend RSA 420-A:2 as inserted by section 4 of the bill by replacing lines 4-7 with the following:

II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, ***RSA 415:6-w,*** RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, ***RSA 415:18-i,*** RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable

Amend RSA 420-A:2 as inserted by section 5 of the bill by replacing lines 4-7 with the following:

II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, ***RSA 415:6-w,*** RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, ***RSA 415:18-i,*** RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable

Amend RSA 420-B:20, III as inserted by section 6 of the bill by replacing lines 2-5 with the following:

RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, ***RSA 415:6-w,*** RSA 415:18, VII-a, RSA 415:18, XVI and XVII, ***RSA 415:18-i,*** RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

Amend RSA 420-B:20, III as inserted by section 7 of the bill by replacing lines 2-5 with the following:

RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-u, RSA 415:6-v, ***RSA 415:6-w,*** RSA 415:18, VII-a, RSA 415:18, XVI and XVII, ***RSA 415:18-i,*** RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-z, RSA 415:18-aa, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

Amend the bill by replacing all after section 7 with the following:

8 Contingent Version; Coverage for Prescription Contraceptive Devices and for Contraceptive Services. RSA 415:6-w is repealed and reenacted to read as follows::

415:6-w Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis, including the initial screening provided through a pharmacy pursuant to RSA 318:47-l at a rate established by contract between the pharmacy and the insurer or its pharmacy benefits manager, and related to the use of contraceptive methods to prevent pregnancy which have been approved by the U.S. Food and Drug Administration. Each insurer that issues or renews any individual policy of accident or health insurance providing benefits for medical or hospital expenses shall cover all prescription contraceptive drugs and contraceptive devices approved by the U.S. Food and Drug Administration. Coverage shall include contraceptives dispensed in a quantity intended to last for a 12-month period if prescribed in that quantity. An insurer shall not impose utilization review requirements or other limitations to control the prescribing or dispensing of contraceptives to an amount that is less than a 12-month supply, if that quantity is prescribed. An insurer shall not be required to cover more than one 12-month contraceptive prescription in a single dispensing per plan year. A deductible, copayment, coinsurance, or other cost-sharing requirement shall not be imposed on the coverage of prescription contraceptive drugs and contraceptive devices approved by the FDA under this section. Notwithstanding any other provision of law, if there is a therapeutic equivalent of a drug or device for an FDA-approved contraceptive method, an insurer may impose cost-sharing requirements as long as at least one drug or device for that method is available without cost-sharing; provided that if an individual's provider recommends a particular FDA-approved contraceptive drug or device based on a medical determination, the insurer shall provide coverage for the prescribed contraceptive drug or device without cost-sharing. Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services. Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.

9 Contingent Version; Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Amend RSA 415:18-i to read as follows:

415:18-i Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Each insurer

that issues or renews any group policy of accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means consultations, examinations, and medical services, provided on an outpatient basis, including the initial screening provided through a pharmacy pursuant to RSA 318:47-l at a rate established by contract between the pharmacy and the insurer or its pharmacy benefits manager, and related to the use of contraceptive methods to prevent pregnancy which [~~has~~] ***have*** been approved by the U.S. Food and Drug Administration. Each insurer that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses [~~which provides a prescription rider~~] shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration [~~under the same terms and conditions as other prescription drugs~~]. ***Coverage shall include contraceptives dispensed in a quantity intended to last for a 12-month period, if prescribed in that quantity. An insurer shall not impose utilization review requirements or other limitations to control the prescribing or dispensing of contraceptives to an amount that is less than a 12-month supply, if that quantity is prescribed. An insurer shall not be required to cover more than one 12-month contraceptive prescription in a single dispensing per plan year. A deductible, copayment, coinsurance, or other cost-sharing requirement shall not be imposed on the coverage of prescription contraceptive drugs and contraceptive devices approved by the FDA under this section. Notwithstanding any other provision of law, if there is a therapeutic equivalent of a drug or device for an FDA-approved contraceptive method, an insurer may impose cost-sharing requirements as long as at least one drug or device for that method is available without cost-sharing; provided that if an individual's provider recommends a particular FDA-approved contraceptive drug or device based on a medical determination, the insurer shall provide coverage for the prescribed contraceptive drug or device without cost-sharing.*** Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services. ***Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.***

10 Contingent Version; Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services; Health Service Corporations. Amend RSA 420-A:17-c to read as follows:

420-A:17-c Coverage for Prescription Contraceptive Drugs and Prescription Contraceptive Devices and for Contraceptive Services. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of group accident or health insurance providing benefits for medical or hospital expenses, which provides coverage for outpatient services shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for outpatient contraceptive services under the same terms and conditions as for other outpatient services. "Outpatient contraceptive services" means

consultations, examinations, and medical services, provided on an outpatient basis, including the initial screening provided through a pharmacy pursuant to RSA 318:47-l at a rate established by contract between the pharmacy and the insurer or its pharmacy benefits manager, and related to the use of contraceptive methods to prevent pregnancy which [~~has~~] ***have*** been approved by the U.S. Food and Drug Administration. Each health service corporation and every other similar corporation licensed under the laws of a different state that issues or renews any group policy of accident or health insurance providing benefits for medical or hospital expenses [~~which provides a prescription rider~~] shall cover all prescription contraceptive drugs and prescription contraceptive devices approved by the U.S. Food and Drug Administration [~~under the same terms and conditions as other prescription drugs~~]. ***Coverage shall include contraceptives dispensed in a quantity intended to last for a 12-month period, if prescribed in that quantity. An insurer shall not impose utilization review requirements or other limitations to control the prescribing or dispensing of contraceptives to an amount that is less than a 12-month supply, if that quantity is prescribed. An insurer shall not be required to cover more than one 12-month contraceptive prescription in a single dispensing per plan year. A deductible, copayment, coinsurance, or other cost-sharing requirement shall not be imposed on the coverage of prescription contraceptive drugs and contraceptive devices approved by the FDA under this section. Notwithstanding any other provision of law, if there is a therapeutic equivalent of a drug or device for an FDA-approved contraceptive method, an insurer may impose cost-sharing requirements as long as at least one drug or device for that method is available without cost-sharing; provided that if an individual's provider recommends a particular FDA-approved contraceptive drug or device based on a medical determination, the insurer shall provide coverage for the prescribed contraceptive drug or device without cost-sharing.*** Nothing in this section shall be construed as altering the terms and conditions of a contract relating to prescription drugs and outpatient services. ***Notwithstanding any provision of law or rule to the contrary, the coverage under this section shall apply to the medical assistance program, pursuant to RSA 161 and RSA 167.***

11 Contingency. If HB 1822 of the 2018 legislative session becomes law, sections 1, 2, and 3 of this act shall not take effect and sections 8, 9, and 10 shall take effect January 1, 2019 at 12:01 a.m. If HB 1822 does not become law, sections 1, 2, and 3 shall take effect January 1, 2019 and sections 8, 9, and 10 shall not take effect.

12 Effective Date.

I. Sections 1, 2, 3, 8, 9, and 10 shall take effect as provided in section 11 of this act.

II. Sections 5 and 7 of this act shall take effect January 1, 2021 at 12:02 a.m.

III. The remainder of this act shall take effect January 1, 2019.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 21, 2018
2018-2085-EBA
05/01

Enrolled Bill Amendment to SB 450-FN-A

The Committee on Enrolled Bills to which was referred SB 450-FN-A

AN ACT establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program.

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 450-FN-A

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 450-FN-A

Amend RSA 149-Q:2, II as inserted by section 1 of the bill by replacing it with the following:

II. Two members of the Business and Industry Association of New Hampshire, appointed by the association.

Amend RSA 149-Q:2, X as inserted by section 1 of the bill by replacing it with the following:

X. One member representing an affected regional planning commission, appointed by the New Hampshire Association of Regional Planning Commissions.

Amend RSA 149-Q:2, XIV and XV as inserted by section 1 of the bill by replacing them with the following:

XIV. One member of the senate, appointed by the president of the senate.

XV. Two members of the house of representatives, appointed by the speaker of the house of representatives.

Amend RSA 149-Q:4 as inserted by section 1 of the bill by replacing line 1 with the following:

149-Q:4 Chairperson; Quorum. The members of the commission shall elect a chairperson

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 31, 2018
2018-2111-EBA
05/01

Enrolled Bill Amendment to SB 487

The Committee on Enrolled Bills to which was referred SB 487

AN ACT relative to requirements for certain alcohol and other drug use professionals and establishing a state substance use disorder treatment services program.

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 487

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 487

Amend section 4 of the bill by replacing lines 2 and 3 with the following:

inserting after section 2-b the following new section:

172:2-c Community Substance Use Disorder Treatment Programs. Any city, county, town, or

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 31, 2018
2018-2114-EBA
05/04

Enrolled Bill Amendment to SB 491

The Committee on Enrolled Bills to which was referred SB 491

AN ACT relative to food protection services in New Hampshire.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 491

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to SB 491

Amend RSA 184:80, II and III as inserted by section 9 of the bill by replacing them with the following:

II. The commissioner of the department of health and human services**,** or his [~~designated alternate~~] ***or her designee***.

III. The dean of the college of life science and agriculture at the University of New Hampshire**,** or [~~a member of his teaching staff to be designated by him~~] ***his or her designee***.

Amend RSA 184:89 as inserted by section 17 of the bill by replacing line 11 with the following:

[~~in~~] ***at*** the department of health and human services.

Amend paragraph I of section 24 of the bill by replacing line 2 with the following:

States Food and Drug Administration produce safety are hereby transferred from the department of

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 30, 2018
2018-2110-EBA
05/01

Enrolled Bill Amendment to SB 527-FN-LOCAL

The Committee on Enrolled Bills to which was referred SB 527-FN-LOCAL

AN ACT relative to absentee voting and relative to the statewide centralized voter registration database.

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 527-FN-LOCAL

This enrolled bill amendment inserts a contingency to provide for a change to RSA 654:34, V(a) made by HB 390 of the 2018 legislative session.

Enrolled Bill Amendment to SB 527-FN-LOCAL

Amend the bill by replacing all after section 8 with the following:

9 Absentee Voting Application Form. Amend RSA 657:4, I to read as follows:

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance, and Disability:

I hereby declare that (check one):

_____ I am a duly qualified voter who is currently registered to vote in this town/ward.

_____ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot because (check one):

_____ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.

_____ I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.

_____ I cannot appear in public on election day because of observance of a religious commitment.

_____ I am unable to vote in person due to a disability.

_____ I cannot appear at any time during polling hours at my polling place because of an employment obligation. For the purposes of this application, the term "employment shall include the care of children and infirm adults, with or without compensation.

For use only on the Monday immediately prior to the election: I cannot appear at my polling place on election day because the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to my city, town, or unincorporated place and either (check one):

_____ ***I am elderly or infirm or I have a physical disability, and would otherwise vote in person but I have concerns for my safety traveling in the storm.***

_____ ***I anticipate that school, child care, or adult care will be canceled, and would otherwise vote in person but will need to care for children or infirm adults.***

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

_____ Presidential Primary to be held on _____
(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

_____ State Primary to be held on _____
(MM/DD/YYYY)

_____ General Election

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

_____ Republican Party

_____ Democratic Party

_____ (name of any party determined by the secretary of state to have achieved official status under RSA 652:11)

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

_____
(Last) (First) (Middle) (Sr., Jr., II., III)

Applicant's Voting Domicile (home address):

_____
(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Mail the ballot to me at this address (if different than the home address):

_____
(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Applicant's Phone Number [~~(optional)~~]: _____

Applicant's Email Address [~~(optional)~~]: _____

Applicant's Signature: _____

Date Signed: _____
(MM/DD/YYYY)

I attest that I assisted the applicant in executing this form because he or she has a disability.

Signature _____ ***Print Name*** _____

If your absentee ballot application or affidavit envelope has the printed name and signature of a person who assisted you with voting, your signature will not be compared to your signature on the absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be made by the same person, your absentee ballot may not be counted.

The applicant must sign this form to receive an absentee ballot. [~~The signature on this form must match the signature on the affidavit envelope in which the absentee ballot is returned, or the ballot may be rejected.~~] Any person who ***witnesses and*** assists a voter with a disability in executing this form shall [~~make a statement acknowledging the assistance on~~] ***print and sign his or her name in the space provided on*** the application form [~~to assist the moderator when comparing signatures on election day~~]. ***The moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a person assisting the voter has signed the statement on the absentee ballot application or affidavit envelope that assistance was provided.***

10 Contingency. If HB 390 of the 2018 regular legislative session becomes law, section 9 of this act shall take effect on January 1, 2019 and section 1 of this act shall not take effect. If HB 390 does not become law, section 1 of this act shall take effect on January 1, 2019 and section 9 of this act shall not take effect.

11 Effective Date.

I. Section 8 of this act shall take effect upon its passage.

II. Sections 1 and 9 of this act shall take effect as provided in section 10 of this act.

III. The remainder of this act shall take effect January 1, 2019.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 31, 2018
2018-2117-EBA
06/10

Enrolled Bill Amendment to SB 535-FN

The Committee on Enrolled Bills to which was referred SB 535-FN

AN ACT relative to licensure for the practice of professional art therapy and establishing an advisory council on alternative mental health therapies, and relative to certain revenues from the sale of commemorative liquor bottles of historic significance.

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 535-FN

This enrolled bill amendment corrects the title of the bill to accurately reflect the contents of the bill.

Enrolled Bill Amendment to SB 535-FN

Amend the title of the bill to read as follows:

AN ACT relative to licensure for the practice of professional art therapy and relative to certain revenues from the sale of commemorative liquor bottles of historic significance.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 30, 2018
2018-2106-EBA
06/01

Enrolled Bill Amendment to SB 537

The Committee on Enrolled Bills to which was referred SB 537

AN ACT conferring extraterritorial financing powers on the New Hampshire business finance authority.

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 537

This enrolled bill amendment makes grammatical and technical changes.

Enrolled Bill Amendment to SB 537

Amend RSA 162-S:1 as inserted by section 1 of the bill by replacing line 1 with the following:

162-S:1 Declaration of Policy. It is declared that the policy of the state of New Hampshire is to

Amend RSA 162-S:3, II as inserted by section 1 of the bill by replacing line 11 with the following:

authority and each of whom shall be appointed for a term of 3 years. An appointed member may continue

Amend RSA 195-D:9, IX as inserted by section 11 of the bill by replacing lines 3 and 4 with the following:

portion of which is located in another state, the participating institution or affiliate shall (a) be organized under New Hampshire law; (b) have a facility located in New Hampshire; or (c) provide

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 31, 2018
2018-2122-EBA
08/03

Enrolled Bill Amendment to SB 556-FN

The Committee on Enrolled Bills to which was referred SB 556-FN

AN ACT relative to changes in bail procedures and procedures for annulment of a criminal record.

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 556-FN

This enrolled bill makes technical corrections.

Enrolled Bill Amendment to SB 556-FN

Amend RSA 651:5, II as inserted by section 4 of the bill by replacing line 7 with the following:

section. ***Nothing in this paragraph shall limit the provisions of subparagraph XI(b).***

Amend RSA 651:5, II-a(b) as inserted by section 5 of the bill by replacing line 4 with the following:

subparagraph XI(b).

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 25, 2018
2018-2101-EBA
04/10

Enrolled Bill Amendment to SB 564-FN-A

The Committee on Enrolled Bills to which was referred SB 564-FN-A

AN ACT relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.

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 564-FN-A

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to SB 564-FN-A

Amend the introductory paragraph of RSA 162-S:2, III as inserted by section 7 of the bill by replacing line 2 with the following:

the authority under this chapter shall meet the following minimum requirements:

Amend RSA 162-S:2, V(a) as inserted by section 7 of the bill by replacing line 2 with the following:

including how such loans may be acquired and the mechanisms for deferral of payment or forgiveness

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 22, 2018
2018-2094-EBA
10/06

Enrolled Bill Amendment to SB 566-FN

The Committee on Enrolled Bills to which was referred SB 566-FN

AN ACT establishing a commission to study certain aspects of the school bus driver shortage.

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 566-FN

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to SB 566-FN

Amend RSA 189:6-d, II(b) as inserted by section 1 of the bill by replacing line 2 with the following:

commerce and consumer affairs committee and one of whom shall be from the education committee, appointed by the

Amend RSA 189:6-d, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The director of the division of motor vehicles, department of safety, or designee.

Amend RSA 189:6-d, II(f) as inserted by section 1 of the bill by replacing line 1 with the following:

(f) One school bus driver who is an affiliated member of a labor organization, appointed by

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 18, 2018
2018-2081-EBA
04/10

Enrolled Bill Amendment to SB 570-FN

The Committee on Enrolled Bills to which was referred SB 570-FN

AN ACT relative to the work requirement for the child care scholarship program.

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 570-FN

This enrolled bill amendment corrects a reference.

Enrolled Bill Amendment to SB 570-FN

Amend RSA 167:83, II(q), as inserted by section 1 of the bill, by replacing line 4 with the following:

a licensed behavioral health professional, a licensed physician assistant, a licensed alcohol and drug

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 18, 2018
2018-2079-EBA
08/04

Enrolled Bill Amendment to SB 577

The Committee on Enrolled Bills to which was referred SB 577

AN ACT requiring the public utilities commission to revise its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.

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 577

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 577

Amend section 5 of the bill by replacing paragraph I with the following:

I. Section 3 of this act shall take effect July 1, 2018 at 12:01 a.m.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 18, 2018
2018-2084-EBA
04/05

Enrolled Bill Amendment to SB 578-FN

The Committee on Enrolled Bills to which was referred SB 578-FN

AN ACT relative to unclassified positions within the department of health and human services.

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 578-FN

This enrolled bill amendment makes corrections to 2 positions in the bill and corrects a reference to the division for children, youth and families.

Enrolled Bill Amendment to SB 578-FN

Amend RSA 94:1-a, I(b), VII, as inserted by section 1 of the bill, by replacing line 17 with the following:

drug and alcohol services

Amend RSA 94:1-a, I(b), VIII, as inserted by section 1 of the bill, by replacing lines 4 and 5 with the following:

II Department of health and human services[~~, division of children, youth and families director~~] ***director of the division for children, youth and families***

Amend RSA 94:1-a, I(b), IX, as inserted by section 1 of the bill, by replacing line 7 with the following:

for population health

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

June 1, 2018
2018-2120-EBA
03/01

Enrolled Bill Amendment to SB 580

The Committee on Enrolled Bills to which was referred SB 580

AN ACT relative to transfers of appropriated funds, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch.

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 580

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 580

Amend RSA 9:16-a, II-a(b)(1) as inserted by section 2 of the bill by replacing line 1 with the following:

(1) Appropriations in class 047-own forces maintenance-buildings and grounds may be

Amend RSA 9:16-a, II-a(b)(2) as inserted by section 2 of the bill by replacing line 1 with the following:

(2) Appropriation in 048-contractual maintenance- buildings and grounds may be

Amend RSA 9:16-a, II-a(c) as inserted by section 2 of the bill by replacing lines 1-3 with the following:

(c) The appropriations budgeted in class 027-transfers to DoIT, class 028-transfers to general services, class 041-audit funds set aside, class 042-additional fringe benefits, class 049-transfers, class 061-unemployment compensation, class 062-workers compensation, and class 064-retiree

Amend section 4 of the bill by replacing line 3 with the following:

extended by 2015, 220:23, 61, and extended by 2017, 228:22, 82, to read as follows:

Amend paragraph IV of section 11 of the bill by replacing it with the following:

IV. Section 10 of this act shall take effect June 30, 2019.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 31, 2018
2018-2113-EBA
04/10

Enrolled Bill Amendment to SB 589-FN

The Committee on Enrolled Bills to which was referred SB 589-FN

AN ACT relative to authorizing petitions to state licensing boards for review of an individual's criminal record concerning disqualification for licensure.

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 589-FN

This enrolled bill amendment inserts a contingency to avoid a numbering conflict with SB 334-FN of the 2018 regular legislative session and makes a grammatical correction.

Enrolled Bill Amendment to SB 589-FN

Amend RSA 332-G:13, X as inserted by section 1 of the bill by replacing line 2 with the following:

years following a final judgment on the initial petition.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3.

2 Contingency. If SB 334-FN of the 2018 regular legislative session becomes law, then RSA 332-G:13 as inserted by section 3 of that act shall be renumbered as RSA 332-G:14.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 24, 2018
2018-2098-EBA
06/03

Enrolled Bill Amendment to SB 590-FN-A

The Committee on Enrolled Bills to which was referred SB 590-FN-A

AN ACT relative to the state loan repayment program, the developmental disabilities wait list, involuntary admissions procedures, and the mental health system.

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 590-FN-A

This enrolled bill amendment makes technical corrections and negates 2 sections of the bill that became law with the passage of SB 63 of the 2018 regular legislative session.

Enrolled Bill Amendment to SB 590-FN-A

Amend section 2 of the bill by replacing line 7 with the following:

without prior approval of the fiscal committee of the general court. Participants in the state loan repayment program

Amend section 3 of the bill by replacing line 6 with the following:

be federal funds. Fiscal committee of the general court approval shall not be required for the acceptance and

Amend RSA 464-A:25, I(a)(2) as inserted by section 9 of the bill by replacing line 4 with the following:

hospital ***or other designated receiving facility***, by a psychiatrist licensed in the state of New

Amend paragraph I of section 16 of the bill by replacing it with the following:

I. Sections 1 and 15 of this act shall not take effect.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 24, 2018
2018-2099-EBA
08/10

Enrolled Bill Amendment to SB 592-FN-A

The Committee on Enrolled Bills to which was referred SB 592-FN-A

AN ACT relative to the child welfare system.

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 592-FN-A

This enrolled bill amendment makes technical corrections and negates 2 sections of the bill that became law with the passage of SB 63.

Enrolled Bill Amendment to SB 592-FN-A

Amend RSA 170-G:4, XX as inserted by section 13 by replacing line 10 with the following:

wellness and primary prevention council on the use of these funds and the outcomes they have produced.

Amend section 14 of the bill by replacing line 4 with the following:

This amount shall be a charge against the department of health and human services excess

Amend the bill by replacing section 19 with the following:

19 Effective Date.
I. Sections 1 and 18 of this act shall not take effect.
II. Section 17 of this act shall take effect upon its passage.
III. The remainder of this act shall take effect July 1, 2018.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 21, 2018
2018-2092-EBA
05/10

Enrolled Bill Amendment to HB 267

The Committee on Enrolled Bills to which was referred HB 267

AN ACT establishing the New Hampshire transportation council.

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 267

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 267

Amend RSA 238-A:5, IV as inserted by section 2 of the bill by replacing line 1 with the following:

IV. All meetings of the council and of any committee established by the council

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 25, 2018
2018-2102-EBA
04/08

Enrolled Bill Amendment to HB 314

The Committee on Enrolled Bills to which was referred HB 314

AN ACT establishing an automated and connected vehicle testing and deployment commission and establishing an automated vehicle pilot program.

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 314

This enrolled bill amendment corrects the title of the bill and makes a grammatical correction,

Enrolled Bill Amendment to HB 314

Amend the title of the bill by replacing it with the following:

AN ACT relative to licensing requirements for autonomous vehicle testing and establishing an automated and connected vehicle testing and deployment commission.

Amend paragraph II of section 4 of the bill by replacing it with the following:

II. Section 3 of this act shall take effect December 2, 2022.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 14, 2018
2018-2002-EBA
10/04

Enrolled Bill Amendment to HB 500

The Committee on Enrolled Bills to which was referred HB 500

AN ACT relative to organizations that are authorized to issue decals.

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 500

This enrolled bill amendment makes a correction to the RSA numbering in the bill.

Enrolled Bill Amendment to HB 500

Amend section 1 of the bill by replacing line 1 with the following:

1 Multi-Use Decal Plates; Organizations. Amend the introductory paragraph of RSA 261-B:3,

Amend section 2 of the bill by replacing line 1 with the following:

2 Annual Report. Amend RSA 261-B:3, I(g) to read as follows:

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 30, 2018
2018-2108-EBA
06/05

Enrolled Bill Amendment to HB 1100

The Committee on Enrolled Bills to which was referred HB 1100

AN ACT establishing a commission to review and evaluate workforce and job training in New Hampshire and relative to veterans' preference in public employment.

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 1100

This enrolled bill amendment corrects the title of the bill to accurately reflect the contents of the bill.

Enrolled Bill Amendment to HB 1100

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to review and evaluate workforce and job training in New Hampshire.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 22, 2018
2018-2095-EBA
06/03

Enrolled Bill Amendment to HB 1101-FN

The Committee on Enrolled Bills to which was referred HB 1101-FN

AN ACT regulating groundwater pollution caused by polluting emissions in the air and relative to standards for perfluorochemicals in drinking water, ambient groundwater and surface water.

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 1101-FN

This enrolled bill amendment makes technical corrections and establishes a contingency to avoid duplicating SB 309-FN of the 2018 regular legislative session.

Enrolled Bill Amendment to HB 1101-FN

Amend section 2 of the bill by replacing line 1 with the following:

2 New Section; Requirements for Air Emissions of Perfluorinated Compounds Impacting Soil

Amend section 8 of the bill by replacing line 8 with the following:

biennium. The governor is authorized to draw a warrant for said sum out of any money in the treasury

Amend the bill by inserting after section 8 the following and renumbering the original section 9 to read as 10:

9 Contingency. If SB 309-FN of the 2018 legislative session becomes law, this act shall not take effect.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 25, 2018
2018-2103-EBA
08/04

Enrolled Bill Amendment to HB 1102-FN

The Committee on Enrolled Bills to which was referred HB 1102-FN

AN ACT enabling the department of health and human services to contract with certain certified physicians.

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 1102-FN

This enrolled bill amendment inserts a contingency to avoid a numbering conflict with HB 1104-FN of the 2018 regular legislative session.

Enrolled Bill Amendment to HB 1102-FN

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Contingency. If HB 1104-FN of the 2018 regular legislative session becomes law, RSA 126-A:5, XXXI as inserted by section 16 of that act shall be renumbered as RSA 126-A:5, XXXII.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 22, 2018
2018-2093-EBA
08/04

Enrolled Bill Amendment to HB 1104-FN

The Committee on Enrolled Bills to which was referred HB 1104-FN

AN ACT 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.

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 1104-FN

This enrolled bill amendment resolves a conflict with SB 429-FN of the 2018 regular legislative session.

Enrolled Bill Amendment to HB 1104-FN

Amend the bill by inserting after section 24 the following and renumbering the original section 25 to read as 26:

25 Contingency. If SB 429-FN of the 2018 regular legislative session becomes law, RSA 400-A:15-e and RSA 400-A:15-f as inserted by section 22 of this act shall be renumbered as RSA 400-A:15-g and RSA 400-A:15-h, respectively. If SB 429-FN does not become law, RSA 400-A:15-e and RSA 400-A:15-f as inserted by section 22 of this act shall be renumbered as RSA 400-A:15-f and RSA 400-A:15-g, respectively.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

June 7, 2018
2018-2123-EBA
10/03

Enrolled Bill Amendment to HB 1286

The Committee on Enrolled Bills to which was referred HB 1286

AN ACT relative to fishing and hunting licenses for permanently disabled veterans.

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 1286

This enrolled bill amendment incorporates changes made to an RSA section by 2018, 27 (HB 1280).

Enrolled Bill Amendment to HB 1286

Amend RSA 214:13, I as inserted by section 1 of this act by replacing line 1 with the following:

I. If the applicant for a fishing, hunting, or bow and arrow license is a resident of the state, has received a

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 30, 2018
2018-2104-EBA
08/05

Enrolled Bill Amendment to HB 1354

The Committee on Enrolled Bills to which was referred HB 1354

AN ACT adding the speaker of the house of representatives and senate president as permanent members of the university system board of trustees.

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 1354

This enrolled bill amendment changes the title of the bill to accurately reflect the contents of the bill.

Enrolled Bill Amendment to HB 1354

Amend the title of the bill by replacing it with the following:

AN ACT relative to the speaker of the house of representatives and senate president as members of the university system board of trustees.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 30, 2018
2018-2105-EBA
06/10

Enrolled Bill Amendment to HB 1356

The Committee on Enrolled Bills to which was referred HB 1356

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.

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 1356

This enrolled bill amendment renumbers an RSA section to avoid duplicating the numbering of an RSA section inserted by 2018, 57 (SB63).

Enrolled Bill Amendment to HB 1356

Amend section 1 of the bill by replacing lines 2 through 6 with the following:

Department of Health and Human Services. Amend RSA 126-A by inserting after section 75 the
following new subdivision:

Data Sharing Between the Department of Environmental Services and the Department of Health and Human Services

126-A:76 Data Sharing Between the Department of Environmental Services and the

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 31, 2018
2018-2118-EBA
03/08

Enrolled Bill Amendment to HB 1415-FN-A

The Committee on Enrolled Bills to which was referred HB 1415-FN-A

AN ACT establishing a death benefit for a school employee killed in the line of duty.

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 1415-FN-A

This enrolled bill amendment amends the title of the bill to reflect the contents of the bill.

Enrolled Bill Amendment to HB 1415-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT establishing a death benefit for a school employee killed in the line of duty and making an appropriation to the public school infrastructure fund.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 30, 2018
2018-2107-EBA
10/08

Enrolled Bill Amendment to HB 1418-FN

The Committee on Enrolled Bills to which was referred HB 1418-FN

AN ACT relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs.

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 1418-FN

This enrolled bill amendment renumbers an RSA section to avoid a conflict with 2018, 4 (SB 63) and adds a contingency to avoid a conflict with HB 1356.

Enrolled Bill Amendment to HB 1418-FN

Amend section 1 of the bill by replacing lines 2-5 with the following:

Drug Rebate Programs. Amend RSA 126-A by inserting after section 75 the following new subdivision:

Commission to Study Greater Transparency in Pharmaceutical Costs and Drug Rebate Programs

126-A:76 Commission to Study Greater Transparency in Pharmaceutical Costs and Drug

Amend RSA 126-A:76, II(a)(2) as inserted by section 1 of the act by replacing line 4 with the following:

Hampshire; and analyzing the amounts rebated by drug manufacturers for prescription drugs

Amend section 2 of the bill by replacing line 1 with the following:

2 Repeal. RSA 126-A:76, relative to a commission to study greater transparency in

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Contingent Renumbering. If HB 1356 of the 2018 regular legislative session becomes law then RSA 126-A:75 as inserted by section 1 of this act, and as repealed by section 2 of this act, shall be renumbered as RSA 126-A:77.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 15, 2018
2018-2005-EBA
04/01

Enrolled Bill Amendment to HB 1468

The Committee on Enrolled Bills to which was referred HB 1468

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.

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 1468

This enrolled bill amendment inserts a paragraph number.

Enrolled Bill Amendment to HB 1468

Amend section 3 of the bill by replacing line 3 with the following:

VI.(a) No new license shall be issued for, and there shall be no increase in licensed capacity

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 18, 2018
2018-2080-EBA
08/05

Enrolled Bill Amendment to HB 1495

The Committee on Enrolled Bills to which was referred HB 1495

AN ACT relative to standards for determining an adequate education.

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 1495

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to HB 1495

Amend section 2 of the bill by replacing line 1 with the following:

2 Delivery of an Adequate Education. RSA 193-E:3, III is repealed and reenacted to read as

Amend RSA 193-E:3, III(b) as inserted by section 2 of the bill by replacing line 10 with the following:

performance standards and progress toward college and career readiness; level 2 means nearly meets

Amend RSA 193-E:3, III(b) as inserted by section 2 of the bill by replacing line 12 with the following:

readiness; and level 1 means does not meet grade-level performance standards and needs substantial

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 31, 2018
2018-2115-EBA
08/04

Enrolled Bill Amendment to HB 1496

The Committee on Enrolled Bills to which was referred HB 1496

AN ACT relative to requirements for performance based accountability for an adequate education and relative to reporting requirements for the civics competency assessment.

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 1496

This enrolled bill amendment addresses a potential conflict with 2018, HB 1674.

Enrolled Bill Amendment to HB 1496

Amend the bill by replacing all after section 4 with the following:

5 Contingency. If HB 1674 of the 2018 regular legislative session becomes law, then section 1 of this act shall take effect one minute after the effective date of HB 1674. If HB 1674 does not become law, section 1 of this act shall take effect 60 days after its passage.

6 Effective Date.

I. Section 1 of this act shall take effect as provided in section 5 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.

June 1, 2018
2018-2119-EBA
08/10

Enrolled Bill Amendment to HB 1565-FN

The Committee on Enrolled Bills to which was referred HB 1565-FN

AN ACT requiring the secure psychiatric unit to be accredited as a behavioral health facility.

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 1565-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1565-FN

Amend section 3 of the bill by replacing line 3 with the following:

inserted by section 2 of this act and identifying any barriers to securing such accreditation and a

Amend RSA 622:46, I as inserted by section 4 of the bill by replacing line 3 with the following:

The commissioners shall review, at least [~~annually~~] ***biennially***, any interagency agreements and the

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 24, 2018
2018-2100-EBA
04/10

Enrolled Bill Amendment to HB 1743-FN

The Committee on Enrolled Bills to which was referred HB 1743-FN

AN ACT relative to funding for the Sununu youth services center and relative to positions at the department of health and human services.

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 1743-FN

This enrolled bill amendment amends the title of the bill and negates a section of the bill that became law with the passage of SB 63 of the 2018 regular legislative session.

Enrolled Bill 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, relative to positions at the department of health and human services, and establishing a committee to study alternatives to the continued use of the Sununu youth services center.

Amend section 13 of the bill by replacing it with the following:

13 Effective Date.

I. Section 2 of this act shall not take effect.

II. The remainder of this act shall take effect upon its passage.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 18, 2018
2018-2082-EBA
08/04

Enrolled Bill Amendment to HB 1756-FN-A

The Committee on Enrolled Bills to which was referred HB 1756-FN-A

AN ACT relative to a one-time allowance for certain state retirees.

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 1756-FN-A

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1756-FN-A

Amend subparagraph (b) of paragraph I of section 1 of the bill by replacing line 2 with the following:

July 1, 2018; and

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 21, 2018
2018-2090-EBA
05/06

Enrolled Bill Amendment to HB 1807-FN

The Committee on Enrolled Bills to which was referred HB 1807-FN

AN ACT relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.

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 1807-FN

This enrolled bill amendment corrects the title of the bill to accurately reflect the contents of the bill.

Enrolled Bill Amendment to HB 1807-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to exploitation of elderly, disabled, or impaired adults.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 22, 2018
2018-2091-EBA
06/10

Enrolled Bill Amendment to HB 1809-FN

The Committee on Enrolled Bills to which was referred HB 1809-FN

AN ACT relative to balance billing under the managed care law and relative to coverage for emergency services.

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 1809-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1809-FN

Amend section 8 of the bill by replacing line 3 with the following:

section 2 of this act on health insurance premium rates to the chairpersons of the house and senate

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 21, 2018
2018-2089-EBA
08/03

Enrolled Bill Amendment to HB 1816-FN

The Committee on Enrolled Bills to which was referred HB 1816-FN

AN ACT relative to Medicaid managed care.

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 1816-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1816-FN

Amend RSA 126-A:5, XIX(i) as inserted by section 1 of the bill by replacing line 13 with the following:

and the fiscal committee of the general court prior to implementation.

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. RSA 126-A:5, XIX(i) as inserted by section 1 of this act shall take effect upon its passage.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 30, 2018
2018-2109-EBA
04/03

Enrolled Bill Amendment to HB 1817-FN

The Committee on Enrolled Bills to which was referred HB 1817-FN

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.

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 1817-FN

This enrolled bill amendment amends the title of the bill to reflect the contents of the bill, makes grammatical and technical corrections to the bill, and amends the effective date of certain sections to be consistent with the dates stated in those sections.

Enrolled Bill 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; making an appropriation for recovery friendly workplaces; relative to kindergarten funding; relative to transitional housing; relative to the state loan repayment program; relative to disproportionate share hospital payments and making an appropriation therefor; and relative to the uncompensated care and Medicaid fund.

Amend RSA 4-C:37, IV as inserted by section 1 of the bill by replacing line 3 with the following:

and state library. The annual report shall be posted on the general court website.

Amend RSA 4-C:37, V as inserted by section 1 of the bill by replacing line 4 with the following:

county commissioners, and state library. The scorecard also shall be posted on the general court

Amend section 2 of the bill by replacing line 2 with the following:

Legislative Reporting Requirement. Amend RSA 9 by inserting after section 9-c the following new

Amend paragraph I of section 31 of the bill by replacing line 7 with the following:

pursuant to 2017, 155:1 and the uncompensated care and Medicaid fund established pursuant to

Amend paragraph II of section 31 of the bill by replacing line 5 with the following:

such sum out of any money in the treasury not otherwise appropriated.

Amend section 35 of the bill by replacing paragraph III with the following:

III. Sections 6, 8, 10, 12, 14, 16, 19, and 22 of this act shall take effect January 4, 2019.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

June 11, 2018
2018-2124-EBA
04/01

Enrolled Bill Amendment to HB 1819-FN

The Committee on Enrolled Bills to which was referred HB 1819-FN

AN ACT relative to administration of the education tax credit.

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 1819-FN

This enrolled bill amendment inserts contingent versions of the law to avoid a conflict with HB 1686-FN of the 2018 regular legislative session.

Enrolled Bill Amendment to HB 1819-FN

Amend the bill by replacing all after section 16 with the following:

17 Definition; Scholarship Receipt; Contingent Version. Amend RSA 77-G:1, XX to read as follows:

XX. "Scholarship receipt" means a document developed by the department of revenue administration and submitted by a scholarship organization to the business organization, business enterprise, or individual and that contains at a minimum:

(a) The business organization's, business enterprise's, or individual's name, address, and federal taxpayer identification number.

(b) The [~~amount of the donations used or carried forward and the amount not used~~] ***donation amount and date received or postmarked***.

(c) The scholarship organization's name and address.

18 Scholarship Organizations; Awards; Contingent Version. Amend RSA 77-G:5, I(i)(2) to read as follows:

(2) Not ***knowingly*** award a scholarship to any lineal descendant or equivalent step-person of any proprietor, partner, or member of any business organization, business enterprise, or individual making a contribution to a scholarship organization and claiming a credit against the business profits tax, business enterprise tax, or tax on interest and dividends, nor any lineal descendant or equivalent step-person of any officer, director, or owner of more than a 5 percent interest in any business organization, business enterprise, or individual making a contribution to a scholarship organization and claiming a credit against the business profits tax, business enterprise tax, or tax on interest and dividends, nor any employee who is among the highest-paid 20 percent of paid employees in any business organization, business enterprise, or individual making a contribution to a scholarship organization and claiming a credit against the business profits tax, business enterprise tax, or tax on interest and dividends.

19 Scholarship Applications; Contingent Version. Amend RSA 77-G:5, II(a)-(c) to read as follows:

II.(a) An organization seeking approval as a scholarship organization under this chapter shall submit an application to the department of revenue administration each program year no later than June 15. The department of revenue administration shall approve or deny the application within 30 days of receipt ***of the application or the scholarship organization report, whichever is later***. The department shall deny any application that fails to meet the statutory requirements and shall notify the scholarship organization of the reasons for denial.

(b) A business organization, business enterprise, or individual shall submit an education tax credit application to the department of revenue administration [~~no earlier than January 1 and no later than November 15. The department shall approve these applications within 30 days~~] ***no later than May 31 of each program year. Applications received after May 31 shall be processed for the following program year and approved within 30 days of receipt or within 30 days of the department of revenue administration's approval of the scholarship organization, whichever comes later. Applications shall be processed*** on a first come-first served basis, up to the aggregate tax credit amount allowed under RSA 77-G:4. If multiple education tax credit applications are received on the same day, they shall be processed at random. No business organization, business enterprise, or individual shall be granted an education tax credit for more than 10 percent of the aggregate tax credit amount permitted in RSA 77-G:4. The department of revenue administration may approve only a portion of a request if required to prevent exceeding the aggregate tax credit amount allowed under RSA 77-G:4. The approval shall include the amount allowed and the date of approval.

(c) Once an education tax credit application is approved, the business organization, business enterprise, or individual shall donate [~~within~~] ***no later than*** 60 days [~~of~~] ***after*** the date of approval, [~~but no later than December 15,~~] ***and no later than June 30 of the program year during which its application was approved*** or the request shall expire. Donations may be made to multiple scholarship organizations provided the total amount donated by the business organization, business enterprise, or individual does not exceed the amount approved.

20 Contingency. If HB 1686-FN of the 2018 regular legislative session becomes law, sections 17-19 of this act shall take effect July 1, 2018 at 12:01 a.m. and sections 4, 11, and 12 of this act shall not take effect. If HB 1686-FN does not become law, sections 4, 11, and 12 of this act shall take effect July 1, 2018 and sections 17-19 of this act shall not take effect.

21 Effective Date.

I. Sections 9, 13, and 15 of this act shall take effect July 1, 2018, at 12:01 a.m.

II. Sections 4, 11, 12, and sections 17-19 of this act shall take effect as provided in section 20 of this act.

III. The remainder of this act shall take effect July 1, 2018.

Senator Avard moved adoption of the Enrolled Bill Amendment. Adopted.

May 31, 2018
2018-2116-EBA
05/01

Enrolled Bill Amendment to HB 2018

The Committee on Enrolled Bills to which was referred HB 2018

AN ACT relative to the state 10-year transportation improvement program and establishing a committee to study the removal of the Merrimack tolls.

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 2018

This enrolled bill amendment amends the title of the bill to accurately reflect its content and makes technical and grammatical corrections.

Enrolled Bill 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, establishing a committee to study the removal of the Merrimack tolls, and establishing a committee to study driveway permitting.

Amend RSA 237:7, I(t) as inserted by section 5 of the bill by replacing line 2 with the following:

RSA 237:5, II(o)-(p). 27,000,000

Amend RSA 237:7, I(u) as inserted by section 5 of the bill by replacing line 2 with the following:

committee (2 years). 100,000

Amend RSA 237:7, I(h) as inserted by section 6 of the bill by replacing line 2 with the following:

VII(c), IX. [~~$697,000,000~~] ***891,000,000***

Amend section 11 of the bill by replacing line 1 with the following:

11 Statewide Turnpike Evaluation of Public-Private Partnership Projects. $100,000 of turnpike

Amend paragraph V of section 25 of the bill by replacing line 1 with the following:

V. The members of the study committee shall elect a chairperson

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 124-FN, relative to aircraft registration fees.
HB 324, establishing a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire.
HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation.
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 1276, adding an exemption for certain raffles conducted by charitable organizations and relative to charitable gaming licenses.
HB 1294, relative to religious societies.
HB 1307, relative to the first session of annual meetings.

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 1327, relative to apprentice electricians.
HB 1347, relative to information to be included in the minutes under the right-to-know law.
HB 1372, prohibiting the implanting of subcutaneous identification devices in individuals.
HB 1392, relative to tallies of votes on budget items or warrant articles.
HB 1450, relative to retention of job applications and personnel files.
HB 1506-FN, relative to the commission on primary care workforce issues.
HB 1515, relative to an exemption from the combustion ban on construction and demolition debris.
HB 1530, requiring criminal history records checks for applicants for allied health professional licensure or certification.
HB 1545, relative to the statewide interoperability executive committee.
HB 1595, relative to the use of the left lane of a multilane roadway.
HB 1612, relative to data security in schools.
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 1791-FN, allowing pharmacists to disclose information relative to lower cost drugs under the managed care law and relative to biological products dispensed by pharmacists.
HB 1796, relative to the legislative oversight committee on electric utility restructuring.
SB 334-FN, relative to temporary licensure of allied health professionals from nearby states, and reciprocal and temporary licensure for occupations and professions for persons from other states.
SB 357, relative to safe school zones and relative to syringe service programs.
SB 365, relative to the use of renewable generation to provide fuel diversity.
SB 382, relative to a plan for the dissolution of cooperative school districts.
SB 398, relative to information contained in certain motor vehicle records.
SB 407, relative to membership of the McAuliffe-Shepard discovery center board.
SB 446, relative to net energy metering limits for customer-generators.
SB 453, relative to requirements and criteria for a competitive grant program for drinking water protection and relative to fluoride in municipal water systems.
SB 461, relative to continuing education for real estate brokers and salespersons.
SB 488, relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center.
SB 565-FN, relative to aircraft registration fees.
SB 575-FN, relative to electric vehicle charging stations.
SB 581-FN, relative to compounding of drugs and establishing a committee to study rulemaking authority for reconstituted drugs.
SB 588-FN, relative to inspections of laboratories and relative to loans for lead hazard remediation projects.

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 1546-FN, authorizing the town of Hampton to hold a special town meeting.
SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.

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 169-FN, relative to limits on wagers in charitable games of chance.
HB 225-FN, relative to information collection concerning electric renewable portfolio standards.
HB 252, relative to pro se litigants under the right-to-know law.
HB 263, relative to facilities licenses for charitable gaming and relative to security requirements for games of chance.
HB 317, relative to changes in the system benefits charge.
HB 549-FN, relative to beverage vendor fees.
HB 561-FN, relative to part-time employment of a retirement system retiree by a participating employer.
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 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire; establishing a moratorium on the adoption of changes to the state building code and state fire code; and repealing the joint legislative oversight committee on the emergency management system.
HB 1377, relative to emancipation by marriage and establishing a committee to study the emancipation of minors.
HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7.
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 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 1697-FN, relative to organizations authorized to issue decals for multi-use decal plates.
HB 1753-FN, relative to transportation of alcoholic beverages by a minor.
HB 1761, relative to the math learning communities program in secondary schools.
HB 1766-FN, requiring the department of environmental services to report to the general court regarding bedrock testing and perfluorochemical contamination in the Seacoast area and at other landfills and hazardous waste sites.
HB 1775, relative to the appointment of guardians ad litem in parenting cases and relative to alcohol and drug free housing.

SB 71, relative to the law governing alimony.
SB 84, relative to payment of workers' compensation benefits by direct deposit.
SB 318, relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law.
SB 342, requiring identification of specific items in the default budget.
SB 343, relative to legislative ethics guidelines.
SB 377-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners.
SB 379, relative to retroactive denials of previously paid claims.
SB 415, relative to condominium unit owners' special meetings and voting proxies.
SB 418, relative to wine samples and samples for consumption on the premises of a beverage manufacturer.
SB 459, relative to reciprocity for licensure as a real estate broker or salesperson.
SB 473, relative to employment contract restrictions upon certain health care providers.
SB 506, limiting amendments to warrant articles.
SB 512, relative to compact sections of towns.
SB 531-FN, relative to the office of professional licensure and certification.
SB 540-FN, relative to the operation of keno games in unincorporated places and permitting keno games in cigar bars.
SB 541-FN-A, relative to the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.
SB 549-FN-A, relative to plans of safe care for infants affected by substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder.
SB 592-FN-A, relative to the child welfare system.

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 267, establishing the New Hampshire transportation council.
HB 500, relative to organizations that are authorized to issue decals.
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 1260, relative to the payout value of bingo games at private campgrounds and hotels, the hours of operation of Keno, and the sale of Lucky 7 tickets during bingo games.
HB 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 1495, relative to standards for determining an adequate education.
HB 1756-FN-A, relative to a one-time allowance for certain state retirees.
HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults.
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.

SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds.
SB 358, relative to reorganization of the department of education.
SB 386, relative to access to criminal records.
SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program.
SB 500, amending references to firearms terminology.
SB 507, proclaiming June as post-traumatic stress injury (PTSI) awareness month.
SB 513, establishing September as New Hampshire recovery month.
SB 566-FN, establishing a commission to study certain aspects of the school bus driver shortage.
SB 570-FN, relative to the work requirement for the child care scholarship program.
SB 577, requiring the public utilities commission to revise its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.
SB 578-FN, relative to unclassified positions within the department of health and human services.
SB 590-FN-A, relative to the state loan repayment program, the developmental disabilities wait list, involuntary admissions procedures, and the mental health system.

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 314, relative to licensing requirements for autonomous vehicle testing and establishing an automated and connected vehicle testing and deployment commission.
HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire.
HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians.
HB 1354, relative to the speaker of the house of representatives and senate president as members of the university system board of trustees.
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 1415-FN-A, establishing a death benefit for a school employee killed in the line of duty and making an appropriation to the public school infrastructure fund.
HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs.
HB 1496, relative to requirements for performance based accountability for an adequate education and relative to reporting requirements for the civics competency assessment.
HB 1565-FN, requiring the secure psychiatric unit to be accredited as a behavioral health facility.

HB 1743-FN, relative to funding for the Sununu youth services center, relative to positions at the department of health and human services, and establishing a committee to study alternatives to the continued use of the Sununu youth services center.
HB 2018, relative to the state 10-year transportation improvement program, establishing a committee to study the removal of the Merrimack tolls, and establishing a committee to study driveway permitting.
SB 370-FN, adopting the emergency medical services personnel licensure interstate compact.
SB 421, relative to insurance coverage for prescription contraceptives.
SB 437, relative to the robotics education development program.
SB 487, relative to requirements for certain alcohol and other drug use professionals and establishing a state substance use disorder treatment services program.
SB 491, relative to food protection services in New Hampshire.
SB 527-FN-LOCAL, relative to absentee voting and relative to the statewide centralized voter registration database.
SB 535-FN, relative to licensure for the practice of professional art therapy and relative to certain revenues from the sale of commemorative liquor bottles of historic significance.
SB 537, conferring extraterritorial financing powers on the New Hampshire business finance authority.
SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record.
SB 589-FN, relative to authorizing petitions to state licensing boards for review of an individual's criminal record concerning disqualification for licensure.

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 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; 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; making an appropriation for recovery friendly workplaces; relative to kindergarten funding; relative to transitional housing; relative to the state loan repayment program; relative to disproportionate share hospital payments and making an appropriation therefor; and relative to the uncompensated care and Medicaid fund.

SB 580, relative to transfers of appropriated funds, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch.

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 1286, relative to fishing and hunting licenses for permanently disabled veterans.
HB 1819-FN, relative to administration of the education tax credit.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted.

The Senate is in recess to the Call of the Chair.

July 25, 2018

SPECIAL SESSION SENATE JOURNAL

Call the Senate to Order.

The Senate convened at 10:00 a.m., a quorum being present.

The Reverend, Pastor Mark Warren, chaplain to the Senate, offered the following prayer:

Let's pray.

God, we thank you for this time that we can come together. I'm sure hearts and minds are spinning when people feel like they need the break and want to be on break, but a Special Session has been called. So, we ask you, God, to give us clarity of mind, settle our hearts. With potential new legislation, Father, I just pray that you would give us unity of the issues at hand. Help us to stay focused on what is good for the citizens of New Hampshire. Let us treat each other with respect as we address one another; and let it be done with love and kindness. I just ask that your covering and protection would be over this meeting. Amen.

Senator Giuda led the Pledge of Allegiance.

INTRODUCTION OF PAGES

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I'm honored to introduce one of our two Pages this morning. Max Paganini, a good Irish name. Fifteen years old in the tenth grade out of the Tilton School in Sanbornton. Max welcome here. His favorite subject is history; varsity soccer, varsity hockey, varsity golf are his sports. Max enjoys all things outdoors: fly fishing, mountain biking. He's a Mack Moran Scholar at Tilton School, that's a scholar recognition for students who have demonstrated exceptional academic achievement and habits of mind. His future aspirations are to attend an Ivy League school and eventually pursue a career in world health. Max, on behalf of the Senate and the citizens, welcome to our Senate.

(The Chair recognized Senator French.)

SENATOR FRENCH: Thank you, Mister President. I would like to introduce our other Page, Molly Sottak. Molly is fifteen years old and in the tenth grade. She lives in Belmont and attends Belmont High School. Her favorite subject is English. She plays varsity soccer, varsity basketball and track and field events and while doing all this, she still maintains high enough grades to be on the honor roll. Molly's future plans are to be an English teacher and I'm sure she will succeed. Molly, welcome to the Senate.

PRESIDENT MORSE: You probably are wondering, some of you, why we are here in this room. Well, first let me thank you for coming in the middle of July. But I also want you to know that our chamber is completely torn apart. Stripped right down. The ceiling is gone. So, we won't have it back until probably close to the end of October, but the luxury is we have air conditioning over here and it's a plus, but it doesn't mean we want to stay here all day.

But we do have some research. The Senate has held sessions in other locations spanning the state. In 1973 in celebration of the 190th birthday of the Senate; in addition to two sessions in 1791 in Portsmouth; and in 1792 in Exeter, predating the construction of the State House, nearly two hundred years ago; and the naming of Concord as the state capital in 1808. We are not going to debate that today.

Most of you know we are meeting here today because the Senate Chamber is currently under renovation. As far as the work being done to update the chamber, we are making some updates including new carpeting on the Senate floor and the gallery, and adjoining offices. The Senate gallery is also getting updates with refurbishing the seats and restoring and painting the frames of the chairs. One of the most dramatic changes we are making is to the ceiling. At this point, we have removed the drop ceiling tiles and unfortunately the original ceiling beneath can't be practically salvaged. With input from Senator Watters, where are you? We basically came up with a solution that I think will work. We brought in professionals to make recommendations and we made a decision and we're moving forward with that to try and keep the historical value and keep some common sense in how we get there, and to make sure we get there by October. So, had we chosen a different direction we wouldn't have made it. The murals will be cleaned after the ceiling work is completed and the chamber will also see some electrical and technical upgrades. Not as techy as some of you may want, Senator Bradley, Senator Sanborn. I didn't want to encourage that for any future Senate. But I think you'll see that we are providing much more electrical in there to make sure that you can charge your phones out back. We are looking forward to this whole project coming together and I thank you for bearing with us today.

PRESIDENT MORSE: The Senate will be attentive to the Clerk for a message.

PROCLAMATION MESSAGE FROM THE GOVERNOR AND EXECUTIVE COUNCIL

The State of New Hampshire
By His Excellency
Christopher T. Sununu, Governor
With the Advice of the
Honorable Executive Council

A Proclamation

In the year of our Lord Two Thousand and Eighteen

WHEREAS, on June 21, 2018, the United States Supreme Court issued its decision in South Dakota v. Wayfair, Inc., et al, (the "Wayfair decision") in which the Court overturned 50 years of precedent that a retailer must be physically present in a state before the state could impose its sales and use tax collection requirements; and

WHEREAS, the Wayfair decision has created enormous uncertainty and could require New Hampshire businesses to collect sales and use taxes for over 10,000 state and local jurisdictions where they have no physical presence; and

WHEREAS, the State of New Hampshire has made a fundamental policy decision to not impose a general sales and use tax; and

WHEREAS, the welfare of the people of the State of New Hampshire requires the convening of the General Court in special legislative session for the purpose of enacting legislation to respond to the Wayfair decision; and

WHEREAS, the Executive Department, in calling such a session, intends an agenda limited to passing comprehensive legislation which takes every feasible and legally permissible step to protect New Hampshire citizens and businesses from any and all attempts by foreign state and local taxing jurisdictions to impose sales and use tax collection obligations on New Hampshire businesses in violation of the Due Process Clause and Commerce Clause of the United States Constitution or any other provision of law;

NOW, THEREFORE I, CHRISTOPHER T. SUNUNU, GOVERNOR, with the advice of the Council, on a motion duly seconded, hereby exercise my legislative authority under Part 2, Article 50 of the New Hampshire Constitution and summon the General Court to convene in Special Session on a date to be specified by the Speaker of the House and the President of the Senate, but to occur no later than August 15, 2018.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the State of New Hampshire to be affixed this 11th day of July, 2018.

Christopher T. Sununu
Governor

A roll call was taken by the Clerk of the Senate with 24 Senators in attendance.

Senator Bradley moved, resolved, that the House of Representatives be informed that under the authority of the call of the Special Session by the Governor and Council, the Senate has assembled and is now ready to proceed with the business of the Special Session. Adopted.

ADOPTION OF SPECIAL SESSION SENATE RULES

Senator Bradley moved, resolved, that the Senate adopt the 2018 Special Session Senate Rules as proposed, copies of which are provided in the senate calendar.

SPECIAL SESSION
RULES OF THE SENATE
July 25, 2018

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PART ONE

DUTIES OF THE SENATE PRESIDENT

1-1 Determination of Quorum – In the Special Session the President, having taken the chair, shall determine a quorum to be present and shall immediately call the members to order.

1-2 Members, Conduct When Speaking - Any member, wishing to speak, shall notify the President. When recognized to speak, the member shall rise and address the President, and when finished shall then sit down.

1-3 Members Not to Speak More Than Twice - No member shall speak more than twice on the same question on the same day without leave of the Senate President.

1-4 President Shall Recognize Whom - When more than one member wishes to speak at the same time, the President shall decide who shall speak first.

1-5 Questions of Order, Appeal - The President shall preserve decorum and order. If any member transgresses the rules of the Senate, the President shall, or any member may, call said member to order in which case the member so called to order shall immediately cease and desist, and the Senate, if appealed to, shall decide the case. But if there is no appeal, the decision of the President shall be conclusive.

1-6 Galleries, Clearing of - In case of any disturbance or disorderly conduct in the gallery, the President shall have the power to order the same to be cleared. The Chairman of the Committee of the Whole may restrict attendance to the duly elected Senators.

1-7 President to Sign Bills, etc - All warrants, subpoenas and other processes issued by order of the Senate shall be under the hand and seal of the President attested by the Clerk.

1-8 President May Name Member to Chair - The President when performing the duties of the Chair may, at any time, name any member to perform the duties of the Chair.

PART TWO

THE SENATE SESSION

DECORUM

2-1 Absence of Members from Session - No member shall absent himself or herself without permission from the Senate.

2-2 Decorum While Another is Speaking - No member shall hold conversation with another while a member is speaking in debate.

2-3 Use of Electronic Devices - The use of electronic devices, with the exception of Senate-issued devices and devices used by members of the media, is prohibited on the Senate floor during session, unless the Senate is in recess or unless otherwise approved by the Senate.

2-4 Recording and Broadcast Devices During Recess - All recording and broadcast devices used on the Senate floor shall be paused or otherwise prevented from recording or broadcasting audio or video of members or staff while the Senate is in recess.

DEBATE

2-5 Motions - Motions during debate shall be considered according to the provisions of Table I, with said motions listed in order of decreasing precedence.

2-6 No Substitution under Color of Amendment - No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

2-7 Reconsideration Restrictions - No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side and, if the vote applied to a bill, the bill to which the vote applied is in the possession of the Senate.

2-8 Reconsideration Process - A motion to reconsider shall be made in open special session prior to adjournment from the early session on the same day on which the vote to be reconsidered was taken, in which case, unless otherwise ordered by the Senate, the reconsideration vote shall be taken up immediately.

2-9 Division of the Question - Any member may call for the division of the question and when the sense will admit it, as determined by the President, the question shall be divided.

Table I - Motions

Privileged Motions

Motion	Debatable	Amendable	Notes
Adjourn	No	Yes	Amendments limited to the time to which to adjourn.
Recess	No	Yes	Amendments limited to length of the recess.

Incidental Motions (all become main motions if made when no question is pending or when not related to the business at hand)

Motion	Debatable	Amendable	Notes
Appeal	Yes	No	Debate limited to the specific decision of presiding officer from which appeal is made. Presiding officer is allowed to speak. The question to be put is, "Shall the decision of the president stand?" A tie vote also sustains the chair's ruling.
Point of Order	No	No	Calls attention to a violation of rules or order. May be raised when another member is speaking. Not technically a motion, but the presiding officer could submit the question to the Senate, at which point it becomes a motion open for debate, but not amendment.
Parliamentary Inquiry	No	No	Requests information from the presiding officer about parliamentary procedure or Senate rules. May be raised when another member is speaking only if it requires immediate attention. Not technically a motion.

Object to Reading of Papers	No	No	Reading from documents as part of a speech is generally allowed as a courtesy, provided the papers are relevant, short and not used as a delaying tactic. Any member may object during the reading, however, and the body decides whether permission to read is granted.
Suspend the Rules	No	No	Requires a 2/3 vote. See Rule 5-5.

Subsidiary Motions

Motion	Debatable	Amendable	Notes
Lay Upon the Table	No	No	May be applied to a main motion with other pending motions, in which case the main motion, along with all pending motions, is laid on the table.
Previous Question	No	No	If not otherwise specified, ends debate and calls for a vote on the immediately pending question. May be used to end debate and call for votes on all pending questions.
Amend	Yes	Yes	
Postpone Indefinitely	Yes	No	Opens the main question for debate, since it involves the final disposition of the question. No part of a bill postponed indefinitely shall be acted on in any way for the Special Session.

Main Motions (can only have one main motion before the Senate at a time)

Motion	Debatable	Amendable	Notes
Main Motions	Yes	Yes	Ought to Pass, Ought to Pass w/Amendment, Inexpedient to Legislate.
Bills Amended by the House	Yes	No	See Rule 3-10. Any amendment made to a Senate bill by the House shall be returned to the Senate for Concurrence or Nonconcurrence.
Take From Table	No	No	
Special Order	No	No	Moves consideration of a future scheduled item to another time by a simple majority vote prior to adjournment of the early Special Session.
Reconsider	Yes	No	Debatable to the extent the question being reconsidered is debatable. If so, it opens up the original question for debate.

2-10 Personal privilege - A Senator may, as a matter of personal privilege, defend his/her position on a bill, his/her integrity, his/her record, or his/her conduct, against unfair or unwarranted criticism, or may speak of an issue which relates to his/her rights, privileges or conveniences as a Senator; provided, however, the matters raised under personal privilege shall not be subject to questioning, answer, or debate, by another Senator. Personal Privilege remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate.

2-11 Other Remarks (Unanimous Consent) - A Senator may, when granted leave by the Senate, speak on other matters of his/her choosing and in such cases may be subject to questioning and/or answer according

to the Rules of the Senate. These remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate.

VOTING

2-12 General Rules on Voting - All questions shall be put by the President, and no member who was absent when the question was put shall be required to vote.

2-13 Abstaining from a Vote - No member who was present when the question was put shall abstain from voting unless by reason of a conflict pursuant to Rule 5-8 or unless excused by the Senate for a special reason.

2-14 Voice Vote - When the question has been put, each member present shall signify assent or dissent by voting yea or nay.

2-15 Division Vote - If the President doubts or a division is called for, the Senate shall divide. Those in the affirmative on the question shall first rise from their seats and stand until they be counted. They shall then be seated and those in the negative on the question shall rise from their seats and stand until they be counted. The President shall rise and state the decision of the Senate.

2-16 Recorded Voice or Division Vote - Any member may, following a voice or division vote, have his or her vote recorded in the Journal by providing a signed notice of said vote to the Clerk, on a form prescribed by the Clerk.

2-17 Roll Call Vote - When the yeas and nays have been moved by a member and duly seconded by another member, each member present shall declare assent or dissent to the question. The names of the persons so making the motion and the second shall be recorded in the Journal. The President shall determine the order of the roll call.

MISCELLANEOUS

2-18 Visitors to the Senate - No person except members of the Senate and its officers, the Governor, Council members, the Secretary of State, the Treasurer, the Speaker of the House of Representatives and its officers and clerks, shall be admitted to the floor of the Senate while the Senate is in Special session, except by the invitation of the President, or some member with the President's consent.

PART THREE

BILLS

DRAFTING

3-1 Enactment of Laws - Enactment of laws, as provided in the Proclamation for the Call for the Special Session, shall be by bill. No bill or bill amendment shall be introduced into the Senate the subject matter of which is not included in the Proclamation issued by the Governor and Executive Council for the Special Session.

3-2 Office of Legislative Services to Prepare Items - All petitions, memorials and other papers addressed to the Senate and all bills to be introduced in the Senate except those procedural and rules resolutions prepared by the Clerk, shall be delivered or caused to be delivered to the Office of Legislative Services, who shall prepare the items in proper form and present them to the sponsor(s) for signature and then to the Clerk.

3-3 Marking and Numbering Bills - Every bill, except those procedural and rules resolutions prepared by the Clerk, shall be numbered serially according to the type of bill or resolution. Each bill shall be marked on the first page "Special Session Senate Bill".

3-4 Draft Provided to Legislative Budget Assistant - If a drafting request for a bill has been filed with the Office of Legislative Services requiring a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the Legislative Budget Assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal, provided that the identity of the sponsor shall not be disclosed.

POST-DRAFTING PROCESS

3-5 Reading of Bills and Resolutions - Every bill, except senate resolutions and those procedural and rules resolutions prepared by the Clerk, shall have three readings in the Senate previous to its passage. The first and second readings shall be by title only which may be accomplished by a conglomerate resolution, and shall be printed as provided in Rule 3-6, unless otherwise ordered by the Senate. No bill after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills shall be in the late session unless otherwise ordered by the Senate.

3-6 Printing and Distribution - After every bill shall have been read a second time, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the legislature, and cause the same to be distributed to the members, bills received from the House shall be printed at the same stage of their procedure unless they have been printed in the House and copies distributed in the Senate, in which case any amendment made by the House shall be duplicated and distributed in the Senate.

AMENDMENTS

3-7 Amendments Only on Second Reading - No amendment shall be made but upon the second reading of a bill; and all such amendments shall be in writing, with the name of the Senator and the district he or she represents.

3-8 Review of Amendments by Office of Legislative Services - Amendments shall have been reviewed by the Office of Legislative Services for form, construction, statutory and chapter reference.

3-9 Non-Germane Amendments Prohibited - No amendment to any bill shall be allowed except it be germane. For the purposes of this rule, an amendment to a bill is germane if the subject matter of the amendment is the same as that of some portion of the bill. The prohibition on non-germane amendments shall not apply in the case of a bill previously found ought-to-pass by the Senate being added to a subsequent bill.

GENERAL RULES ON BILLS

3-10 Bills Amended by the House - Any bill returned from the House with an amendment shall have one of the following recommendations considered by the full Senate: Concur or Nonconcur. Adoption of a motion to Nonconcur kills the bill.

Part Four
Committee

4-1 Standing Committee - The standing committee of the Senate shall be as follows: the Committee on Rules and Enrolled Bills.

Part Five
Other Rules

Senate Staff

5-1 Composition and Duties - The staff of the Senate shall be comprised of:

(1) A Clerk, who shall be elected by the Senate;

(2) Clerk's office staff, who shall be nominated by the Clerk and appointed by the President; and

(3) Such other personnel as the President shall appoint.

The President shall define the duties of all members of the Senate staff which are not fixed by statute or otherwise ordered by the Senate.

5-2 Days of Employment - Each member of the staff of the Senate shall be available on call to carry out the work of the Senate.

5-3 Requisition Approval Required - No officer or employee of the Senate during the session or any adjournment thereof shall purchase or contract for the purchase, pay, or promise to pay any sum of money on behalf of the Senate or issue any requisition or manifest without the approval of the Senate President.

Senate Rules

5-4 Amending Rules - Any rule of the Special Session of the Senate may be amended by two-thirds majority vote.

5-5 Suspending Rules - No standing rule of the Special Session of the Senate shall be suspended unless two-thirds of the members present and voting vote in favor thereof.

Messages

5-6 Messages Sent to House - Messages shall be sent to the House of Representatives by the Clerk of the Senate.

5-7 Messages, When Received - Messages from the Governor or House of Representatives may be received at all times, except when the Senate is engaged in putting the question, in calling the yeas and nays, or in counting the ballots.

Miscellaneous

5-8 Conflict of Interest - In all instances every member shall act in conformance with the duly adopted Ethical Guidelines and Opinions of the New Hampshire General Court.

5-9 Requests to the Legislative Budget Assistant - Any Senate member may make a request of the Office of the Legislative Budget Assistant Budget Division, for technical staff assistance in the areas of finance, accounting and budgeting. The Budget Division may respond to that request when doing so will not interfere with the Budget Division's principal responsibilities as outlined in RSA 14:31-b, as determined by the Legislative Budget Assistant.

5-10 Committee of the Whole - The Senate may resolve itself into a Committee of the Whole at any time on motion made for that purpose; and in forming a Committee of the Whole; the President shall leave the chair, and appoint a chairperson to preside in committee.

PRESIDENT MORSE: At this point, if anyone has any changes to the rules we're going to do this just like we treat legislation. The rules have been proposed, they've been in the calendar. If there's an amendment to the rules, please state your amendment now.

Senator Feltes moved to amend proposed Special Session Senate Rules 5-4 and 5-5, with the following amendment.

AMENDMENT TO SENATE RULE 5-4 AND 5-5

Amend Senate Rule 5-4 and 5-5 by replacing with the following:

5-4 Amending Rules - Any rule of the Special Session of the Senate may be amended by majority vote.

5-5 Suspending Rules - No standing rule of the Special Session of the Senate shall be suspended unless a majority of the members present and voting vote in favor thereof.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. What's being handed out is a modification to the proposed Rule 5-4 and 5-5 to reflect that a suspension of our rules is by a majority vote which is our typical rule process and was our rule process in special session in 2015. Right now the rules are written that a suspension of the rules would be by a two-thirds vote, which in my view could preclude the introduction of further consideration of legislation that is of pressing interest to the state of New Hampshire and to this body. Some may argue that, look we need to limit this to what the Governor and Council has prescribed for us today based on their resolutions, so a two-thirds supermajority makes sense. However, I'll just note that in 2006, the Supreme Court, New Hampshire Supreme Court in *Starr v. Governor* 154 N.H. 174, found that the clause authorizing the Governor to call us, the legislature into special session does not quote, "does not in any way limit the legislature's response to the Governor's call for a special session. We believe…" this is the court talking, "We believe that the state constitution empowers the legislature to enact any laws and statutes for the benefit of the state, whenever it sits in session, general or special session." Unquote.

So, to do a supermajority requirement to preclude the consideration of any other matter before this body, pressing issues before the state of New Hampshire, I think in my view, conflicts with the purpose of our mandate, conflicts with the state constitution, and conflicts with how we've traditionally, at least in 2015 anyways, handled special sessions. So I respectfully encourage the adoption of the modification of the Rule 5.4 and 5.5 so that a majority of Senators can vote on suspending these rules to consider other matters. Thank you very much, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. And I ask that the body vote down the proposed amendment to Rule 5-4 and 5-5 for the following reasons. We always suspend our rules by a two-thirds vote and that's what's at stake here. Under the constitution, we can adopt rules. I think that's clear. But historically we always suspend the rules by a two-thirds vote. What is coming before us today has been fully vetted last week by a task force that you, Mister President and the Speaker of the House, assigned several of us to sit on. Any other matter would be extraneous and should be subject to the two-thirds rule. So on the pending vote of the amendment proposed by my colleague from Senate District 15, I would ask a no vote. Thank you, Mister President.

The question is on the adoption of the motion to amend Special Session Senate Rules 5-4 and 5-5.

A roll call was requested by Senator Avard, seconded by Senator Feltes.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 11 - Nays: 13. Failed.

PRESIDENT MORSE: Are there any other amendments to come before us? Seeing none, the question is on the adoption of Senator Bradley's proposal to the Rules as posted in the calendar.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: I move adoption of the Rule as proposed.

The question is on the adoption of the motion to adopt the 2018 Special Session Senate Rules.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Giuda, Bradley, Watters, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

The following Senators voted No: Woodburn, Hennessey, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

Roll Call, Yeas: 16 - Nays: 8. Adopted.

PRESIDENT MORSE: Let me explain what we need to do right now. We're going to take a recess for fifteen minutes to get organized on any amendments to Senate Bill 1; and any legislation that's going to be drafted. I'm assuming that most of you have worked with OLS in all these things. So, I don't believe it will take more than fifteen minutes. So, we'll take a break for fifteen minutes. If the Republicans could meet in 209.

Recess. Out of recess.

HOUSE MESSAGE

The House of Representatives, pursuant to the call from the Governor and Council, has assembled and is now ready to proceed with the business of the 2018 Special Session.

INTRODUCTION OF SPECIAL SESSION SENATE BILL 1-FN

Senator Bradley moved introduction of Special Session Senate Bill 1-FN, and resolve that, in accordance with the list in the possession of the Clerk, legislation numbered Special Session Senate Bill 1-FN shall be by this Resolution read a first and second time by the therein listed title.

First and Second Reading

SSSB 1-FN, requiring notice and approval of certain actions to commence audits of collection liabilities arising under certain sales and use tax statutes and prohibiting New Hampshire remote sellers from disclosing private customer information to foreign taxing authorities in connection with the collection of certain sales and use taxes.

Adopted.

Senator Bradley moved Ought to Pass.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you, Mister President. I want to first start out by congratulating all the staff and all the administrative people that have made what is a very historic morning for all of us. I think this is only the third or fourth time the New Hampshire Senate has ever met outside of our chambers across the street. So thank you all for the hard work that you've done. I want to thank you, Mister President, as well as the Speaker of the House for appointing myself, Senator Carson, Senator Daniels, Senator Giuda, Senator Avard, Senator Feltes and Senator D'Allesandro to the task force that met one day two weeks ago and three days last week in this room and laboriously went through, line by line, comma by comma, Special Session Bill 1 that a number of us have sponsored.

On an overall basis, what is important to note is that this bill was drafted by the Attorney General's Office with the input of the Governor's legal counsel and a seventeen-member task force that as I said, went through every line and every comma.

The purpose of this bill is to make sure that in light of the *Wayfair* United States Supreme Court decision, we are protecting New Hampshire businesses should there be an attempt by an out-of-state taxing jurisdiction. And there's some 10,000 of them around the countries, not just the forty-five other states that have sales taxes, but multiple other taxing jurisdictions to comply with New Hampshire laws, to protect New Hampshire businesses from the cost of that potential collection, and to make sure that there is no consumer fraud and scam going on through the attempt to collect.

So, what this bill does is several things. If you look through the bill, the first two or three pages are all a purpose statement. I'm not going to go through what each and every one of the purpose statement means because it's all pretty apparent what that is but in the definitions we build upon RSA 78-D, which was legislation that came as a result of past incidents with New Hampshire and Massachusetts as the Massachusetts Department of Revenue in the *Town Fair* case in 2009 attempted to collect a sales tax on its residents or from our businesses that Massachusetts residents were shopping in. The Supreme Judicial Court in Massachusetts ruled in favor of not collecting that tax because it ruled that you don't know if you're a merchant, where that product is being used; and that protected New Hampshire businesses.

So, what this measure does is build upon that and it is a new section of law, RSA 78-E. It does several things. First of all, if you are one of those 10,000 out-of-state foreign taxing jurisdictions, you'll have to register with the Department of Justice 120 days prior to attempting any kind of tax collection effort, be it an audit, a request for information, or a request of the business to remit a tax to the out-of-state taxing jurisdiction. The legislation also requires that if there is an attempt to do that, attempt to ask for information, do an audit that also prior to that, the Attorney General's Office will need to be notified 120 days. The Attorney General's Office then must make a determination if a registration has happened, and to make a determination that what the out-of-state taxing jurisdiction is doing is indeed constitutional under the New Hampshire Constitution as well as the United States Constitution. This is designed among other things, to make sure there is no consumer fraud and consumers are protected and businesses are protected from scam artists, quite frankly.

So, if the attorney general makes that determination, then several other things happen in this bill that was worked on extensively. And I have to say, and thank all the members of the task force that voted for introduction of this bill on a bipartisan and unanimous basis. And here's why I think it was bipartisan and unanimous: because we did our homework starting with the Attorney General's Office.

Number one: the bill calls for a safe harbor. So small transactions from small merchants are protected, as well they should be. We cite the fact that there should be no retroactive taxation; that any other foreign taxing jurisdiction be part of what's known as the streamlined sales tax agreement, which we are not part of because we do not have a sales tax. We also stress, and we spent a lot of time talking about this in the task force, that New Hampshire businesses that are potentially going to have significant costs, costs in terms of software, potential hardware for computer systems, training of their employees, the cost of collection, the cost of remittance, the cost of accounting, that there be a mechanism for New Hampshire businesses to recover those costs. And let's remember for all of us that have been here a long time, that's exactly what we do with the rooms and meals tax for New Hampshire merchants collecting the rooms and meals tax for our Department of Revenue.

We also cite in this legislation that the state, or the other jurisdiction, the foreign taxing jurisdiction, make every attempt possible to collect the tax that they feel they're entitled to from their residents before they come to New Hampshire businesses to try to collect that tax.

And lastly, there's a provision that says the foreign taxing entity must comply with all the laws and rules in the state of New Hampshire, something that Senator Carson was very adamant be included in this legislation.

There was concern expressed about the workload on the Attorney General's Office. The task force added an opportunity for the Attorney General's Office to assess a fee– not on any New Hampshire entity, I want to make that crystal clear, for some people that don't like fees, and that's probably most of us– it would be on the out-of-state jurisdiction to pay a fee to defray the collection cost, if you will, that the Attorney General's Office might have to do with the registration and the review of all the documentation. That is to be adopted under emergency rulemaking authority. That is the section of the legislation that determines the minimum protection.

After that, the next major section that's very important is the enforcement section. This legislation allows the attorney general to bring an action in the Merrimack Superior Court or any other court of jurisdiction in New Hampshire, and the court would react as expeditiously as possible. The Attorney General's Office has the power to subpoena documents and demand documents if there is the possibility of those documents being destroyed.

Those, and I may have forgotten a couple of provisions and maybe some of the other task force members, if I have, can highlight some of those other provisions, but I think I've hit the main points except for the fact that we also added a commission at the end of the bill with a number of different state departments; obviously the Attorney General's Office, the Department of Revenue, the Business and Economic Affairs, a member of the BIA, a member of the Retail Merchants Association, an actual merchant, an actual New Hampshire remote seller, a tax attorney or a tax accountant; a broad spectrum as well as legislators on a bipartisan basis. Because I think all of us that sat on the task force understand that this is not a short-term issue for the state of New Hampshire and our

business community. This is a long-term issue that is going to require more clarity from our federal courts because remember the *Wayfair* decision was remanded back to the South Dakota court for clarification on a number of issues. So, a commission will make an interim report and a final report in 2019.

I think it's safe to say that we probably won't be debating this issue in this room in two or three years, we'll be debating it across the street because it is likely to be an issue of great import to our nation and obviously to our state.

Thank you, Mister President. I urge– happy to answer any questions– I urge my colleagues to support this. Remember, it was bipartisan, and we did take public comment, a lot of public comment in fact, on the bill that you see before you. Thank you, Mister President.

Senator Soucy offered a Floor Amendment.

Sen. Soucy, Dist 18
July 25, 2018
2018-2137s
01/06

Floor Amendment to SSSB 1-FN

Amend the title of the bill by replacing it with the following:

AN ACT requiring notice and approval of certain actions to commence audits of collection liabilities arising under certain sales and use tax statutes and prohibiting New Hampshire remote sellers from disclosing private customer information to foreign taxing authorities in connection with the collection of certain sales and use taxes and requiring the department of justice to consider any legal recourse New Hampshire may have against negative impacts of President Donald J. Trump's tariffs.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Department of Justice. The department of justice shall review and consider any and all possible legal recourse New Hampshire may have against the United States in order to protect and advance the interests of New Hampshire's citizens, businesses, and economy in response to the negative impact of President Donald J. Trump's tariffs. The department of justice shall provide a report on or before October 1, 2018 to the senate commerce committee and the house commerce and consumer affairs committee, including any recommendations or planned remedies for New Hampshire.

2018-2137s

AMENDED ANALYSIS

This bill prohibits foreign taxing jurisdictions from requesting information from, conducting examinations of, or imposing sales and use tax collection obligations on sellers in New Hampshire, unless the foreign taxing jurisdiction registers with and provides notice to the New Hampshire department of justice. This bill also prohibits sellers in New Hampshire from providing private customer information to any foreign taxing authority for purposes of determining liability for collection of certain sales or use taxes unless the seller has provided a written notice of the request for such information to the department of justice. This bill allows sellers to comply with any directive of a foreign taxing authority,

while preserving the seller's rights under the statute, if the seller determines that such compliance is in the seller's best interest. The bill also establishes a commission to study ways to protect the New Hampshire advantage for New Hampshire businesses as a result of the uncertainty created from the United States Supreme Court decision in South Dakota v. Wayfair, which changed the long held view of the physical presence rule.

This bill also requires the department of justice to consider any possible legal recourse New Hampshire may have against the United States to protect New Hampshire from negative impacts of President Donald J. Trump's tariffs.

SENATOR SOUCY: Thank you, Mister President, and thank you, colleagues. I think all of us are here today gathered to make sure that we do what we can to protect the citizens of New Hampshire and protect New Hampshire businesses. In that regard, the *Wayfair* decision poses a threat. We do not know yet of any businesses that have been adversely impacted by that decision, but we are considering legislation to take a first step to try to protect business. But what we do know today is that there are New Hampshire businesses currently feeling the impact of tariffs. Tariffs that have been placed by the President on a number of foreign entities, tariffs that are hurting our New Hampshire businesses.

The amendment that I offer, much like the *Wayfair* decision, empowers the attorney general to take a look at this issue and to take action on the behalf of our citizens and our business and action to improve our economy. It doesn't direct the attorney general to take a specific action, it asks him within his judgment to consider the impact, the adverse impact of these tariffs and to report back to the Senate Commerce Committee and House Commerce Committee by October 1st to make recommendations how we might improve this situation.

Let me just say that the immediate impact is being noted by many small businesses, many larger businesses, most notably by the Business and Industry Association that said the impact of the current tariffs have an impact of $29.2 million to New Hampshire exports. Those are potentially threatened. In addition, the BIA indicated in a recent article that there are concerns about increased prices, lost sales and most importantly lost jobs.

I want to highlight just four businesses quickly that are currently being impacted. Many of you might have heard: Moonlight Meadery; they have suffered a $750,000 loss to their business. They are impacting other businesses. This meadery purchases honey from McClure's Honey Production in Littleton. This is having a cascading effect on other businesses. The Little Bay Lobster Company was planning on 50 percent of their lobster being exported to China. That's not going to happen because of these tariffs. Comptus, Eco Touch, several other New Hampshire businesses, feeling the immediate impact.

It's important that we start to plan for the potential impact of *Wayfair*, but I suggest that it's more important today that we take action to deal with the immediate impact of tariffs and empower our attorney general to explore any possibilities to protect New Hampshire business. And I would move the amendment. Thank you, Mister President.

The Chair ruled sections of the Floor Amendment non-germane.

Senator Soucy moved to suspend Special Session Senate Rule 3-9.

PRESIDENT MORSE: Senator Soucy moves that we suspend Senate Rule 3-9 to allow the consideration of the non-germane amendment. The motion is to suspend Senate Rule 3-9. Does everyone understand the parliamentary situation? You're voting on suspending the rule.

A roll call was requested by Senator Avard, seconded by Senator Soucy.

PRESIDENT MORSE: Suspension is non-debatable.

PARLIAMENTARY INQUIRY

(The Chair recognized Senator Watters for a parliamentary inquiry.)

SENATOR WATTERS: If I were to want to debate the ruling of the President on the non-germane, may I now do so?

PRESIDENT MORSE: You are debating it, I'm letting you vote on it, Senator. That's the way we set it up. You're voting on whether it's germane or not. The body is. So you're doing that.

SENATOR WATTERS: Further parliamentary inquiry. I thought it was my understanding that in our rules, a ruling on germaneness is in fact debatable as well as voteable.

PRESIDENT MORSE: The ruling on suspension is non-debatable. You're asking to suspend right now, and it's non-debatable.

SENATOR WATTERS: Parliamentary Inquiry. You announced an earlier…a previous ruling that you determined that this was non-germane and that is what I wish to debate under our rules.

PRESIDENT MORSE: Basically you're getting the opportunity right now, I'm giving it to you, to vote on whether it's germane or non-germane. The fact is you can't debate on whether or not about the issue. So, it's pretty clear in our rules.

SENATOR WATTERS: Maybe I am, if I may inquire again, Mister President. Maybe I'm mistaken but I believe that in the initial ruling that something is non-germane was in fact debatable prior to voting on that.

PRESIDENT MORSE: No.

SENATOR WATTERS: Thank you.

PRESIDENT MORSE: The motion is to suspend Senate Rule 3-9.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 11 - Nays: 13. Failed, lacking the necessary 2/3 vote.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
July 25, 2018
2018-2136s
01/04

Floor Amendment to SSSB 1-FN

Amend the title of the bill by replacing it with the following:

AN ACT requiring notice and approval of certain actions to commence audits of collection liabilities arising under certain sales and use tax statutes, prohibiting New Hampshire remote sellers from disclosing private customer information to foreign taxing

authorities in connection with the collection of certain sales and use taxes, and establishing a commission to study ways to protect the New Hampshire advantage for New Hampshire businesses as a result of the impact and uncertainty created by President Donald J. Trump's tariffs.

Amend RSA 78-E as inserted by section 1 of the bill by inserting the following and renumbering the original RSA 78-E:12 to read as RSA 78-E:13:

78-E:12 Commission Established. There shall be a commission to study ways to protect the New Hampshire advantage for New Hampshire businesses as a result of the impact and uncertainty created by President Donald J. Trump's tariffs.

I. The commission shall be composed of 13 members, as follows:

(a) The attorney general, or designee.

(b) The commissioner of the department of revenue administration, or designee.

(c) The commissioner of the department of business and economic affairs, or designee.

(d) A member of the Business and Industry Association of New Hampshire, appointed by the governor.

(e) A member of the New Hampshire Retail Association, appointed by the president of the senate.

(f) A New Hampshire manufacturer, appointed by the speaker of the house of representatives.

(g) A New Hampshire small business owner, appointed by the president of the senate.

(h) The chairman of the New Hampshire Canadian Trade Council, or designee.

(i) Three members of the house of representatives, one of whom shall be from the minority party, appointed by the speaker of the house of representatives.

(j) Two members of the senate, one of whom shall be from the minority party, appointed by the president of the senate.

II. The duties of the commission shall include, but are not limited to, review and consideration of the impacts of President Donald J. Trump's tariffs on New Hampshire's citizens, businesses and economy, any and all possible policy solutions New Hampshire may take to support our businesses in response to President Donald J. Trump's tariffs, and any recommended action to be taken against the United States in order to protect and advance the interests of New Hampshire's citizens, businesses and economy in response to the negative impact of President Donald J. Trump's tariffs.

III. The commission may solicit information from any person or entity the commission deems relevant to its duties.

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 first-named senate member. The first meeting of the commission shall be held within 30 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, in an initial report on or before November 1, 2018, an interim report on or before March 1, 2019, and a final report on or before November 1, 2019.

Amend the bill by replacing section 2 with the following:

2 Repeal. The following are repealed:

I. RSA 78-E:11, relative to the establishment of a commission.

II. RSA 78-E:12, relative to a commission to study ways to protect the New Hampshire advantage for New Hampshire businesses as a result of the impact and uncertainty created by President Donald J. Trump's tariffs.

2018-2136s

AMENDED ANALYSIS

This bill prohibits foreign taxing jurisdictions from requesting information from, conducting examinations of, or imposing sales and use tax collection obligations on sellers in New Hampshire, unless the foreign taxing jurisdiction registers with and provides notice to the New Hampshire department of justice. This bill prohibits sellers in New Hampshire from providing private customer information to any foreign taxing authority for purposes of determining liability for collection of certain sales or use taxes unless the seller has provided a written notice of the request for such information to the department of justice. This bill allows sellers to comply with any directive of a foreign taxing authority, while preserving the seller's rights under the statute, if the seller determines that such compliance is in the seller's best interest. The bill establishes a commission to study ways to protect the New Hampshire advantage for New Hampshire businesses as a result of the uncertainty created from the United States Supreme Court decision in South Dakota v. Wayfair, which changed the long held view of the physical presence rule.

This bill also establishes a commission to study ways to protect the New Hampshire advantage for New Hampshire businesses as a result of the impact and uncertainty created by President Donald J. Trump's tariffs.

SENATOR FELTES: Thank you very much, Mister President. As been noted, the Special Session Senate Bill 1 creates a commission to continue to study and look at the issue of online sales tax collections by out-of-state foreign taxing jurisdictions and the impact on New Hampshire and New Hampshire businesses.

This creates a commission to look at and evaluate the impact that President Donald J. Trump's tariffs on the economy of the state of New Hampshire. It specifically says, "there shall be a commission to study ways to protect the New Hampshire advantage for New Hampshire businesses as a result of the impact and uncertainty created by President Donald J. Trump's tariffs." The commission composition includes basically the same composition as the composition of the commission on *Wayfair*. It does sub in the chairman of the New Hampshire Canadian Trade Council. It also subs in a New Hampshire manufacturer and a New Hampshire small business owner appointed respectively by the Speaker of the House and the President of the Senate.

We've already heard of the importance of this. I will note Jim Roche's comments in a recent article about the importance of looking at this. He doesn't say it with respect to this amendment, to be clear, but these are his comments: "If our trading partners respond in kind with a full set of tariffs of their own, New Hampshire's manufacturing, technology and construction sectors will incur significant harm. There are 184,000 workers in the Granite State whose jobs are supported by exports. Slapping on tariffs is simply the wrong approach for the United States."

And also note that the BIA signed on to a letter with 245 other business organizations, many of which are in the state of New Hampshire, encouraging action at the federal level in the U.S. Senate to deal with this issue of tariffs and the impact on New Hampshire's businesses, our economy and our consumers who are going to feel the brunt of this and are already feeling the brunt of it.

So, it makes good sense in my view, Mister President, and colleagues, to consider this amendment, form this commission. It's much like the other commission we're likely to form today, and look at this direct impact to the state of New Hampshire, our businesses and our economy. Thank you, Mister President.

The Chair ruled sections of the Floor Amendment non-germane.

Senator Feltes moved to suspend Special Session Senate Rule 3-9.

A roll call was requested by Senator Avard, seconded by Senator Soucy.

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, lacking the necessary 2/3 vote.

Senator Feltes offered a Floor Amendment.

Sen. Feltes, Dist 15
July 25, 2018
2018-2138s
01/06

Floor Amendment to SSSB 1-FN

Amend the title of the bill by replacing it with the following:

AN ACT requiring notice and approval of certain actions to commence audits of collection liabilities arising under certain sales and use tax statutes and prohibiting New Hampshire remote sellers from disclosing private customer information to foreign taxing authorities in connection with the collection of certain sales and use taxes and making an appropriation for the purposes of mental health provider rates.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Appropriation. The sum of $7,500,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of health and human services for the purpose of enhancing provider rates for mental health and substance misuse inpatient and outpatient services consistent with 2018, 342. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. If any portion of said sum is not used for the purpose of this section it shall lapse to the general fund.

2018-2138s

AMENDED ANALYSIS

This bill prohibits foreign taxing jurisdictions from requesting information from, conducting examinations of, or imposing sales and use tax collection obligations on sellers in New Hampshire, unless the foreign taxing jurisdiction registers with and provides notice to the New

Hampshire department of justice. This bill also prohibits sellers in New Hampshire from providing private customer information to any foreign taxing authority for purposes of determining liability for collection of certain sales or use taxes unless the seller has provided a written notice of the request for such information to the department of justice. This bill allows sellers to comply with any directive of a foreign taxing authority, while preserving the seller's rights under the statute, if the seller determines that such compliance is in the seller's best interest. The bill also establishes a commission to study ways to protect the New Hampshire advantage for New Hampshire businesses as a result of the uncertainty created from the United States Supreme Court decision in South Dakota v. Wayfair, which changed the long held view of the physical presence rule.

This bill also makes an appropriation to the department of health and human services for the purpose of provider rates for mental health and substance misuse services.

SENATOR FELTES: Thank you very much, Mister President. Mister President, about three weeks ago Governor Sununu signed our bipartisan Medicaid expansion renewal. A key component of that bipartisan compromise was ensuring sufficient behavioral health rates for mental health and opioid substance misuse providers. As we shift to a managed care model, we know that though those rates are going to go down and go down significantly beginning January 1 and this provision of the Medicaid expansion law which was recently signed needs to be effectuated and effectuated soon to provide the certainty to our provider community that they need to continue to keep the capacity that's so essential in combatting our opioid epidemic. That's what this amendment does. It effectuates a law that was recently signed. It sets aside 7.5 million to enhance behavioral health rates consistent with that law, which is chapter law 342, which you can see on line 15. And it protects taxpayers in the sense that if this is not used it lapses back to the general fund.

There's going to be probably a few arguments against this and I'll address them briefly. Number one: someone's going to probably say that as a consequence of Senator Hassan and Senator Shaheen's work to secure 23 million through SAMHSA and opioid related money that we don't need to take action now. The reality is that money can't go to enhance Medicaid rates. So if we don't take action now, and we're enhancing non-Medicaid rates but not Medicaid rates consistent with the new legal requirement, our provider community will have every incentive to give those beds to the non-Medicaid expansion population. That's going to harm our efforts to deal with this crisis.

Second, you'll hear presumably that the rates haven't been set yet by the Department of Health and Human Services and that's true; and that they're waiting to hear from an actuary to give advice and recommendations on where to set that rate. That's also true. However, the response to that is, the rates will, everybody agrees, be higher than the standard Medicaid rate. Will they be as high as the private market rates? I doubt it, based on everything the department's saying. However, everybody agrees the rates will be higher than the standard Medicaid rate effective January 1, which means effective January 1, we need more money.

So, there's two options. It's either found within the Department of Health and Human Services somehow, and then approved at a meeting at Fiscal, or us as a full legislature could take action to provide that certainty right now. That's what this is all about. And anything that's not used,

anything that's not used. You may hear well we don't know how much is going to be used, well, if you look at the last line, "if any portion of said sum is not used for the purposes in this section, it shall lapse to the general fund." We protect taxpayers, we make a reasonable course of action today to deal with a pressing issue of public policy that affects our state that we've worked on in a bipartisan way for years. This effectuates a bipartisan compromise that was recently signed into law. We need to move forward on…regardless of what you think about Medicaid expansion, seven of my colleagues here in the Senate voted no, but even those seven can vote yes here today on this because a law's a law and we need to effectuate it. We need to enhance those rates January 1. Time is of the essence and we need to send that message to our provider community that our capacity needs to remain in place for both mental health and substance misuse providers. And we're protecting taxpayers; we are protecting taxpayers by taking this action today to effectuate an existing law and making sure none of our capacity slips in this state.

So, I respectfully just encourage, I know it's, I'm sure you've been encouraged to vote no on all of this but just think about it. Think about the fact that we're in the middle of these epidemics and we've worked together in a bipartisan way on so many of these issues. This is the law, we need to enhance these rates and in my view now is the time to do it. It's a pressing issue. Thank you, Mister President.

The Chair ruled sections of the Floor Amendment non-germane.

Senator Feltes moved to suspend Special Session Senate Rule 3-9.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 11 - Nays: 13. Failed, lacking the necessary 2/3 vote.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I urge my colleagues to support the current legislation and I want to point out a couple of things that I think are very, very important that are contained in this piece of legislation.

One is RSA 78-E:9, reimbursement for sales and the use of tax collection. That was a key element in this bill. Senator Feltes was very strong in bringing this forward. I supported it along with other members of the commission. The key words are to recover or deduct from any taxes collected. Key element, it protects our small businesses. I think it was essential and we voted for it unanimously at the time.

The second provision that I think, again, was important and brought forward by the minority on the committee was RSA 78-E:11, a commission established, and the composition of that commission. And I want to point out one element of that commission that makes it more viable than it was in the discussionary phase of the event and that was Roman III; the commission may solicit information from any person or entity the commission deems relative to its duties. That means you can go and look for experts who will be up to the moment with regard to the federal situation. There is federal legislation that's been offered, but remember

it's 45-5 at the federal level. There are only five states that don't have a sales tax. There are forty-five who do. So, we have got to be in position by virtue of this commission to react to any changes that take place, and I think we have a commission in place that's going to do that.

I think the work done by the task force was bipartisan and was, in my opinion, excellent. The Governor's legal counsel was there to answer every question. And I think he did a superb job. I think the commission itself, in a bipartisan fashion, demonstrated that we can get together and address a problem that affects the most significant aspect of our economy: business, small businesses and large businesses. It would have been nice to add a couple of things to this bill, I realize that's not possible, but indeed our support of this piece of legislation in a bipartisan fashion, demonstrates that we're concerned about our business community, very concerned about our business community, and the items that are in place in this bill make sure that our business community is protected. Key element. Thirty-three percent of the revenue derived by this state comes from business taxes, 33 percent. Very, very significant in our revenue stream. And I'm glad that we were able to get together and put these items in that protect business. Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. Mister President I respect and echo the remarks of the Dean and also the majority leader earlier today on this bill. I just want to make a couple things clear to our business community. The state of New Hampshire and the Attorney General's Office is not the business community's de facto attorney, and we wanted to make that very clear throughout this process and I think it's important that New Hampshire businesses, if they do get a notice, they have every opportunity to forward that notice to the Attorney General's Office and the Attorney General's Office can make their determination about how to proceed with an enforcement action. But every New Hampshire business should seek advice on their own with an accountant and/or a lawyer in that not relying specifically on the attorney general to serve as counsel for New Hampshire businesses. That's not the intent of those provisions and that's not how it will operate. In addition, while there is a factor in the analysis that calls for a safe harbor, that's not a safe harbor, it's a factor in the determination that the AG will use to decide for itself whether or not the statute and regulation of an out-of-state taxing jurisdiction meets the requirements under *Wayfair*.

So, I think it was great work by the task force, bipartisan work, and alike the majority leader. Consumer protection provision was added, registration fees were added and registration requirement, and the requirement to recover and deduct for our business community to keep them whole. However, it is important to note as we have the entire time and I think the attorney general's been very clear about this too, that the attorney general does not serve as legal counsel for every business and that's not what this process is designed to do, but this process does set up reasonable process, reasonable procedure, and reasonable protections for New Hampshire's business community. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I too rise to commend the commission's work, the task force work, and I think that the bottom line here, of course, for us was to protect New Hampshire inter-

ests, in particular the interests of our businesses and make sure they're held harmless by whatever goes forward on this as well as our cost to government, as well.

I happened to be in Dover yesterday visiting businesses and went into Nicole's Hallmark and I was talking to the owner and said, hey you heard about this *Wayfair* decision and so and so. Well, I don't know how to explain it. I don't think it will affect us and then she paused for a moment and said, well wait a minute, we have a famous line of jelly beans, and people do order them over the internet. And I said, well the bean counters will be ready; and she said oh my goodness, I'm going to have to talk to my accountant about that?

And so, I think it was particularly important here that we did have provision RSA 78-E: 9, where we say that our businesses will be held harmless. If they have to incur a cost whether for software or for their accounting to collect that tax, they're going to be held harmless. And I like not only that they get to deduct it from the amount of tax collected, but I also like that word recover; because I'm saying, well alright then, if it costs you more to get the software and more cost than you're going to get from the tax you're collecting well let's send a bill to those other states and say that you've got to pay for the cost that went through then.

And secondly, a similar concern for our Department of Justice, Attorney General's Office, I mean I hope that there aren't going to have to be a lot of precedential cases here. I hope that other states will obey our laws, but I think we all know that there are potential costs here and I think it's important to let the Department of Justice through rulemaking to say okay, we're going to hold our taxpayers harmless if we have to charge a fee to these folks coming in, that's the way we're going to do it. Thank you, Mister President.

(The Chair recognized Senator Kahn for a question of Senator Bradley.)

SENATOR KAHN: I have a letter from a small business owner in my district. He owns electronic imaging materials, they do barcode labels. And his concern and, by the way, he's offered some complimentary language on the work of the committee that drafted the legislation, so I think you have hit the mark with this. But in trying to anticipate just how far can this go, that other taxing entities, foreign taxing entities, can go to enact a tax on New Hampshire's businesses, and he raises the question about business registration fees. So, something not covered in the legislation here where we're talking about sales tax and other use taxes. This question is specific to a business registration fee in order for him to continue to do the work that he's doing for businesses out of state. Where would we want to direct this small business owner's question? Would it be to the attorney general, is it yet left to this legislature to make some further determinations or would this go as a question to the study commission?

SENATOR BRADLEY: So, my answer to my friend from Senate District 10 is that this bill, Senate Bill 1 in the Special Session, has no fees or any taxes or changes for New Hampshire businesses. I want to make that crystal clear. The fee that's contemplated is for the out-of-state taxing jurisdiction to defray the costs of the Attorney General's Office. So to the extent that I understand your question about the potential of a business registration, and I'm not sure I do understand it because there's nothing in here that indicates that we're trying to get businesses to register in New Hampshire, that would probably be best addressed to the commission.

SENATOR KAHN: Yes, and so to clarify on that question, this is a business registration fee in the other 10,000 taxing entities, the foreign taxing entities, and if there are required registration fees that New Hampshire businesses have not been paying and they are enacted to be charged to a New Hampshire business to continue to do that work in another state, where can this person and other small businesses direct their concerns about another levy being charged by one of those 10,000 foreign taxing entities on his small business for a registration fee?

SENATOR BRADLEY: I don't think that any, there's anything contemplated and as I'm trying to understand your question; I'm not sure why an out-of-state taxing jurisdiction would force a business to register and then tax them. I think the issue is that they're trying to collect what they deem is a tax that their resident in that foreign jurisdiction is buying from a New Hampshire business and collect their sales tax on that. I don't see any reason why a New Hampshire business would be under any of this that we know to date, and that's all subject to change of course, based on what Congress does, based on further findings of law; I just can't contemplate why a New Hampshire business would have to register in an out-of-state jurisdiction for anything associated to this point with *Wayfair*.

SENATOR KAHN: And should that become a question, is this commission empowered well enough to receive those kinds of inquiries.

SENATOR BRADLEY: Yeah, I mean the commission, as I think Senator D'Allesandro and Senator Feltes indicated, was given the specific duties of the commission. It says, shall include, and it lists all the duties, but not be limited to. So the commission is empowered by this legislation to look at all issues regarding out-of-state taxing jurisdictions that may feel there's an obligation on the part of a New Hampshire business to remit a tax.

SENATOR KAHN: Thank you, Senator.

(The Chair recognized Senator Sanborn for a question of Senator Bradley.)

SENATOR SANBORN: Senator, thank you for taking my question. I appreciate it. As the Chair of Ways and Means this is important to me, right? As I know it is to you.

SENATOR BRADLEY: Well I'm not Chair of Ways and Means, so–

SENATOR SANBORN: So, as Chair of Ways and Means it's very important to me, and you know that. And in full disclosure, even though we have declarations, Mister President, I am a business owner, I am a taxpayer. I can't think off the top of my head when I've shipped a hamburger out of state recently, but it may or may not affect me ultimately, but I'm still participating.

So, Senator, I want to know did the task force consider the tax ramifications that we understand in the state of New Hampshire today: you have business profits tax and business enterprise tax and there's an offset. So one of my concerns as a business owner, and being on Ways and Means is, was there any discussion relative to if a New Hampshire business becomes obligated to pay a tax to one of the 10,000 jurisdictions, is there an offset to the tax they have to pay; so is the potential for New Hampshire revenue to go down on a taxation basis, or would this be solely an increase in taxes on and above where they are today? And my example is let's say a state has a 10 percent sales tax, right? That's a lot of money. And if they're doing a significant amount of their

business in out of New Hampshire states, they couldn't survive, many companies wouldn't be able to survive an increase of 10 percent of their revenue. What do you guys consider in this?

SENATOR BRADLEY: So, let me try to answer the question this way. Obviously when the legislation was drafted, and I think I speak for the task force because we all supported it; but also the Attorney General's Office, the Governor's legal counsel, sought to make sure that there is consumer protection and no scams, and any requests comply with New Hampshire law that they're legit, that they go through the registration process, no retroactivity that whatever safe harbor is established constitutional etcetera, etcetera, etcetera.

We also, and I think there's been a lot of discussion about section 9 of the bill and it also pops up earlier in the bill, that there is an expectation on the part of all of us that worked on the task force that the cost of recovery of the obligation to collect is coming out of the tax proceeds from the foreign jurisdiction. Now, in the example that you raised, that suddenly some point in time in the future, a business as opposed to the customer of that business gets dinged, that's a discussion that will obviously occur in the future as it impacts business profits tax potentially because there could be, there could be that implication but I think we're a long, long ways from that. The commission and all of us, well, you may be in another role, and if you're in that other role, Godspeed on trying to get the other forty-five states to agree to something. But actually, it's in their interest to have a uniform, if there's going to be collections, to make it uniform because different states have different levels of sales taxes and people shop from one state to the other based on the advantage that they have. If there's a 10 percent sales tax in New York versus an 8 percent or a 7 percent, I can't remember what it is, in Connecticut. Those are issues that you may face in Congress, certainly something that was present when I was there. These are issues that are going to play out for a long period of time in my opinion. But for now, we're not aware since 2009 when the Massachusetts Department of Revenue tried to collect taxes on its residents shopping at Town Fair Tire locations in New Hampshire. So, I think that question, while it's important, is very premature. But certainly those of us that remain here in Concord are going to have to watch that carefully.

SENATOR SANBORN: Thank you, Senator. I am just asking for maybe some more clarification for the record. You were talking so much today about our concern that businesses might ultimately become the tax collector for up to 10,000 different jurisdictions. But there may be some confusion out there relative to who is supposed to be paying the tax. Is it the customer or is it the business that's selling the products, and what type of discussions did you guys have when you were crafting the legislation to clearly try to protect everyone from New Hampshire: both the New Hampshire residents buying product or actually the out-of-state residents in the state buying products, from having to pay New Hampshire sales tax; and the New Hampshire businesses that might, might somehow become a forced agent of 10,000 different taxing jurisdictions to collect that tax on behalf of the customer. Is that constitutional and what type of protections have we brought forth to try and defend New Hampshire businesses from becoming the tax men.

SENATOR BRADLEY: Well, I can't answer the constitutionality of it, and I don't know if you're, Senator, looking at the calendar or the bill.

SENATOR SANBORN: I was looking at the calendar.

SENATOR BRADLEY: Okay. So, let me find the section, it is on page 16, I believe, the end of section 1, so it's about two-thirds of the way down that page. And it starts, I don't know, five lines up from the bottom of that paragraph one. "Including whether or not the laws include a use tax and requirement the persons report and pay use tax liability whether or not the foreign taxing jurisdictional authority is actively seeking to enforce its own requirement that persons report and pay tax liability." So what the legislation, and I think it's in another place that is in the bill and I can find it and show it to you afterwards, one of the key provisions of the bill, Senator, is that we expect under New Hampshire law that a foreign taxing jurisdiction is doing everything in its power to collect the tax from its own residents as opposed to coming to a New Hampshire business to collect the tax after the fact.

SENATOR SANBORN: Senator, thank you for taking my question. Quick clarification for the record, in case people listening in. I want to get back to the question that the Senator to my left, Senator Kahn asked you. You know part of this concern that many people have had in the business community is the state of New Hampshire today is the businesses in the state of New Hampshire today are potentially being faced with becoming the tax man for 10,000 different taxing jurisdictions; and that concern is how many of those taxing jurisdictions might say we're going to force you to become our tax agent but we're also going to force you to register so we know who you are and that you're selling stuff. Now the first response you had given to the fine Senator from Keene was, not sure how that happens and maybe the Senator from District 18 or 20 could weigh in at some point. You know for example, we know Manchester, New Hampshire has blue laws that required every single business to register in order to conduct business on Sundays. We know that the Department of Environmental Services, because we're having this issue down in Hampton at one of the gun ranges, is voluntarily providing testing results, but now DES is requiring them to spend 2 or $3,000 a year to register to give them the data that they're self-collecting. So as business owners, there's clearly this concern. I mean you pick the number, Senator, $10, $100, $1,000 times 10,000 taxing jurisdictions could fundamentally cripple the businesses in this state. And I know you appreciate that.

SENATOR BRADLEY: Oh, absolutely and I think everybody that served on the task force appreciated it and that's why we labored over section 9 and also labored over the provision in section 5 that talks about recovery of cost. We fully expect that if a business is subject to hardware and software cost to purchase the services to be able to comply with the tax ruling, if it happens or the training or the actual collection, the remittance, the legal fees, the accounting fees, all of those things that you know a business owner faces, we're making every attempt that we possibly can to ensure that New Hampshire businesses are whole vis-à-vis any attempt by an out-of-state taxing jurisdiction to do that. Now as I've said, I think repeatedly, this is a first step, and we're going to have to monitor this very carefully. We're going to have to monitor what happens in terms of out-of-state taxing jurisdictions, sending requests for audits or tax requests; we're going to have to monitor whether they in fact register; we're going to have to monitor the *Wayfair* decision and any subsequent decisions coming out of South Dakota and the U.S. Supreme Court. We're even going to have to monitor what the United States Congress may or may not do.

SENATOR SANBORN: Someone might call you on that.

SENATOR BRADLEY: Yeah, well you can call me on that. So this is going to go on for a long, long time. This is a first step, I think it's a good first step. I think all of us that sat on the task force may have wanted to go farther, but I think all of us would agree, the lay of the land is somewhat changeable at this point in time. So this is our best attempt to make sure that we've done everything so New Hampshire businesses are not on the hook for being, as you said, the tax collector for a foreign taxing jurisdiction.

SENATOR SANBORN: Is it your intent from the legislation, and when you talked about cost recovery, that the task force would look at any registration fees and at the hardware software as a recovery cost.

SENATOR BRADLEY: Absolutely. I think this is inclusive of all costs.

SENATOR SANBORN: Great. Thank you, Sir. Thank you, Mister President.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in support of the pending motion and appreciate the good work of the task force. I also am pleased with the work of our mighty minority, our two Senate Democrat leaders who brought some great ideas and great contributions to this process, and wish we had a few more, maybe even better ideas, to add to that as well. I also wish that we could have had some of these ideas to protect…

SENATE CLERK'S NOTE

Due to uncontrollable circumstances there was a loss in audio transmission for the remainder of Senator Woodburn's remarks, subsequent remarks, and the vote.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Avard, seconded by Senator Sanborn.

The following Senators voted Yes: 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.

EARLY SPECIAL SESSION

THIRD READING AND FINAL PASSAGE

Senator Bradley moved that, SSSB 1-FN, having been ordered to third reading, be, by this resolution, read a third time, all titles be the same as adopted, and be ordered by the Senate to be passed at the present time in the early Special Session. Adopted.

EARLY SPECIAL SESSION

Third Reading and Final Passage

SSSB 1-FN, requiring notice and approval of certain actions to commence audits of collection liabilities arising under certain sales and use tax statutes and prohibiting New Hampshire remote sellers from disclosing private customer information to foreign taxing authorities in connection with the collection of certain sales and use taxes.

SENATE CLERK'S NOTE

Due to uncontrollable circumstances there was a loss in audio transmission for the beginning of President Morse's remarks.

PRESIDENT MORSE: – over to the House. To all the Senators, I just want to say thank you. In five short weeks you are sending over a piece of legislation to the House that I believe protects the New Hampshire way of life and it protects our New Hampshire businesses. It's a good first start and I thank you all for what you did. With that, we're going to take a two-minute recess to regroup and see what's next.

Recess. Out of recess.

SENATE CLERK'S NOTE

Due to uncontrollable circumstances there was a loss in audio transmission for the Suspension of the Rules, subsequent remarks, and the vote.

SUSPENSION OF THE RULES

Senator Feltes moved that the Senate suspend all Special Session Senate Rules necessary to permit consideration of further legislation at the present time.

Recess. Out of recess.

The question is on the adoption of the motion to suspend all Special Session Senate Rules necessary to permit consideration of further legislation at the present time.

A roll call was requested by Senator Avard, seconded by Senator Birdsell.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 11 - Nays: 13. Failed, lacking the necessary 2/3 vote.

Recess. Out of recess.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SSSB 1-FN, establishing a commission to study ways to protect the New Hampshire advantage for New Hampshire businesses as a result of the uncertainty created from the recent United States Supreme Court decision on the collection of certain sales and use taxes.

Senator Bradley moved Nonconcurrence.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President. I didn't think I'd be getting up to actually give this speech. I think it's really unfortunate that we're in the circumstance that we're in. That despite all the good work that the task force did on a bipartisan basis, all six of us from this Senate that were part of the task force worked long and hard with our House colleagues on a unanimous 17-0 recommendation. I think it's unfortunate that what all twenty-four of us did, didn't quite get across the finish line. It was a very close vote in the House.

I think we need to make sure in the short run, and I mean the short run, that we do everything that we possibly can to protect the New Hampshire

businesses. I think all twenty-four of us recognize that. I'm glad that I'm able to stand with my colleagues, all twenty-four of us, recognizing that we have to do that. How the process is going to unfold I think remains in flux right now because of the sort of surprise that happened across the street. That being said, we need to get back, we need to do everything that we can to, I think, come back with legislation that does exactly what the task force recommended; listen to all the sides and all the points of view and maybe reflect that. How that's going to work out in the next several weeks, I don't know at this point in time.

But I urge all of my colleagues as you go back and talk to the businesses in your district that I've already been talking to, you know, some business owners in the state of New Hampshire that are very concerned with the fact that there's no registration from an out-of-state taxing jurisdiction. No opportunity for businesses that are going to have to potentially collect and remit to have a recovery of their cost. Nothing that has an out-of-state taxing jurisdiction complying with New Hampshire law. We have nothing today.

So, let's understand that we're probably coming back pretty soon. Let's stay united. Because all twenty-four of us took a vote to protect New Hampshire businesses today, to protect the New Hampshire advantage. I thank you all for, you know, your courage and your collegiality in that. And I guess we're, you know, this is the session that's never going to end.

So, thank you, Mister President. I move that we non-concur. I think that non-concurring pushes the ball further ahead than just concurring and doing very little except a commission in terms of this issue. We have to protect New Hampshire businesses. Thank you, Mister President.

(The Chair recognized Senator Sanborn.)

SENATOR SANBORN: Thank you, Mister President. I rise and join the comments of my colleague from District number 3, that at this point we're facing a challenge of all frosting and no cake. I compliment all the members of the Senate, because we stood united today to fight for the businesses of New Hampshire. We need to recognize the fact that the Governor has been truly out front on this issue. He understands the risks and the ramifications for the business community and all the people of this state, and he has done an amazing job trying to bring it forward to us and try to create a product that we all could vote for. And the truth is we all voted for it. Task force did the work, we trusted what you did, you brought us a product that we could all support, every single one of us came in here and supported it. Because we, the New Hampshire Senate is trying to send a very strong message that we support the businesses of this state. We support what it means to be sales tax and income tax free. And we're trying to do the right thing to protect the people of this state.

By the way, new phone, I can't turn the volume off, my apologies, Mister President.

But the fact of the matter is, look we, the Senate has done the right thing for the people of New Hampshire today. That's what we need to be proud about. Now I understand my colleague in District 3 says that he and the Senate President will get with the Governor and there's a relatively high likelihood we'll be visiting this wonderful chamber again, because I'm assuming that the construction repairs won't be done. But hopefully it's incumbent on all of us to talk to our friends on the other side of the hall and see what we can do to get them to reconsider and help us try to forge some product that works for all of us.

So at the end of the day, I tip my hat to the Governor, I tip my hat to the commission, I tip my hat to everyone that sits in this room today, because you all did the right thing, and the people of New Hampshire should be proud of all of us. Thank you, Mister President.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, I rise to support the decision made by the majority leader that he brought forward. What we emphasized was a spirit of a cooperation in a bipartisan fashion. A lot of House members were on that committee. A lot of House members were on that committee and all of their input was taken. We had Norm Major chairing the committee. I think he did a terrific job.

To do what just happened across the street is an insult to the legislative process, and I find that very difficult to accept. We're equal bodies, we work hard for the benefit of the people of the state of New Hampshire. Then you take all of that work and you throw it aside and say, if it isn't my way, it's the highway. That's totally unacceptable. We're a democracy. And indeed if we can't appreciate each other's opinion and can't discuss it, go over it and come up with a conclusion, we're in big trouble. And I'm sure we'll be back, because we have to come back. We have to protect the citizens of the state of New Hampshire.

Therefore I say support the decision of the majority leader, let's move forward and depend upon our leadership to make something positive happen. That's what we're here for. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. Maybe I've been sitting next to the Senator from District 20 for too long, but I have to agree with him as far as– Most of the Senators that have spoken have been much kinder, but I agree with the good Senator from District 20. This is an absolute insult to our business communities. We had Massachusetts, Vermont and Maine sitting on their borders, waiting to come after our small businesses, and we cannot wait another month and a half until September 13th for them to take the money from our small businesses. So again, I agree with the good Senator from District 3, the majority leader. I will be voting to non-concur. This is an absolute insult to our New Hampshire small businesses and our businesses. Thank you.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you, Mister President. Mister President, I too want to echo the words of the majority leader about the bipartisan work that we did on this task force. I think it was a good product. I think as we move forward, though, and we continue to be collegial and respectful, I think we ought to consider and be open to some of the other issues that we talked about today. Including on tariffs and on behavioral health rates because I think those are pressing problems for the state and we need to have an openness, I think, as we move forward and work with one another. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I worked with colleagues from the House and the Senate on the committee that drafted the legislation. It was a very intense effort. It was an effort that understood that the threat here is to the businesses of our state, and that our job as legislators

is to protect those businesses as well as our citizens and institutions. I'm proud to be a member of this body. I'm proud to have been a member of the body that delivered the legislation for consideration. I'm dismayed at this point that after that much work, facing the threat from 10,000 taxing jurisdictions, our businesses remain utterly unprotected on any front with any legislation, constitutional issues or anything else. That taxing authorities from outside our state can begin the process of turning our businesses into their tax collection agents. I truly hope to be back here to send another message and to establish legislation that will support the businesses that make this state's way of life possible. Thank you, Mister President.

PRESIDENT MORSE: Well with respect, I would like to say one thing. I haven't spoke with the Speaker and I haven't spoke with the Governor. I firmly believe this is a Senate decision whether we concur or non-concur. I certainly support the non-concur motion and the reality of what's to come after this; I think you've made it perfectly clear in the Senate. You can expect to be back here, because my recommendation is that we get back here and get it done. The reality of twenty-four of us sticking together means we can get it done on our way. It's extremely important that the Senate send the message on this one that we're going to fight for the businesses in the state of New Hampshire all across the country quite honestly. And the fact that you're going to come back and do something about it shortly, in my opinion, is going to have to happen. So your job after today, is to look at the eighty-some people in both parties that voted against all the work that that commission did. So as we vote right now, you still need to go and talk to your colleagues in your district because that's what New Hampshire's all about. And the reality of what the businesses are going to do to you tonight, to say that you didn't get it finished, is not the fault of the New Hampshire Senate, and I certainly believe you're going to get called back to straighten it out because that's the right thing to do in this state. And as whether it should be anything else, there was no bigger issue in my mind today then this sales tax issue, period. And I care about every issue that was presented. But there was no bigger issue than the sales tax issue. And that's what we should be coming back and solving. With that, is there any further discussion?

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, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: (None)

The following Senators were excused: Kahn.

Roll Call, Yeas: 23 - Nays: 0. Adopted.

MOTION TO ADJOURN FROM EARLY SPECIAL SESSION

Senator Bradley moved that the Senate adjourn from the Early Special Session, that the business of the Late Special Session be in order at the present time, that all Special Session Bills 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 Special Session.

LATE SPECIAL SESSION
LIST OF RULE 5-8'S FOR THE DAY
Senator Sanborn: SSSB 1-FN

ANNOUNCEMENTS

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President, members of the Senate. I rise in sadness. To bring to the attention of those who may not know and to recognize the loss of the daughter of Dijit Taylor, the executive director of LCHIP, in an accident over this past weekend. There is no bigger loss to a person than the loss of a child. And so I would ask the Senate's indulgence in allowing me to read a little bit about Hannah Taylor, who was killed in an accident out in Colorado. She's the beloved daughter of Dijit, the Executive Director of LCHIP, and the late Jeff Taylor of Hopkinton.

She was born in Berlin on June 25th of '79 and joined by the two sisters she guided all their lives. She learned to ski at Wildcat. Before the family moved to Hopkinton and she enjoyed championship Nordic ski teams. After graduating from Phillips Exeter in 1998, she attended Middlebury College where she majored in Geography, skied on the Nordic ski team and met her partner, Will Rawstron. She lived in Summit County, Colorado, and worked as a Nordic ski coach and Managing Director of the Summit Huts Association; back-country experience for skiers and hikers alike.

She was a very thoughtful person and a very incandescent spirit. She was a dedicated outdoorswoman and an athlete, who lived to share her experiences with friends, family and the young skiers that she coached. She was much more than a coach. She strove to guide these people and to teach them her values of hard work, integrity, truthfulness, humor and adventure. She believed in making the world better and more beautiful, and her work as a coach was the highest articulation of that belief.

She had taken up both ultramarathon running and Adventure Racing in Colorado. She loved to be out in the mountains, as many of us do. She ran to gain the time in the wild spaces, not for the adrenalin or glory but for what she called "my brand of crazy."

She didn't take unnecessary risks – she loved life too well and knew her worth to those who loved her. She fell to her death when a rock came loose as she reached for it during a steep scramble on the Willow Peak Ridge in the Gore Range in Colorado.

All those who knew and loved her are heartbroken by this tragic accident, and her mother especially, Dijit Taylor, who I consider a personal friend and a colleague, as a member of LCHIP, doing great things for our state and for our communities.

Memorial services for Hannah are being held in Summit County, Colorado Thursday and on Saturday, August 4th at the First Church in Hopkinton NH. Memorial donations can be made to the Summit Nordic Ski Club; her family encourage those who mourn to go for an adventure in the loving, gritty and graceful manner that we find Hannah. Thank you, Mister President.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Thank you, Mister President. A moment of personal privilege. I would just like to discuss another sad passing and that is of a bit of a hero from the Upper Valley by the name of Brian

Walsh. He was a civil servant if ever there was one. He served on the Hanover Planning Board and was part of the integral deal that built the new Dartmouth Hitchcock. He was a visionary, a renaissance man and an extraordinary public servant.

He actually had retired and moved to the seacoast, which he loved and where he loved to paint. And he took his regular, daily bike ride to his favorite bench where he could look out over the ocean and he died sitting on that bench. He was...

SENATE CLERK'S NOTE

Due to uncontrollable circumstances there was a loss in audio transmission in the middle of Senator Hennessey's remarks.

Two people tried to revive him, but unfortunately, they weren't able.

He is survived by his wife, Linda Patchett, and their children.

Brian Walsh was described as an indefatigable public servant in Hanover, beginning when he joined the planning board in 1977 and then when he was elected to the Select Board in 1996. In 1999, he was appointed chairman. One of his signature accomplishments in which he took pride was keeping the tax rate steady.

The town manager said, "He was just an amazing and intense guy. When you talked with Brian, you had his full attention. He was always thinking about how to do things better."

He grew up in Winchester, Mass., and arrived in Hanover to attend Dartmouth College, graduating in 1965 before earning advanced degrees at the Thayer School of Engineering and Columbia University, where he studied city planning. But he wasn't a stranger to the Upper Valley: Walsh's family had a summer home on Lake Sunapee, where his lifelong love of the water and sailing began and eventually figured into him and Linda retiring to the easternmost town in New Hampshire.

He dedicated his life to the region where I live, District 5, in the Upper Valley. He knew how to reach out and connect with people, how to compromise and how to lead humbly. He has been celebrated by people in my area, as just one of those queries finding out he was gone, because he was so alive in everything that he did. And one of the things that became his passion was his artistic side even though he started several interesting technology companies in the Upper Valley. In the end, it was his artistic side that gave him most pleasure.

Our town manager, Julia Griffin said, that the first time she met him it was during a public hearing and he was sketching portraits on a pad of others who were speaking at the meeting. And it was on that bench where he used to like to sit that he would paint pictures of the sea.

So, I'd just like to pay tribute to a very important and dedicated public servant who left us way too early. Thank you.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: I want to talk about a subject that really bothers me as a human being and that's the immigration policy that we are witnessing in this country, where children are taken away from their parents and in some instances never brought back to their parents. I'm the grandson of immigrants to this country. Proud to be an American. They were very proud to come here. To think that at our borders children are being taken away from parents and never restored. We're parents.

Many of us are parents. Can you imagine if they ever took a child away from us? We didn't know where that child was? Five thousand of these children; I think 548 have been brought back to their parents. Look at, I believe in legal immigration. My people came here legally. But indeed, the American tragedy is taking children from these parents and finding no way to get them back together. I can't believe that. Look at, I'm a historian. Look at what we did in World War II with the internment for the Japanese. That was approved by the Supreme Court; that was, said it was okay. Look at what they did to the Germans and the Italians during the war. Do we have to commit the same errors over and over again? This is America. That is not the American way. I'm heartbroken about this. To think that a child, some of them as young as two or three years old, taken from their parents and sent some place. They don't know where they send them. They send them to New York. They send them to California. They send them to New Jersey. And they can't account for them. Who's they? It's our government. Is that what we want from our government? Is that what we believe in? Twenty-four people sitting around this table. Would we sanction that kind of activity? I would hope not. We have got a great country. I believe in our country, it's done wonderful things for me and for people around this table. But what I am witnessing today is a tragedy. It's a tragedy. And we can't let tragedies go on without saying something about it. We have got to believe in something. Thank you, Mister President.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-10 and Rule 2-11). Adopted.

MOTION TO ADJOURN THE SPECIAL SESSION

Senator Bradley moved that the Senate stand in recess for the purposes of sending and receiving messages, and processing enrolled bill reports and amendments for Special Session bills, and at the completion of which the Special Session will stand adjourned.

Adopted. The Senate is in recess.

HOUSE MESSAGE

The House of Representatives has adjourned the 2018 Special Session.

The 2018 Senate Special Session is adjourned.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

September 13, 2018

The Senate reconvened at 11:00 a.m., a quorum being present.

The Reverend, Pastor Mark Warren, chaplain to the Senate, offered the following prayer:

Good morning, Senators. Let's pray.

Lord, we come to you today with a heart that's open to receive from you; your wisdom, your guidance, your knowledge, discernment. We're mindful that there is a person missing in this room with Tammy Wright, our Clerk, not being here, and we just pray for a speedy recovery for her.

As each of our Senators have probably been busy campaigning, and their families have given up time, and yet they come here today to continue to serve our great state. I pray that you would just bless them; give them back the time that they have committed to serving the people of New Hampshire. I'm so grateful for this time. This might be the last session that these people are together; our Senators are together, who have worked tirelessly over these last two years. They maybe sat on different sides and opposed each other, but they've had one heart, which is to serve the people of New Hampshire, and we're grateful. So today, Lord, we are thankful for this time that we can gather. In your name we pray. Amen.

Senator Bradley led the Pledge of Allegiance.

INTRODUCTION OF PAGES

(The Chair recognized Senator Watters for an introduction.)

SENATOR WATTERS: Thank you, Mister President. It is my great pleasure to introduce today Molly Morin of Barrington and a tenth grader at Oyster River High School who is studying American History but tells me she's also taking a couple of English courses and likes them too. I don't know how she has time for all she does. She loves to play volleyball, girl's lacrosse, part of the swim team as well. And when she's not at school she says she's usually with her guitar singing at local restaurants for fun and maybe even pass the hat too. She plans when she graduates from high school to attend college to study law and, music to my ears, she's very interested in being a civil rights lawyer. And last but not least we have a proud grandpa over here, okay? The one with the big smile. Please welcome Molly Morin.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you. Joining Molly today we have Jack Dalton as our other page and I'm very, very pleased to welcome you here today. Jack is age sixteen, he is in grade eleven. He comes from, it's not clear here, do you live in Dover or Durham? You live in both. Okay, he's got a foot in many communities. He attends Oyster River High School, his favorite subject is history, I certainly approve of that. And for extracurricular activities he plays on the Oyster River High School baseball team, and he's part of the Junior Legion Baseball Team as well. This summer he was employed at A&G Auto Body shop, and he hopes very much in the future to attend college to study law enforcement. So we're very glad to have you with us today and thank you for being here.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Bradley for an introduction.)

SENATOR BRADLEY: Good morning everybody. I want to introduce Karen, my bride. I would just say this, it's a wonderful thing. God bless you, thank you.

PRESIDENT MORSE: Well, we're very happy to have Jack filling in today as Senate Clerk. I know he's going to do a great job. Right Jack? But of course we will miss Tammy. And I was texting with her yesterday and today, and I wanted to take a moment to tell Tammy that we're all thinking about her, and we're all praying for her. I know she's watching the session this morning, so we all need to be on our best behavior. And on behalf of the Senate, we wish her a restful and speedy recovery.

Without objection, the Clerk shall read the title of the Veto Message only. Adopted.

VETO MESSAGE

June 19, 2018

Governor's Veto Message Regarding Senate Bill 365 and Senate Bill 446

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 19th, 2018, I have vetoed Senate Bill 365, relative to the use of renewable generation to provide fuel diversity and Senate Bill 446, relative to net energy metering limits for customer-generators.

Senate Bills 365 and 446 combined would cost New Hampshire electric ratepayers approximately $100 million over the next three years. New Hampshire has some of the highest electric rates in the country, placing financial strain on the elderly, those on fixed incomes and the business community. These bills send our state in exactly the wrong direction. We need to be taking steps to lower electric rates, not passing legislation that would cause massive increases.

Senate Bill 365 creates another immense subsidy for New Hampshire's six independent biomass plants. It would cost New Hampshire ratepayers approximately $25 million a year over the next 3 years, on top of the subsidy for these plants that already became law last year through Senate Bill 129. Furthermore, Senate Bill 365 doesn't even guarantee solvency of these facilities and in fact, those who supply the wood product have confirmed that the maximum impact to their revenue would be a mere 3.5%. It harms our most vulnerable ratepayers and our job creators for the benefit of a select few.

While I agree that expanding net metering could be a benefit to our state, Senate Bill 446 would cost ratepayers at least $5 to 10 million annually and is a handout to large scale energy developers. These immense projects should use incentives already available and compete on their own merits. The businesses and working families of our state should not have to provide additional unjust taxation through higher electric bills. We should take the time necessary to study the effects of the recent Public Utilities Commission order on net metering before massively increasing the scale of projects that rely on ratepayer subsidies.

Consistent with our state's 10 Year Energy Strategy, I am committed to working to encourage and advance renewable energy generation and fuel diversity without unjustly burdening the ratepayers of New Hampshire.

For the reasons stated above, I have vetoed Senate Bill 365 and Senate Bill 466.

Respectfully submitted,

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Christopher T. Sununu
Governor

SENATE CLERK: Thank you, Mister President. Senate Bill 365, relative to the use of renewable generation to provide fuel diversity.

PRESIDENT MORSE: The question is, notwithstanding the Governor's veto, shall Senate Bill 365 become law. Is there any discussion?

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise in support of overriding the veto. At this very moment one thousand families sit with

the sword of Damocles hanging over their head. Pawns, if you will, in the power play that pits renewable energy against established forms of energy. These families and their ancestors through hundreds of years in our state, have earned a living with their hands and their backs in the forests that comprise a significant amount of our state. Second forested state in the country. Putting aside, if that's possible, the personal impact to the families in my district and most of your districts as well, the direct impact to the thousand and ancillary businesses, the mechanics, the grocery stores, stationary, all of the things that businesses use and that families use that will impact many of the districts, I'm sorry, many of the towns within our state. Two-hundred-fifty-four million dollars in direct economic impact, and then we carry it beyond that. Biomass is good energy, it's reliable energy. These people are good people, they are reliable people. The earnings that they make pay for home mortgages, they pay for health insurance, they put their kids through college, they buy cars, they contribute to every segment of our state's economy. The dollars in this economy, start here with the stumpage on the trees that are cut by the people that cut those trees, by the men that haul them out of the woods, by the mills that process the timber, by the chippers. Every single dollar in that entire economic process starts and ends in New Hampshire. It is earned here and it is spent here by people who provide an electric resource that is reliable, that is immediate and that can provide an opportunity for us to pursue energy independence when coupled with Senate Bill 446. May not be the most efficient at this point in time, but once lost, this source of energy will not be back. It's a permanent kill that we're getting here, if we don't override the veto. And so I ask you to join me for the good of these families and families in your district as well, all around the state, that are impacted by the revenues, by the timber, by all the things that are encompassed in these biomass plants and the energy they produce and the families that they employ. I ask you to join me in protecting a way of life, and providing an opportunity to pursue further development of renewables and sustainable energy independence, in voting yes to override this veto. Thank you, Mister President.

(The Chair recognized Senator Carson for a question of Senator Giuda.)

SENATOR CARSON: Thank you, Senator for taking my question. Is this specifically a North Country problem or is this a problem for the whole state of New Hampshire?

SENATOR GIUDA: Thank you for the question, Senator. This, while portrayed most often as a rural and North Country issue, in fact impacts significant parts of the state. Hillsborough County, I believe, is the number one timber cut county in the state. The businesses that are impacted, I believe in your district Senator if I'm not correct, Caterpillar. One week after the veto, $10 million in sales were cancelled, of heavy equipment. And so the impact of these dollars while rural in its origin, okay, certainly apply. We will look at losing timber tax revenues in communities, adding further to the property tax burden of our citizens. And so the question was well put, the answer would be it affects virtually every community in the state in some way or another. Thank you.

SENATOR CARSON: Thank you very much, Mister President. Senator Giuda, we had a forum in Londonderry and there was a woman there that their family sold wood ash. They collect the debris from these biomass plants, they convert it into wood ash, which they then sell to New Hampshire farmers so, to help them fertilize their fields. Now is it true

that if this veto does not get overridden, her small business, small family business, thirty years, is going to go out of business and our farmers, the only place that they're going to be able to get that wood ash is in Canada. Is that true?

SENATOR GIUDA: I can vouch that wood ash is a significant byproduct of the biomass process, and yes, it will definitely impact the ability of our farms to operate. My district also has an interest. We have a company that takes that wood ash and processes it and spreads it throughout the state to farmers that need it for their fields.

SENATOR CARSON: Thank you very much.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. I want to disclose for Senate rule 6 and 7 that in my capacity as an attorney and a State Senator, my signature and involvement in the divestiture agreement, primarily through my capacity as an attorney. Disclose that and disclose that provisions of that may arguably conflict with provisions of this bill. That being said, I'd like to participate with that disclosure and I have a brief comment.

Thank you very much, Mister President. Just briefly, I think the Senator from District 2 highlighted a lot of the major points, but I'll also highlight this one, for some of my progressive friends who may be undecided about this, if you want coal-fired power plants to thrive in the supply market, the surefire way to do that is to let biomass go under and sustain this veto. Don't do that. This is local energy, this is renewable energy, don't let our biomass facilities go under. If you want coal-fired power plants to thrive, you'll sustain the veto. If you don't, if you want New Hampshire energy to thrive, you'll override. Thank you very much, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. And I think the questions were spot on to the points that I wanted to rise to indicate. In Cheshire County, the timber industry is a vital part of our economy and I can go to a Cheshire Fair and I can go to town events and I will find people coming up to me saying, you know how many people we did not employ this year because the market, just like something, a fruit on tree is starting to wither. We need to not take a mature industry in this state and put it out of business. And that's my fear, and I think the statements about this being a statewide issue is indeed true. I will give credit though to that marketer of the potassium that is contained in the burned byproduct of a wood-burning generating plant. Because there is a substitute for this and it's called chemicals, and that potassium could be restored into the environment chemically and this is a natural, which just goes to evidence that this is the maturation of a business that has learned not only how to use its source but also its byproducts. This is good for forest management, it's good for trail creation and it's good for my region of the state. I also will be voting in favor of an override of this veto. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I also rise in support of overriding the veto and in terms of the statewide impact of this, I wanted to share a couple of comments from a letter that was spearheaded by the mayor of Dover, Karen Weston, and it was signed by the mayors in the cities of Berlin, Claremont, Concord, Dover, Franklin, Keene, Laconia, Lebanon, Manchester, Nashua and Portsmouth and directed to Senate

and House leadership. And they say that they believe strongly that clean and local renewable energy and greater efficiency in how we use all energy would be vitally important to our cities' future economic vitality and environmental quality. And as such they favor policies at the state level which would encourage existing renewable electric generation. And in particularly they say they want to stand with our neighboring communities that particularly feel the impact of Senate Bill 365. They think it's harming local jobs and the economy. Thousand jobs directly tied, the Plymouth State study that tells us 254 million dollars are contributed to the economy and benefit our energy sector and in particular those who are interested in wildlife and fish and game issues, the health of the forest for those resources depends on this industry thriving as well. So it impacts all of us around the state. This is an important industry, it's an important energy source as well and I hope my colleagues will join me in voting to override this veto. Thank you.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. I rise in support of the Governor's veto. We've heard they've done a masterful job of explaining why we should support this industry which is an unprofitable industry. And the way we're going to support that is, we are going to create a tax. And we're going to tax the electricity bills of our constituents to support an unprofitable industry. So economically, that makes no sense at all. So, I can't send a bigger electric bill to my constituents, so I support the Governor's veto.

(The Chair recognized Senator Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I rise in support of overriding. I also rise with the great sense of gratitude and humility to be here and represent the great fair people of the North Country, Senate District 1, all fifty-eight communities, 28 percent of the state's landmass, an area larger than three states and seventeen foreign countries. And a whole lot of trees. In a place that has been defined by this industry and people who have made a living, made a culture and developed a way of life in the woods trying to get by and get ahead. Now we know that this is good energy policy and we know this is good economic policy. We know this is a locally produced energy, dependable, renewable and we also know that in my part of the state, and other parts of the state as well, that this is an industry that is the straw that stirs the drink of the North Country economy. It lifts a struggling economy and these dollars are not tucked away in silk purses or platinum stock portfolios, but they circulate and touch many hands, many businesses and change many lives. They stabilize communities, they stabilize families and they make life a little bit better for many, many people. But this is not about an industry or protecting or promoting or propping up, it's about the people who do the work, who do the dirty grimy hard back-breaking work and I've got a scar on my hand Mister President, to show how hard it is to harvest a tree and how dangerous it is to do the work that they do every day. And not only do they pay their taxes and promote their families and take care of their neighbors and coach little league and be involved in their community but they're also preserving a culture of living and making a living off of the woods and the trees in our community. And I'd say this is all about people. People like my brother-in-law who worked most of his life in the Whitefield Power and Light. He went to work when his kids went to bed and his body shows, his hands show, the work that it took to do that. Jobs change lives and

rarely in this business do we have an opportunity to turn the switch on for jobs to occur or turn the switch off. And I hope that we do the right thing today. Thank you, Mister President.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I rise in support of the veto override. And I firstly want to thank my colleagues and the leadership of Senator Jeb Bradley, who spearheaded this bill and I also want to thank Senator Martha Fuller Clark and Senator Dan Innis and Senator Feltes for their leadership in the Energy Committee. It's not a wise thing when so many diverse people come together on an issue and to go against that. And we have some very, very good people in the Committee of Energy and we've come to agreement on this. During the election, a gentleman, an older gentleman came up to me from Hollis, New Hampshire. He came over and he shook my hand and he said, you know, I've had a tree farm since 1858, it's been in his family since 1858. And if these bio plants go down, the tree farm is going to have to ship all its wood to Canada. Well, that's not cost effective and it's going to affect this tree farm. It's just one family, one family's affected by this. Some say, well, it's a subsidy. The anathema word, "subsidy", it's dangerous. It's a bad thing, it's not conservative. Neither is crony capitalism, ladies and gentlemen. Neither is crony capitalism. When we become more dependent on those transmission lines, you're rewarding those who have to keep those transmission lines operating. They get a guaranteed 10 percent return on investment. That's a sweetheart deal and the more we're dependent on those big fat power lines, that 10 percent goes up. That's profitable. The subsidies is not profitable. So what are we going to do? Are we going to side on the subsidies which creates jobs, protects our forests, keeps our trails clean, creates fertilizer, and it works on maple trees, I did it. Or are we going to subsidize a little mini monopoly, if you will. We're doing the same thing over and over and over again. We're trying to think outside the box. We're going to lose 100 megawatts. Override the veto, it's a good thing if it supports New Hampshire. We're creating energy here, homegrown stuff. There's got to be a song for that. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I too rise in support of overriding the Governor's veto. And I thought it would be important to speak to the fact and mention that the New Hampshire Public Utilities Commission estimated that the veto would save ratepayers a total of 18 million annually for three years. But it will come with a cost of about 17 million in generation capacity needed to fill the 100 megawatt gap if the biomass plants close. This is a result of ISO New England looking at New Hampshire and would be raising our obligation throughout New England with that charge of $17 million. So here's what we're doing. We're talking about a cost of $1 million that would put immediately some 900 jobs in the timber industry, the loss of those jobs, that it would impact a $254 million economic activity in our forest industry and as you've heard all of those cascading impacts that the loss of every one of those jobs is going to affect twenty or thirty other jobs throughout the state. You've also heard that it will impact on equipment sales, it will impact on the agricultural community and it will make it much more difficult to do sustainable forest management and ensure that we have healthy forests throughout the entire state. This is a very unwise veto that is really pitting our local industry that allows us to have greater self-sufficiency when it comes to energy. That

ultimately will help us to reduce energy costs because you will not be susceptible to the volatility of what we see with regard to natural gas now and in the future. To my mind and to the many, many constituents that I have heard of, vetoing this legislation is a very poor position to have taken with regard to a native industry and to all the people in the state who benefit from a locally grown industry. So I urge you here today to sustain our vote and override the Governor's veto. Thank you.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I'll be very brief. I did at one time work, I'll disclose first at Sundeen Lumber and Georgia Pacific in Senator D'Alessandro's neighborhoods, back in my early days. Last night about twelve hours ago, I was working with a bunch of guys from John Carter Sprinkler Company and they echoed everything I've found when I door knock. They said we talked about it last night, the poor guys had to talk with me until midnight about biomass and when I got, and at the beginning, they were like geez, what's it going to cost? I said about $1.76 a house. First they said, no, go against it, be against that. And then the other guy spoke up. Scott said geez, I have a friend who works and he hauls chips and he goes, he's went down from three days to two, from a full five day schedule. He's having a hard time meeting ends. I went to Abernathy key wood products and I met all these people who are in the business in Kingston and Epping and, so I didn't realize a few months ago how much it affected my neighborhood and I would say every door I've knocked on, once we talked it by the initial $1.76, 99 percent of the people in New Hampshire want to help their neighbor. They know it's a sustainable renewable energy and that $1.76 is money well spent. Thank you.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much, Mister President and good morning. I think that a lot of discussion has occurred about the jobs impact. I think we, all of us, all twenty-four of us, have talked to real people, not people in corporate boardrooms, people that wear blue jeans and work in the woods with chain saws. We've all had that experience. There's a real impact on those people. There will be lost jobs. Small businesses will close. People will lose their businesses, their mortgages. People like our friend Tom Thomson are going to have some hellacious choices about what to do with their land. Snowmobile trails are likely to close. New Hampshire's open space likely to be impacted. But I want to use the rest of my time to talk to the people that believe that we should not pass Senate Bill 365. I want to address those issues head on. The first issue, what's the cost? Yes, there's a cost. Senator Fuller Clark just outlined it. But there is a cost that is bigger if we close these wood plants. It's a cost for capacity, run by the grid operator. A consultant that worked for Northeast Utilities, with a lot of experience, testified in front of the House and the Senate that that cost is likely to be in the range of $17 million. So suddenly the cost difference becomes pretty obvious. Yes, we're going to pay something for three years and three years only and only if plants generate. But after that three year period of time, we will pay higher capacity costs. Not a single utility disputed that in March when we had the public hearings in the Senate and the House. Only in the last few days have people said no, no, that's not the case. But they've never proven why it's not the case. Those costs are real and we'll pay them. So for me, this is a pay me now or pay me later and pay me permanently type of situation. I think all twenty-four of us

believe that we should support the manufacturing base in the state of New Hampshire. Every one of us. We may have different approaches but I think we do. And so to my friends at the BIA, I would say read the last section of the bill. Where the rate design protects the largest manufacturers that will have a very insignificant portion of the cost. We put that rate design in the divestiture docket. It's the same rate design in this bill, 5.75 percent. And when you combine that with the repeal of the electric consumption tax, which we did in the budget last year, the impact on the largest users in the state of New Hampshire, the manufacturers that we're all concerned about, will be negligible.

Now we keep hearing this is a subsidy. Great, let's talk about subsidy. Energy in America is regulated and subsidized. The fossil fuel industry, it's called the oil and gas depletion allowance. It's called favorable leasing for extractions, for transmission, it's faster depreciation for electric transmission and gas transmission. The nuclear industry, we as taxpayers subsidized nuclear research for decades. We pay for Yucca Mountain and until the divestiture of nuclear power plants all of us as customers paid a surcharge for waste disposal. Those, my friends, are subsidies. And there's a reason for them. We want to keep the lights on, want to keep power affordable, we want to have adequate supplies, we don't want this in terms of the price and the reliability of power. But to me the biggest subsidy of all is the guaranteed profits of utilities that are fighting this bill. Let me repeat that. The guaranteed profits of utilities that are fighting this bill. If that's not a subsidy, there is no such thing as a subsidy. Now we have heard from some of those utilities that these power plants got a $2 billion subsidy. Let's look at the rest of the story.

Under federal law in the 1980s, there were contracts under what was called the Public Utilities Regulatory Policy Act or PURPA, that if an independent power producer could meet the expected cost, the future projection of cost of the utilities, they could produce power and the utility would have to buy it. Well guess what was happening? Inflated cost to justify the construction of a nuclear power plant and we know how that movie ended, with a rate agreement and the highest rates in the nation led to those PURPA contracts. That's how it started. Call that a subsidy if you want to but those are the facts. The facts are sometimes difficult to live with and so it's easier to label it a subsidy when there's a lot of responsibility that goes back thirty years as to how this happened. We know how that movie ended. Now it's interesting, last night I downloaded the independent system operator. Those are the folks in Holyoke, Massachusetts that run the grid. And they had a reliability study that was just, what's the right word, released to the public in January. And they're warning of the potential for blackouts in the '20, '24, '25 time frame. It's kind of dense reading, but it should be a warning sign for each and every one of us in New England that we have problems here. And you know I found it interesting, my friends at the BIA, Mister Tom Sullivan who is the chair of the board of the BIA said this in a recent editorial in the *Union Leader*. And I quote, "Even more alarming, securing a reliable supply of fuel has become a chief concern for the region's independent electrical grid operator, ISO New England." ISO released a report last January, warning that by 2024, 2025 New England may no longer be able to secure enough fuel for power generators to meet demand, resulting in rolling black outs. Yes that means the lights will go out in New Hampshire if something doesn't change. So to my friends at the BIA, I don't think you can have it both ways. You can't want a reliable electric grid and be closing down a homegrown fuel source that

has an incredibly great record of producing. And we know how many trees we have here in New Hampshire, and we know it's not imported coal, it's not imported oil, it's not imported natural gas, all of which are subsidized. It's homegrown New Hampshire energy. And if there's one thing I've learned over the years that I've been involved with energy in New Hampshire, it's kind of a saying that a lot of us have heard; don't put all your eggs in one basket. Well guess what, we're putting our eggs in the natural gas basket if we don't override this bill. The big natural gas plants outside of Boston. They're about to get a nice little subsidy, because they are so indispensable to the grid. In other states, legislators are adopting subsidies for their nuclear plants to keep them operating. This is life in 2018 in America to keep the lights on. So yes, it's about jobs, it's about people that work in the woods. But it's also about energy. And one of the misconceptions about this bill is that the subsidies go on regardless. Well, they don't. You have to produce the electricity. So if the plants close for any reason and there's no electricity produced no money exchanges hands. And oh by the way, there have been people that have complained about the fact that the balance sheets weren't shown to the public. Well, people have seen those balance sheets where they matter and those discussions have happened and we know that plants are closing, and hardworking people are being thrown out of work. I kind of feel like a bit of déjà vu here today. I remember in July of 2005 in Boston, testifying to the BRAC Commission, base realignment and closure. I stood up for the jobs of 5,000 hardworking people in the Seacoast against the Defense Department that wanted to close the Portsmouth Naval Shipyard. I stood up with Judd Gregg, with John Sununu, with Olympia Snow, with Susan Collins and Tom Andrews. We made a case that day that the defense of our nation was so important and the workforce at the Portsmouth Naval Shipyard was the best in the nation that we were making a case that we needed to change that BRAC decision. We did it. Godspeed to everybody that is trying to do that today, to protect yet again, New Hampshire's jobs, the future of our recreation industry, our snowmobile industry, the future of energy diversity and to prevent a cost increase in the future that will dwarf the temporary increase to keep these plants open. There are a lot of these people here there, there are a lot of them across the street. Bless you for your activities fighting for your jobs, fighting for the future of our state. Thank you, Mister President, I urge a yes vote on the pending motion.

The question is not withstanding the Governor's Veto, shall SB 365 become law?

A roll call is required.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Avard, Lasky, Carson, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators voted No: Daniels, Reagan, Morse.

Roll Call, Yeas: 21 - Nays: 3. Veto overridden by necessary 2/3 vote.

VETO MESSAGE

June 19, 2018

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While I agree that expanding net metering could be a benefit to our state, Senate Bill 446 would cost ratepayers at least $5 to 10 million annually and is a handout to large scale energy developers. These immense projects should use incentives already available and compete on their own merits. The businesses and working families of our state should not have to provide additional unjust taxation through higher electric bills. We should take the time necessary to study the effects of the recent Public Utilities Commission order on net metering before massively increasing the scale of projects that rely on ratepayer subsidies.

Consistent with our state's 10 Year Energy Strategy, I am committed to working to encourage and advance renewable energy generation and fuel diversity without unjustly burdening the ratepayers of New Hampshire.

For the reasons stated above, I have vetoed Senate Bill 365 and Senate Bill 466.

Respectfully submitted,

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Christopher T. Sununu
Governor

The question is not withstanding the Governor's Veto, shall SB 446 become law?

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I move to override the veto on SB 446 and to let this be passed into law. Basically on the same lines of our previous bill that we just discussed that. This is a bill that frees up New Hampshire, frees up large corporations and municipalities to generate their own electricity, to reduce our dependence on the transmission lines. Right now New Hampshire is allowed to generate, individuals can generate up to 1 megawatt, 1 megawatt. When I asked Senator Bradley, well what can we do about this? And he says well probably go up to 5 megawatts without ISO getting involved. And I said well why can't we do that? And he shook his head and, Kevin, that's just too hard. And then he thought about it and he said well let me think about it. And he basically held my hand through this because it's a complicated issue. But there's

nothing complicated about freeing up corporations to generate their own electricity, whether it be through solar or hydro. Nashua, New Hampshire has a hydro plant that can generate up to 3 megawatts. They can utilize that. Manchester could generate up to 5 megawatts on one of those landfills. What does that do, well 3 here, 5 there, 5 here, a school here. You're lowering your dependency on the transmission lines. That has got to sink in. We have too much dependency on the transmission lines. I remember Senator D'Allesandro saying look we've got to lower these energy costs. Well how do we do that? We've got to stop doing the same thing over and over and over again. Think outside the box. How can we do that? I've got an idea. Let's let them generate up to 5 megawatts. Lower their energy costs, lower our state's transmission dependency. Right now we're part of a grid. And we have a responsibility to keep that grid going and that responsibility is 9.6 percent. The more dependent we are on those big fat power lines, that 9.6 percent could possibly go up higher. Making your rates higher. And in a pie chart, if you're to look at your transmission costs it's a big piece of the pie. The smallest part of your electric bill is the renewables. That's the smallest part. And ladies and gentlemen, the pie don't lie. The pie don't lie. SB 446 is an opportunity to give New Hampshire the ability to generate its own electricity. It allows large corporations like Worthen who generate 1 megawatt. They're using half their roof for their manufacturing. Why not give them the whole roof and let them do 2 and a half megawatts? How about some of the high schools, let them generate their own schools and lower your property taxes. Those in Nashua definitely could use it, Manchester could use it, Rochester could use it. Let's free up the live free or die state. I almost want to sing Free Bird ladies and gentlemen, I really do. Give us the opportunity to generate our own electricity. Let's not pick winners and losers as Senator would say. He hates it. I know that. He says it over and over and over again. Right now we are. We're only allowing people up to 1 megawatt where the large corporations like BAE could generate their own. Funny thing I think in other states they can generate up to 10 megawatts for their manufacturing. Why not give them the opportunity to do it in New Hampshire? BIA should listen. Let's let New Hampshire corporations generate their own. I don't think they've even thought of it. Why? Because it's like moving a mountain in this state. It's like living in the mountains and the mountains are made of granite and it's hard to think outside the box. I'm not going to get into the weeds. We can all get really, really into the weeds on some of these energy bills and you will all, I promise get lost at some point or another. Please support the override. Free the state up. Let's generate our own electricity. Let's the stop the tyranny of the transmission lines. Thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. I too rise to support overriding the veto on Senate Bill 446. I just wanted to reference briefly again the letter from the thirteen mayors who also are asking for an override of the veto on Senate Bill 446 because they believe it will enable their cities to attract private investments in clean energy which will in turn directly lower rates for our citizens. A number of our communities are currently working on projects to accomplish these goals. Unfortunately those projects would have to be shelved if 446 is rejected. Hundreds of millions of dollars in solar and hydro power projects are now at risk of not being realized because of this situation. And I will speak for a moment about the particular situation in Dover where we have a private investor willing to put $20 million into putting solar at

the new high school, at the Children's Museum downtown. At the high school alone this will save Dover taxpayers $400,000 a year and it's a private investment coming in. If we don't have the cap raised, these projects may be jeopardized because they need to be of a certain size so that the investors will come in and see that that is feasible for their communities. And so how do we say to our taxpayers that some supposed rate increase, through the fiscal note I noted here said that there wasn't an impact on rate increase on 446, how can we tell our taxpayers that they don't get to save $400,000 a year because we don't pass 446? Thank you, Mister President.

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. These vetoes have cost New Hampshire jobs, they will cost New Hampshire ratepayers and they will cost New Hampshire property taxpayers. And some of the talking points surrounding them reflect some of the talking points from out of state fossil fuel lobby, not people right here in the Granite State. Let's talk about it. The Senator from District 12 talked about it in terms of transmission costs. The highest growing portion of your electric bill is transmission costs allocated on New Hampshire on a regional basis. And the way New Hampshire fights back in that formula is twofold. One is we allocate more resources to the PUC and maybe the consumer advocate to fight it out on behalf of New Hampshire at the regional level. We did that a little bit in the budget. We could do more next year. That's number one. Number two is energy efficiency and local energy. The cheapest unit of energy is the one you don't use. That's why energy efficiency is so important. It's so important for that calculation of regional transmission costs that get pounded on the state of New Hampshire. Some cases subsidizing projects from big utility companies down in Connecticut. But that's the way the formula works and the way we fight back is with resources at the regional level to fight back in those proceedings and second local energy. That's what this is about. You want to fight back on the highest growing portion of your electric bill, you pass Senate Bill 446. If you want to, in the words of the Senator from District 12, promote freedom, if you want to de-regulate a little bit let's go from 1 megawatt to 5 megawatts. Let's unleash the industry, let's unleash New Hampshire energy independence with local projects. And if you want, as my colleague from District 4 said, municipal and school buildings to become energy independent and property taxpayers to save money. If you want to put dollar pressure on property taxes, you pass Senate Bill 446. So I urge you as my colleague from District 12 said, it's rare for everybody to come together, we did in this committee. Let's pass Senate Bill 446, let's override this veto. Thank you very much, Mister President.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: Thank you, Mister President. A year ago I would be sitting in a committee with Senator Avard as the chair. It was a bill that, in the committee established by this body and our colleagues in the House, signed by the Governor, SB 125. It was on electricity pricing. Three Representatives, two Senators, three Republicans, two Democrats. We studied pricing from a variety of angles, you've heard the issues about distribution and transmission costs. The fastest growing part of everybody's electricity bills. And the one recommendation that the committee agreed upon was increase net metering from 1 megawatt to 5 megawatts. One recommendation. A lot of other recommendations in

that report, don't put it away yet. But this one we all agreed. We could see that this was a way not only to create greater supply but to reduce distribution and transmission costs.

Second page to this argument: Few of us attended a session over at the Monadnock Paper Mill in Bennington, New Hampshire. Now you'd think that the paper mill was going to be talking about initially 365 and the override. That wasn't the pitch. His pitch was 446. His pitch was that I have three 700 kilowatt generators, turbines on my plant and I can't net meter because together I'm one site with 2 megawatts and I can't net meter for the full production, that he's running twelve months a year, full-time, hydropower that he could put on the lines.

Third topic, third story: Hydro operators operate in Cheshire County. It's the original power source of Cheshire County. And you might recognize that the President of the New Hampshire Sustainable Energy Association is from Cheshire County. Besides the hydro operators I have towns like Hinsdale and Winchester and Keene and Swanzey in my district, all of which have solar projects in either municipalities in their towns, schools that are waiting to be built. One that I heard of this last week is going to power an industrial park and provide the local power and has Vermont Yankee lines right next to it. They have capacity that's been taken away because Vermont Yankee is not producing power any longer. It's a good thing in my region, by and large. But those lines are there ready to be used by large solar power generators. So there are a variety of ways to come at this. I think this is a wise investment, it's an investment in our future, it has broad support through this state I believe, I think. And I rise today to indicate my support for people in Cheshire County and to override the veto on Senate Bill 446. Thank you, Mister President.

(The Chair recognized Senator Fuller Clark.)

SENATOR FULLER CLARK: Thank you very much, Mister President. I too rise in support of Senate Bill 446 and urge this group of Senators to vote against the Governor's veto. Time and time again we hear well the legislature doesn't do anything to reduce energy costs. And we're oftentimes being blamed for the high energy costs which is a much bigger issue than what we need to be talking about today. But it's clear from all the reports that we had within the committee that what you've all received in support of 446, that this is a way to reduce energy costs across the state. And that it will provide the opportunity for the growth of solar energy everywhere in the state. And as we know currently that is one of the fastest growing industries which we're seeing year after year putting more and more workers in New Hampshire providing them with jobs. So not only will it allow us to be energy independent, that it will grow solar in a way that will increase job opportunities here throughout the state and that it will result in lower energy costs for everyone as we go forward. So thank you very much, and I hope you too will support overriding the Governor's veto.

A roll call is required.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Avard, Lasky, Carson, Feltes, Cavanaugh, Soucy, Birdsell, D'Allesandro, Fuller Clark, Gannon, Innis.

The following Senators voted No: Daniels, Reagan, Morse.

Roll Call, Yeas: 21 - Nays: 3. Veto overridden by necessary 2/3 vote.

VETO MESSAGE
June 21, 2018

Governor's Veto Message Regarding Senate Bill 593

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on June 21st, 2018, I have vetoed Senate Bill 593, relative to the penalty for capital murder.

Senate Bill 593 would abolish the death penalty in New Hampshire. While I respect the arguments made by proponents of Senate Bill 593, I stand with crime victims, members of the law enforcement community, and advocates for justice in opposing this bill. New Hampshire does not take the death penalty lightly, and we use it only sparingly. No one has been executed in New Hampshire since 1939, and we currently have only one person on death row.

In the most heinous cases where the death penalty may be imposed, New Hampshire is second to none when it comes to protecting defendants' rights and ensuring a fair process. While opponents of the death penalty cite cases from other states where individuals were either wrongfully convicted or did not receive an adequate defense, such cases have not occurred in this State. Our public defender program is among the best in the country. In addition, a defendant cannot receive the death penalty unless a jury of twelve citizens, in a separate sentencing phase, unanimously votes to recommend a sentence of death. I have confidence in the judgement of our citizens and in our criminal justice system, and believe that New Hampshire can continue to apply the death penalty in a sparing, fair and just manner.

During the past thirty years, governors of both parties have either opposed the repeal of the death penalty or expanded its scope. In 2000, Governor Jeanne Shaheen vetoed a death penalty repeal bill, stating "I believe that there are some murders that are so brutal and heinous that the death penalty is the only appropriate penalty." In 2011, Governor John Lynch signed a bill expanding the application of the death penalty to home invasions. This expansion came in the wake of one of the most heinous crimes ever committed in our State, the Cates murder. This crime was a home invasion that resulted in the murder of a mother and the severe injury of her daughter. Kimberly Cates was stabbed 32 times and her twelve year old daughter was stabbed 18 times. David Cates, Kimberly's husband, testified in favor of expanding the death penalty in 2011. To repeal the death penalty in its entirety today would deprive the Cates' and other crime victims of the justice they deserve.

Abolishing the death penalty in New Hampshire would send the wrong message to those who commit the most heinous offenses within our State's borders, namely that New Hampshire is a place where a person who commits an unthinkable crime is guaranteed leniency. New Hampshire is not and will never be a safe haven for those who would murder a police officer, cause a death during the commission of an aggravated sexual assault or home invasion, or commit any other capital offense. If a person chooses to commit such an unspeakable act in our State, that person should know that a jury of their peers may elect to impose the ultimate justice.

The arguments made by the proponents of this bill must give way to our obligation to support our law enforcement community, deliver justice

for crime victims, and protect New Hampshire's citizens by preserving the death penalty as the ultimate legal deterrent to the commission of heinous crimes.

For the reasons stated above, I have vetoed Senate Bill 593.

Respectfully submitted,

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Christopher T. Sununu
Governor

The question is not withstanding the Governor's Veto, shall SB 593-FN become law?

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. This is a tough one. It's going to be for us. We have thirteen co-sponsors on this bill in the Senate. It's probably one of the most diverse bills that we've ever had. There have been a ton of different perspectives on this particular bill. People looking at the death penalty from the most conservative to the most liberal if you will let me use those terms, or progressive. We've come together with the same conclusion that for our day it's not practical. And this is a vote of conscience. I totally understand where people are coming from having been a pro-death penalty individual pretty much all my life. But as I've looked at and talked with exonerees, at least 160 across the country, 160 plus exonerees for various reasons, individuals that were on death row, some from false allegations, some people were there because the prosecuting attorney withheld exculpatory evidence intentionally, DNA, a host of reasons. That alone allows for human error, and if we make a mistake we can't retract that. There is a biblical principle that God hates seven things and one is that individuals shed innocent blood. That's not acceptable. There was a woman who was caught in adultery, and I'm going to use the biblical illustration because it kind of mutes our day. And she was brought before the Lord Jesus. And they said, Master, this woman was caught in adultery. Now you know what the law says. She should be put to death. What sayest thou? And he wrote on the ground and they kept bugging him about it. And he said well, ye that are without sin, you want to cast the first stone. He didn't say that the law was wrong, he said those of you that are without sin let them cast the first stone. Interesting concept. You know, the guys that brought this woman to Jesus, their intention wasn't about the beauty of the law, they wanted to trip him up. So their intention wasn't justice, they had a different alternative. And it wasn't about justice. We have prosecuting attorneys that have the same intention. It's a notch on their belt. Oh by the way, this is a 14th amendment violation. What do you mean? Well equal protection under the law. Huh? Where's the guy? Where was the guy? Both of them should have been brought forward. We have situations here now where if you're not a beautiful person, you're going to get the death penalty. If you are in a different class, you're going to get the death penalty. There are people right now in New Hampshire that are looking for parole that committed capital murder. Why aren't they getting the same treatment? What is the fiscal note for somebody's who's on the death penalty? Well we have a case right now where if you were put in life in prison, without parole, you're looking at a $1.4 million cost. But if he's on death row, that cost goes exponential up to 5 to $10 million just to process this one individual. That's another injustice. And there's no guarantee, and by the way we don't have a facility to do this.

There's a host of other reasons and I think in our day now it doesn't make sense. I say let's get rid of it, save the taxpayer money. Let's not accidentally put somebody to death and I know everybody here has to vote their conscience and I really respect that. I really don't want to debate on this, just speak your mind and thank you, Mister President. So I move that we override the veto.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, and distinguished colleagues. I rise to ask my colleagues to support the Governor's veto. I've been around this place since 1972. In 1973 we crafted the death penalty. It was passed by the legislature in 1973. It's a very narrow death penalty. It has been used in this state one time since 1939, one time. In those days we hung people. That has been changed to lethal injection. Why do I support the death penalty? And it's a very, very difficult thing to do. We all have our moral conscience, and many times I think we've lost our moral conscience, but in this particular issue, I ask you to continue to support the Governor's veto. You've got to have witnessed a death, in order to appreciate the anxiety, stress and terrible situation cast upon those in the family who have lived with the fact that a member of their family has been murdered. I've witnessed it. A murder took place in my district. Officer Briggs was murdered in my district. In a parade in Manchester, thousands of people turned out, thousands of people lined the streets of Manchester. We all gathered in Fisher Cats Stadium to mourn the loss of this human being, who had in essence saved the life of the person who murdered him, he saved his life on one occasion. In my district, officer Doherty was shot eight times, shot eight times. He carries the scars of those shots in his body as we speak. His life will never, ever be the same. And what was he doing? He was protecting us, protecting us. Don't those who protect us deserve our support? Gun violence has been pervasive in this country. We had two shootings in my district last week. We had a murder in my district last week. The murderer was apprehended yesterday after a search by our police department to apprehend him. My colleagues, those public servants deserve our support. Those public servants offer their lives every day, every day, in defense of our liberty. Can't we support them? As I say, this is a question that each one of us must answer. And it's a moral issue, it's a question of your conscience and you must do what you believe is the right thing to do. We're living in a terribly complicated world. We're living in a world where life isn't given the same kind of worthiness as it was when I was a child. When I was a child a police officer walked me across the street to go to school. Today the police officer gets shot and killed. My colleagues, dig deep. Dig deep and answer the question that Mrs. Briggs answers every day; why was my husband killed, why was my son killed, I had Mrs. Briggs in school, the mother. I've been with the family. They live with that question, unanswered for the rest of their natural lives. Think about that, for the rest of their natural lives. And I know it's difficult, and I know each one of us has a different opinion. But indeed, I ask my colleagues to think hard and to support the Governor's veto. Thank you, Mister President.

(The Chair recognized Senator Gannon.)

SENATOR GANNON: Thank you, Mister President. I'll be brief. I'm much more prepared when we did this a year ago whenever we did it. But I have to stand up. As you know I've always been on the side of the police. I meet with all my police chiefs at least once a year and this is

very important to them. It would be a slap in their face if today we said I want everyone who ever shoots a cop to, maybe he'll have one moment, one clear moment of a thought and say, I'm going to get killed if I shoot this guy. Just that one brief second. Maybe it would enter his mind, maybe it wouldn't but if it did it would be great. Senator Avard, you said innocent blood. The murder of Officer Briggs, the guy who shot Doherty, the judge about ten years ago up in Senator Woodburn's district who was killed. I want anyone who does a heinous murder like that, Mont Vernon, the kids prepared they found a woman who was going to be alone in a neighborhood. They thought about it, they planned it, they went in and executed a woman, thought they executed her daughter, slit their throat, the girl lives with this. I want this to be, it's only a heinous, you said the county attorney, you mentioned DA's and attorneys. Thank you, Mister President, I'm sorry. It's not in New Hampshire, Mister President. Our county attorneys are not looking to put a notch in their belt. This would be a rare exception, it would go to the attorney general. It is never going to happen that someone's going to be executed who didn't do a heinous crime. This is New Hampshire, we don't do things like that lightly. Again I have to think of the men in blue, I have to think of their families and I want to show them respect today. And again, if just one person had one moment of clarity and withheld shooting a police officer, that would be worth the whole thing. Thank you.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President. I rise to override this veto. During my career in both the House and the Senate, I have been a proponent of repealing the death penalty. I fought for it in the House and I was a prime sponsor of a bill here in the Senate that would have passed shy of one vote. As everyone has said, I was not going to stand up because it seems, you know and I believe most people have made up his or her mind on this subject. I think we've all thought about it for whatever reasons over our lifetimes and it's hard to change minds. But I guess Mister President, you'll allow me a little indulgence today and I felt I had to get up and speak my mind. Every murder is heinous and every loss is unbearable to their loved ones. And police officers do deserve our support and I believe they do have our support and our extreme gratitude. But I believe there are more humane methods of protecting our police officers than an eye for an eye or a tooth for a tooth. And I believe that were we to work at that, we certainly could better protect our officers. Gun violence. Talk about that. Over and over we've heard that the death penalty is not a deterrent to crime. Unfortunately look at how gun violence has increased. It doesn't matter that we have a death penalty for whatever reason people who are hell bent on murdering and whatever, unfortunately I don't believe they think about the death penalty or even what their penalty might be. But we have, and I believe we have to do something about the rampant gun violence, but again I don't believe that the death penalty is going to affect that. I guess it's for me is completely an issue of what is right and what is wrong. I believe and not that your opinions or any of our opinions is right or wrong, but I do believe that we are a civilized nation. We should continue to be and I think this state has always shown itself to be a civilized and humane state. I'm always proud to be from New Hampshire for so many reasons. The people in this state as we all know are magnificent and I do not believe given a choice even from those who have been affected by the heinous crimes of murder, whatever, want to put another human being to death. It serves no purpose, and I for one will continue to cast my

vote for repeal of the death penalty and hope that perhaps we will have the votes this time to override the Governor's veto. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: I rise in support of overriding the veto for a number of reasons. Many years ago in a different life I served in law enforcement as a special agent of the FBI. At that time a study was done that conclusively determined that twenty percent of the people on death row were wrongfully convicted. Twenty percent. That was then, this is now. DNA has come a long way. We do not have a perfect system of justice. That's the first problem. The taking of a life is the ultimate act that a state or a nation can take. And so for that reason alone if evidentiary processes aren't perfect. How about the political process? Some people elect chiefs of police, we elect county attorneys albeit they don't handle capital cases, but there are political motivations one way or the other, that must be brought into account because they do have a bearing. The death penalty is not a deterrent. Think about it. A person in a fit of rage isn't going to say uh I'm not going to do this because they are basically rabid with anger. A person that is planning a cold calculated murder knows and doesn't care, so that's a specious argument. An eye for an eye is not what this country's about. Taking the life of the most heinous of murderers does not bring back the person that's lost, and for those who may think that a life sentence without possibility of parole is a walk in the garden I would invite you to walk with me to any of the prisons that hold those people. It is a worse sentence in many cases, than sacrifice of one's life. The question that compels me is this; do we risk taking the life of one innocent person as an acceptable consequence of ensuring that we take the life of someone who's committed capital murder. That's a compelling question for me. In our state I have another compelling question. I have many friends out on law enforcement, I've been in law enforcement, I support law enforcement, I highly respect them and I love them for the danger that they take on themselves, trying to protect us but our law in this state for the death penalty is unjust in my opinion. We divide our citizens into classes with that law. We say that certain people in our society, those who are serving law enforcement for example, their lives are worth so much that if a crime is committed against them, we'll take the life of the person that perpetrated that. But the rest of our citizens, eh, not so much. That's an unjust law. For these reasons Mister President, I will be voting to override the veto and I ask your support as well. Thank you.

(The Chair recognized Senator Hennessey.)

SENATOR HENNESSEY: Mister President, I rise in support of SB 593 and I will be voting to override the veto. Much of what I was going to say when I first suggested that I would like to speak has been said and said eloquently. One of the things that concerns me beyond disagreeing with the Dean, is the fact that we are talking as the Senator from District 2 has just said eloquently also, about one body of men and women in blue and how they see this law. And all the data shows that there is not one body of police or law enforcement officials who all agree one way or another on this very difficult issue either. I now, as many of you know because I seem to post abundantly, about them I have five absolutely remarkable granddaughters. If one of those granddaughters, and I can't even say it without it being horrendous, was to be killed, there is no way that I wouldn't want to find the most pressing and painful

and hurtful way of punishing the person who killed my granddaughter. There is nothing that tells me in all of the work I've done over the years to look at this issue, it tells me that the death penalty is that punishment. First of all, something we never talk about is you know I've had some significant deaths in my world in the last few years. I'm not at all convinced that it was my parents who suffered the most with their death. I'm the one who suffered the most, my brother is the one who suffered the most. Those who are left behind are the ones who are punished by someone's death. So you, you know there are all sorts of issues about this that I could talk about. But I certainly challenge the premise that the men and women in blue are somehow a) all together in favor of the death penalty, b) that the death penalty, that the premise that the death penalty is the worst possible punishment because I do not believe that to be so. And I want to make very clear that it is not fair or right to say that those of us who are opposed to the death penalty, it means somehow we have less respect for our police force, which is absolutely not true and not a fair argument in my humble opinion. It is unforgiveable, my final point, how many people who are innocent are on death row and we've learned more about that as time has gone on. But it is horrendous how many people on death row are people of color, and our only person on death row in New Hampshire is a person of color. I'd like to end with that and also say that I will be asking my colleagues to vote to override the Governor's veto on SB 593. Thank you.

(The Chair recognized Senator Reagan.)

SENATOR REAGAN: Thank you, Mister President. Everything's been said here but I just want that this year I changed my position and I rise in support of the override.

(The Chair recognized Senator Kahn.)

SENATOR KAHN: I also rise to support the veto override and I want to first say that I unequivocally express my support and gratitude for public servants, police and all defenders of our country and our people unequivocally. I think I speak for all of us, I trust. I don't see the death penalty as a deterrent, I see it as something that's expensive. I see it as something that messes with our judicial system because it messes up our jury selections by asking a first question in any death case, do you favor the death penalty or not. And finally I don't believe that there is any restitution in taking a life. Were somebody to have murdered, I don't know that there is any restitution for that crime. There should be penalties, severe and they should be exercised without the necessity of the death penalty. Thank you, Mister President.

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. I rise in support of the Governor's veto and I find it interesting that this week where we honored 9/11 and our first responders, our police officers our fire-fighters, our EMTs all ran in to the towers as they were going down, while others were running out. But I stand in response to the fact that this is a notch on our prosecutors' belt, I think is a ludicrous statement to make because the AG's office who prosecutes these, are actually appointed, they're not elected and they have a tough job and I find that the issues that they've had, and I've heard the issues that they've had on problems with death row, this is New Hampshire. We haven't put any, as the Dean said, we have not put anyone to death since 1939. It was a narrowly drawn bill in the day and again, I stand in support of the Governor's veto. Thank you, Mister President.

(The Chair recognized Senator Gannon for a question of Senator Hennessey.)

SENATOR GANNON: Tough topic, I respect you very much I think you know that. My question for you, you meant if someone killed one of your daughters. What if they then, and you'd want a worse sentence, what if they then killed someone in jail because now they have nothing to stop them. A prison guard, how would you feel then if they had killed again? Just enters my mind. I couldn't stand it if they did a second murder, could you answer that, because this would stop them from doing that?

SENATOR HENNESSEY: Well first of all, I can't respond to that hypothetical. It is beyond imaginable for me and a horrible thing and it would be horrible if a prisoner killed another person whether or not they were the person who killed my daughter, or granddaughter I'd be devastated. Particularly if I knew that person, but in general if I heard of it I'd be devastated. But I don't see that that plays into the way I feel about it because I don't think you can stop that.

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. I rise with many of you have eloquently stated to vote to override this veto and I feel it important to talk about my own personal journey. Each one of us has been on a journey in dealing with this issue and I think it's the most difficult and challenging issue that each one of us faces when we cast our vote. But in attending hearings and listening to people speaking there were two people in particular that helped to solidify my position on this issue. One of them is a constituent, called me when I was first elected to the Senate and said I'd like to meet with you. This constituent was a police officer. He's a deputy chief of police in Manchester, Richard O'Leary. Richard O' Leary is sitting in the State House, and Richard O' Leary ran for the legislature to be able to cast a vote to repeal the death penalty. When he asked me the question about how I felt I thought oh my goodness, he's from law enforcement, he's going to have a certain bias towards support for the death penalty. And the story he told me was very fascinating he said, you know that I have a son who's also a police officer. I'd do anything in the world to protect my son. But I have a daughter who's a teacher and when I saw what happened on the day of Sandy Hook Elementary, I realized that my son and my daughter, the people that I love the most and would do anything to protect, wouldn't these circumstances if they were murdered be treated differently, and I can't treat my children differently. Richard says that more eloquently than I do, but it was a very, very powerful message. Particularly from someone who for most of his life had always supported the death penalty. And the other person here who's had a profound influence on my support for the override is someone who speaks from a place of experience and someone who I have a great deal of respect and admiration for and that's representative Renny Cushing who's here today. Who speaks from the experience that none of us can imagine and none of us would have wanted to experience ourselves and yet stands proudly as a co-sponsor of this legislation to repeal the death penalty. Those two men, as I said had profound influence on my opinion, I know many of you have heard from them as well and I hope you will consider the very different perspectives from which they come from and yet reach the same conclusion. It's time to repeal the death penalty. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd like to thank all of my colleagues here today for having a very careful deliberate discussion on this issue. And I respect all of you and the positions that you have taken on this because this truly is a vote of conscience. For some it's religious, for others it's reality or practicality. We've heard a lot of discussion this morning, anywhere from corrupt police departments and prosecutors to class implications and even racial implications as to why people find themselves on death row. But I'd like to point out and for all of you to take a look at what we are doing right now. We are being very deliberative. That is what we do. And don't forget, we the people of the state of New Hampshire, we who represent the people of the state of New Hampshire, have carefully deliberated over and over and over again the law that we now have in place concerning the death penalty. We do not just arbitrarily put people on death row. And I'd like to give you two different instances for you to consider. First was the incident concerning the death of Officer Jeremy Charron. The man who murdered him was given life in prison. Then we have the death of Officer Michael Briggs in Manchester. The man that killed Officer Briggs now finds himself in prison on death row. What is the difference? What's the difference between the two? It's because of the law that this body has deliberated over the years, that's where the difference is. Because we have the three time felony issue. The man that killed Officer Jeremy Charron had not committed three prior felony offenses or convictions, he was not convicted. Whereas the individual who now sits on death row has three prior felony convictions. That is the difference. I stand here today to talk about how careful we are when we craft these things, I support our police officers, I support our criminal justice system, we don't do those things here. We don't do these things here, we are very careful on what we do. I'd also like to point out, it's not just police officers that this applies to. For those of you who might have been around in 2010, between 2010 and 2012, we expanded the death penalty. And we expanded it because of what happened in Mont Vernon. Two innocent people, a mother and her daughter, were sleeping at home in their beds when they were attacked by a group of young men. The mother was murdered and the young girl was traumatized, she had horrible injuries that happened to her. But she survived and because of that, we put into place the law that says if somebody kills somebody in the act of a home invasion, those folks are eligible, they don't get it automatically, they are eligible to be charged with the death penalty. And it is up to the people of the state of New Hampshire who sits on a jury to determine whether or not it's appropriate. Our criminal justice system just doesn't say okay you're getting the death penalty and that's done and over with. We have a legal process in place, we have jury trials of our peers and they're the ones who make those kinds of decisions, and I trust the people of the state of New Hampshire. We are the people of the state of New Hampshire and look how deliberative we are being here today. Why can't we trust the people of the state of New Hampshire to be equally as deliberative when it comes time to imposing the death penalty? We all support the men and women in blue who go out there every day to protect us. They are taking those chances. That is not even an issue here today. The issue here today is we are basically taking away the right of the people of the state of New Hampshire to have those deliberations, to have those discussions. Just take it completely off the table. Why are we doing that? Is it because we don't trust them to make a good decision? I would argue, no, I don't think so. Our people are good people, and if

they felt that it was appropriate let's let them have their say. And if we don't like the law, if we think the law is being enforced based on class or being enforced based on race, then let's do something about fixing the law, instead of just taking it away altogether. Please everyone, be very careful, we're being very deliberative here today. Rethink this a little bit. Look at how where we are today, as the Dean has said, we have not had anybody and had the death penalty imposed since 1939, 1939 and I'm sure in that time period there have been many heinous crimes in the state of New Hampshire, where people would have liked to have imposed the death penalty, but it hasn't been. Let's be very careful, let's not take away the right of the people to speak on this issue. Thank you very much, Mister President.

A roll call is required.

The following Senators voted Yes: Woodburn, Giuda, Watters, Hennessey, French, Ward, Kahn, Daniels, Avard, Lasky, Feltes, Reagan, Soucy, Fuller Clark.

The following Senators voted No: Bradley, Gray, Sanborn, Carson, Cavanaugh, Birdsell, D'Allesandro, Gannon, Innis, Morse.

Roll Call, Yeas: 14 - Nays: 10. Veto sustained lacking necessary 2/3 vote.

Without objection, the Clerk is instructed to enter all House Messages into the Senate Journal. Adopted.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

HB 143, relative to recommittal of a prisoner by the parole board.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

HB 314, relative to licensing requirements for autonomous vehicle testing and establishing an automated and connected vehicle testing and deployment commission.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund.

Recess. Out of recess.

VETO MESSAGE

April 2, 2018

Governor's Veto Message Regarding House Bill 143

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on March 30th, 2018, I have vetoed House Bill 143, relative to recommittal of a prisoner by the Parole Board.

Current law provides that when a prisoner who is out on parole has their parole revoked, that prisoner must be recommitted for at least 90 days. RSA 651-A:19, VII allows the Parole Board to impose a term of recommittal of less than 90 days under certain conditions, including situations

where the Parole Board determines that a lesser period of recommittal will aid in the rehabilitation of the parolee. House Bill 143 would expand these conditions by allowing the Parole Board to impose a recommittal period of less than 90 days for a prisoner who enters and successfully completes a residential substance abuse treatment program deemed acceptable by the Board.

While based on good intentions, this bill will have concerning consequences. It does not distinguish between individuals who have committed a crime related to substance abuse and those who have committed an unrelated crime. The bill also does not require the Parole Board to determine that a shorter recommittal period is necessary to assist a prisoner with their recovery efforts.

I fully support efforts to reduce recidivism among those suffering from substance abuse disorders by ensuring that such individuals have access to treatment. However, current law already gives the Parole Board the option of imposing shorter recommittal periods if they determine it will aid in the parolee's rehabilitation. Importantly, those who are incarcerated have access to many of the same treatment programs as those who are not.

It is concerning that there is strong opposition to this bill by law enforcement and at the same time, there are members of the recovery community who still have questions about its impacts. This only reinforces the conclusion that more due diligence is needed before we change current law.

For the reasons stated above, I have vetoed House Bill 143.

Respectfully submitted,

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Christopher T. Sununu
Governor

The question is not withstanding the Governor's Veto, shall HB 143 become law?

(The Chair recognized Senator Feltes.)

SENATOR FELTES: Thank you very much, Mister President. I appreciate the opportunity to rise in support of overriding the veto on House Bill 143. I know this is a tough topic for folks but we are in the midst of an opioid public health epidemic and in situations where someone may have violated a provision of parole and is recommitted, providing the discretion to the parole board to allow the possibility of satisfying those ninety days through going into treatment, it says who enters treatment. Got to be in treatment. In treatment approved by the board. Some people might say, maybe the board is not the right place to prove it obviously that's the entity that's making the decision. Is it perfect language? It's not, however right now we don't have widespread Medicaid assisted treatment in prisons. We don't. I think Commissioner Meyers and Governor Sununu put together a reasonable plan to use the federal money, part of it goes to Medicaid and the source of treatment in correctional facilities, but we don't have it throughout. And, so what happens when you get recommitted to prison and you're addicted. Do you get help? You don't. And it doesn't end up being a good situation for anyone. So I think on this score it's on balance and we should vote, consider strongly voting to override this veto. You know a number of stakeholders support this, I understand some stakeholders oppose it. That being said, it is a key mechanism. Treatment, you have to be in treatment to help people. At the discretion of the board, not mandatory. Thank you very much, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Thank you, Mister President. Over the summer I've spent some time visiting recovery centers and there's a story of a fellow I met who has an ankle bracelet on, he's being monitored he was arrested for opioid addiction and some things that went with that. At the time I talked with him he was over a hundred days clean. But anyone who has dealt with folks in recovery, relapse is common. And it's as he said he fails a urine test he goes right back to jail, and all of those days of recovery and all that treatment goes down the drain, he's right back where he started. And I think that's the situation we need to avoid is if someone is recovering and they have a lapse, let's give them another chance at recovery and help them get through a very, very difficult time. Thank you, Mister President.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I rise to ask my colleagues to join me in overriding the Governor's veto on House Bill 143. I think we can all agree that this has been a very difficult process as we're going through addressing the opioid epidemic which has hurt so many families here in the state of New Hampshire. The legislature has really changed tack and we have said it's really important that we get people treatment, rather than incarcerating them. And we know that currently right now in our prisons we really don't have drug treatment programs to help folks. So, I'm sure there's a song in here someplace, my good colleague from Senate District 12. The road to recovery is a long and winding one. And it's not easy for many people and as my good colleague from Senate District, I think it's 24, down the end of the table there. People fall off, they fall off, they fall of the road and they fall off the road for a variety of reasons. Sometimes they're in the process of putting their life together. They might be working part time, they might be doing something and because they've made a mistake, we're going to send them back for ninety days or however long it's going to be. I don't know if that's the right thing to do. I think that they, if they are in treatment we need to keep them in treatment and we need to help them as much as we can. I want to make something very, very, very clear to all of you and to the members of the public that this does not apply to people who have committed violent crimes. The offense has to be drug related. If someone commits a violent crime, that's a new crime. They're going to be punished for violating their parole and they're now going to face new charges. It is something completely different. It does not apply to somebody who is on parole for committing a violent crime. So again, I want to make that very, very, very clear. This is only for people who have had a previous parole violation and whose underlying crime was drug related. We are only talking about drugs here folks. So please. Does not apply to violent crime, only related to drugs. Thank you very much, Mister President.

(The Chair recognized Senator Avard.)

SENATOR AVARD: Thank you, Mister President. I think the song is *Fire and Rain*. Oh I've seen fire and I've seen rain. I've got to do it. Okay. Just real quickly Mister President, and I support the Senator's decision here as well in overriding the veto. I've learned firsthand in Nashua, a mother who was sent to prison because she relapsed and in prison there was no, I think the word is Suboxone, she wasn't given her Suboxone and her treatment just got all wiped out and I was there with her social worker, from DCYF, going through the whole thing and it was just as

though she had to start all over again. She was a mess and I was there to help her, but it would be nice if I didn't have to be. It would be nice if she was able to get treatment and I think this bill would serve young mothers and young people that are suffering. So I applaud you and I support the veto override. Thank you.

(The Chair recognized Senator Kahn for a question of Senator Carson.)

SENATOR KAHN: I look forward to the day when we do debate the question about treatment in prisons. In the meantime, we took up this last session, a debate about bail reform and it was a matter of without resources let's level the playing field. Let those who have an inability to pay or put up bail have the same opportunities for avoiding incarceration on certain crimes. And I see this as something similar. So I'd like to ask you that is this resource dependent, that I need to present my treatment program to the parole board assuming that I have the resources to do it or if I fail to have the resources to do it am, I inhibited from exercising the same right as somebody who does?

SENATOR CARSON: Thank you for the question. What I do know is that the person has to have been accepted, not just referred into a program, and that program has to have been deemed acceptable by the parole board. So, we've got a little bit of checks and balances here. You can't have someone go, well okay, I'm going to go for treatment. No, they have to have already been accepted into a program and as the good Senator from District 24 had talked about, they're already in treatment. And that program has to have been deemed acceptable by the parole board. So, it just can't be a fly by night operation. They have to say that this is an acceptable program.

SENATOR KAHN: Senator, do you believe that we might have a gap in this bill that in the next session we should try to address relative to resource availability and constraints?

SENATOR CARSON: Senator, I think that we always have great discussions here and if you believe that there is some sort of gap in the resources, I'll be more than happy to look at a bill you want to send my way to co-sponsor, but that's what we do here. Thank you.

SENATOR KAHN: Thank you, Senator.

(The Chair recognized Senator Bradley for a question of Senator Carson.)

SENATOR BRADLEY: Senator Carson, you indicated that this bill is for drug crimes only and not anything to do with violent crimes.

SENATOR CARSON: You are correct, Senator.

SENATOR BRADLEY: And so if we go back in history to Senate Bill 500, as I recall that dealt with early parole for people that could have committed violent crimes. So this is very different from Senate Bill 500 is that correct?

SENATOR CARSON: Yes, you are very correct, Senator.

SENATOR BRADLEY: Thank you, and is this policy under House Bill 143 consistent with legislation we passed a couple of years ago that established drug courts?

SENATOR CARSON: Yes, it is, Senator.

SENATOR BRADLEY: And to the best of your knowledge, are the drug courts working for those people that are eligible for drug courts?

SENATOR CARSON: Senator, I think our drug courts are working fantastically here in the state of New Hampshire and I think it's a very important part of our state's plan in dealing with the opioid crisis.

SENATOR BRADLEY: Thank you.

SENATOR CARSON: Thank you, very much.

(The Chair recognized Senator Kahn for a question of Senator Feltes.)

SENATOR KAHN: A similar question, Senator. Do you think that there are gaps in this legislation that we need to address in the coming session?

SENATOR FELTES: Thank you for the question, Senator Kahn. I don't think in terms of gaps and treatment capacity, that's a bigger, broader issue. And certainly access to treatment regardless of income, regardless of who you have as your insurance carrier and mental health and addiction equity are things that we continue to work on and we need to continue to work on because if someone doesn't have access to treatment, either from an insurance company barrier or income barrier or both, they wouldn't be able to access this provision in the same way someone with insurance carrier covered for treatment facility would. So yes, I do think that we need to continue our work on addiction equity, we need to continue our work expanding coverage. I think this bill though should go forward because giving the parole board that discretion in these limited types of cases to allow for people to get treatment rather than sit in jail makes good sense. And look forward to working with everybody on those issues. We've worked hard on those issues, we'll continue to work on them if we're back here next year. Thank you, Senator.

SENATOR KAHN: Thank you, Senator. Thank you, Mister President.

The question is not withstanding the Governor's Veto, shall HB 143 become law?

A roll call is required.

The following Senators voted Yes: Woodburn, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Sanborn, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, Fuller Clark, Gannon, Innis, Morse.

The following Senators voted No: D'Allesandro.

Roll Call, Yeas: 23 - Nays: 1. Veto overridden by necessary 2/3 vote.

VETO MESSAGE

July 2, 2018

Governor's Veto Message Regarding House Bill 314

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 2nd, 2018, I have vetoed House Bill HB 314, relative to licensing requirements for autonomous vehicle testing and establishing an automated and connected vehicle testing and deployment commission.

While well-intentioned, House Bill 314 fails to address a number of issues related to automated vehicle technology. The bill only addresses "SAE level 5 full automation technology", which represents just a small portion of the testing being conducted on public roadways. The bill fails to address level 3 or level 4 technology, which are equivalent to those being tested in a fatal Arizona accident this past March. This bill would

allow for testing of any technology below level 5 without testers having to obtain a license or even notify the state, a lack of oversight which is not acceptable here in New Hampshire. This issue is just too serious to allow a bill to give the appearance of responsible oversight, when in fact little would change on the ground. In addition, there are no clear definitions as to what is and is not an "autonomous vehicle," creating loopholes which may compromise the safety of drivers in this state.

House Bill 314 is a flawed bill that does not adequately account for public safety. This legislation may attract less responsible actors to New Hampshire to develop autonomous vehicle technology and could result in a more dangerous testing environment on New Hampshire's roads. I hope that the House and Senate will work together next session to pass a bill that will encourage development of autonomous vehicle technologies while ensuring the safety of our citizens. By only addressing level 5 technology, House Bill 314 failed on both accounts.

For the reasons stated above, I have vetoed House Bill 314.

Respectfully submitted,

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Christopher T. Sununu
Governor

The question is not withstanding the Governor's Veto, shall HB 314 become law?

(The Chair recognized Senator Birdsell.)

SENATOR BIRDSELL: Thank you, Mister President. I stand to ask you, this body to sustain the Governor's veto. While this bill is well-intentioned and it's something that I truly do support for the disabled and the elderly, this bill does not do anything to help them. What this bill did is it only allows an SAU level 5 which means a non-driver vehicle to be tested in this state. It does not allow level 3 and 4, which will have a driver in it, to be tested in the state. So without, our elderly and our disabled population need a driver in there. So without having been able to test the 3 and the 4 level, then it does not help them at all. The bill also only contains one definition and that's the definition of a SAE level 5 autonomous vehicle. The SAE which is the Society of Automotive Engineers, they have a collection of definitions that in order to have a really quality bill, they should have been included in this bill. It also puts down, it requires, it makes mandatory the federal guidelines, makes voluntary federal guidelines actually mandatory and in the guidelines they ask you not to make this mandatory because technology changes so fast that it's not going to be able to keep up, so if you codify those guidelines then you're going to have to keep changing them as technology changes. And what this does is actually codifies in law the guidelines that they've asked us not to. It also increases, most of the states have a $5 million bond in order to test in the state. This is requiring a $10 million bond in order to test in the state, which will discourage anyone from wanting to test in the state. It also as far as law enforcement, it doesn't specify which law enforcement agency will take place, whether it's going to be state police, Department of Safety, local police. So there's a lot of things that need to be fixed with this and so I ask you to please sustain the Governor's veto on House Bill 314. Thank you, Mister President.

The question is not withstanding the Governor's Veto, shall HB 314 become law?

A roll call is required.

The following Senators voted Yes: Woodburn, Hennessey, French, Sanborn, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Watters, Gray, Ward, Kahn, Daniels, Avard, Lasky, Carson, Feltes, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Gannon, Innis, Morse.

Roll Call, Yeas: 5 - Nays: 19. Veto sustained lacking necessary 2/3 vote.

VETO MESSAGE

May 29, 2018

Governor's Veto Message Regarding House Bill 1736

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on May 29th, 2018, I have vetoed House Bill 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund.

Under current law, governor and council approval is required for all expenditures from the dam maintenance fund that are made for repair projects. RSA 482:54, VI currently defines repair as "performance of intermediate amounts of work on a portion of a structure or associated property on an occasional basis with costs not exceeding $75,000." House Bill 1736 would amend the definition of repair so that it only includes work with a cost in excess of $150,000, thus increasing the threshold for governor and council approval from $75,000 to $150,000.

The governor and council, the only popularly elected executive branch officials, play a key role in overseeing the fiscal management of the executive branch and expenditure of taxpayer dollars. Because increasing the threshold for governor and council approval directly affects the governor and council's ability to discharge their fiscal management and oversight duties delegated by Part II, Article 56 of the New Hampshire Constitution, I am concerned that councilors were not consulted as this bill went through the legislative process. In addition, I have seen no compelling evidence that the current thresholds, and the need to seek governor and council approval, has created any administrative difficulties for the department of environmental services. New Hampshire's proud tradition of careful fiscal management counsels against reducing popularly elected officials' oversight of expenditures of taxpayer dollars absent a compelling justification.

For the reasons stated above, I have vetoed House Bill 1736.

Respectfully submitted,

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Christopher T. Sununu
Governor

The question is not withstanding the Governor's Veto, shall HB 1736 become law?

A roll call is required.

The following Senators voted Yes: Woodburn, Watters, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Hennessey, Gray, French, Ward, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 11 - Nays: 13. Veto sustained lacking necessary 2/3 vote.

MOTION OF RECONSIDERATION

Senator Hennessey, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund: the vote on the Governor's Veto to HB 1736. Adopted.

The question is not withstanding the Governor's Veto, shall HB 1736 become law?

A roll call is required.

The following Senators voted Yes: Woodburn, Watters, Hennessey, Sanborn, Kahn, Lasky, Feltes, Cavanaugh, Reagan, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Daniels, Avard, Carson, Birdsell, Gannon, Innis, Morse.

Roll Call, Yeas: 12 - Nays: 12. Veto sustained lacking necessary 2/3 vote.

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.

Adopted. Adjournment from the Early Session.

LIST OF RULE 6-25'S FOR THE DAY

Senator Feltes: SB 365

Senator Sanborn: SB 365, SB 446, SB 593-FN, HB 143, HB 314, HB 1736

ANNOUNCEMENTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. A point of personal privilege, please. The class of 1961 at the University of New Hampshire sponsored three representatives to this body: Representative Norm Major, Senator Dick Green, and myself. Senator Dick Green was a distinguished member of the Senate, serving as Senate Finance Chairman, and in the leadership. Senator Green's wife passed away last week. Dick Green was not only a classmate of mine at the University, and a friend of mine of longstanding, but a very decent and honorable human being. I spoke with Dick– thank you, Senator Gray, for getting me the phone number so that I could speak to Dick. His wife had been very ill; had been very ill for about four years, and Dick was with her and really out of communication for that period of time. They were a great couple. Dick was Mayor of Rochester for a time as well as Senator, and he served in the Senate in 19–, he was elected in 1972, served in the Senate in 1973 when they had the one-hundred vote marathon before they selected a President; a hundred votes, and finally the most honorable, and the late David Nixon was elected President, and Harry Spanos was elected Vice President. And for the first time, I believe, in the history of the Senate we had a Republican President and a Democrat Vice President; a distinguished body; a distinguished people. Dick served in that body, and served his community well, served his family well, and served the state well; a very honorable human being who gave a lot of public service, and devastated by the loss of his wife as all of us would be in a case like that. I think they were married sixty years from what I understand. So, we remember his service, we, obviously, give our

deepest sympathy to Dick on his loss, and as I said, thank him for the many good things he did for his community and for the state. Thank you, Mister President.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: Thank you, Mister President. I rise to thank the body for the manner in which you deliberated today. It's truly an honor to be here. I don't think I've ever seen a finer day in the two years that I've had in this august body. I'm proud to be part of you. Thank you.

(The Chair recognized Senator Lasky.)

SENATOR LASKY: Thank you, Mister President.

PRESIDENT MORSE: Be careful because you may come back!

SENATOR LASKY: I don't bounce that hard. Again, I just want to say my time here has been amazing. Through changes, or whatever, serving in this body has been certainly one of the joys of my life. I want to thank all of you, and clearly thank my constituents who helped me get here; my family who put up with me for all these years; and to each and every one of you. All the kindnesses you've shown me, even when we disagreed, it's been relatively nice. And I wish each and every one of you good luck in your elections, and certainly all the best as you go forward. Thank you. Thank you, Mister President.

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you very much. I just want to thank each and every one of you for the graciousness with which you allowed myself, and Senator Giuda, Senator Woodburn, and all of us have worked so hard on the biomass issue. The vote in the House was 226-113. The veto has been overridden. And honest to God, I feel like the day the BRAC Commission voted to spare 5,000 jobs at the Portsmouth Naval Shipyard. Bless you all. Thank you very much.

(The Chair recognized Senator Giuda.)

SENATOR GIUDA: A question for the Senator from District 3. Might one infer from your remarks here that you're buying?

SENATOR BRADLEY: You'll have to go to the House beer caucus!

PRESIDENT MORSE: I've got two things, but let me start with one. You know, during a time of transition, many people start to move on. So as we go through another election many of you probably know, and many of you probably don't, that Kate Spiner is moving on. Most of you know by now that Kate has decided to pursue another opportunity in the Attorney General's Office, and today is the last day with us. While we are very happy for her in what comes next, we will miss her greatly.

Thank you, Kate, for your dedication and your hard work on behalf of the New Hampshire Senate. I know every Senator has benefited from your work, and we have each shined a little brighter because of you. We will miss your positive attitude and what you brought to work every day. But I do have to admit, thank God you're retiring today so I don't get a Friday afternoon phone call to deal with the press. I'll miss you greatly, Kate. Congratulations.

I would like to say this: I respect this body greatly. I think what you've done today is what we're all about; I firmly believe in it. I do believe in bipartisan politics. I do believe everyone in this room has something to offer, and you showed that today; and you did it with courtesy; and you did it with the honor that we've served in the Senate.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: I've been here a long time. I want to thank you for your leadership in a bipartisan fashion. I appreciate it very, very much having been with you when you chaired the Finance Committee and I served on it, and now when you're the President. So, I think all of us recognize the fact that it ain't easy being at the top. It ain't easy being at the top having been there a few times! I might say congratulations on a job well done and the best.

Without objection, all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate.* (Rule 2-16 and Rule 2-17). Adopted.

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 sending and receiving messages and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.

HOUSE MESSAGE

The House of Representatives has voted to override the Governor's veto on the following entitled Bill(s):

SB 365, relative to the use of renewable generation to provide fuel diversity.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bill(s):

SB 446, relative to net energy metering limits for customer-generators.

The Senate is in recess to the Call of the Chair.

SENATE CLERK'S NOTE

The below list of bills was inadvertently left out of the Daily Journal and has been entered below.

OUTSTANDING BILLS

On December 5, 2018 the following legislation remained on the table in the Senate:

SB 331, prohibiting Medicaid from paying for sex reassignment drug or hormone therapy or surgery.
SB 337, relative to the human rights commission.
SB 344-FN, authorizing New England Donor Services, Inc. to issue decals for multi-use decal number plates.
SB 353-FN, relative to direct shippers of alcohol.
SB 355-FN, relative to the names of the colleges in the community college system and making an appropriation therefor.
SB 361, relative to dual and concurrent enrollment agreements between high schools and colleges and universities.
SB 371, establishing the Meldrim Thomson, Jr. Memorial Commission.
SB 375, requiring gross expenditures and funding in the state operating budget.
SB 397-FN, authorizing the university system of New Hampshire to issue decals for multi-use decal plates.

SB 404-FN-A, phasing out the tax on interest and dividends.
SB 405, enabling municipalities to adopt a separate exemption against the statewide property tax for certain long-term residents.
SB 419, relative to votes by condominium unit owners.
SB 422, relative to advance notice of work schedules.
SB 454, relative to ambient water quality standards and maximum contaminant levels for certain perflourinated chemicals.
SB 465-FN, relative to documentation requirements for the department of labor.
SB 472, establishing a committee to study the creation of an economic improvement fund.
SB 521-FN, authorizing Sophia's Fund to issue decals for multi-use decal plates.
SB 526-FN, relative to school food and nutrition programs.
SB 545-FN, increasing the age for sales and possession of tobacco products.
SB 568-FN, relative to criminal history record checks for school employees and certain volunteers.
SB 585-FN, authorizing the New Hampshire Breast Cancer Coalition to issue decals for multi-use decal plates.
SB 586-FN-A-LOCAL, relative to casino gambling.
HB 134-FN, relative to causes for divorce.
HB 485, relative to standards for emerging contaminants in drinking water, and relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water.
HB 1313, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile.
HB 1382, repealing the requirement that restaurants provide separate bathrooms for each sex.
HB 1427-FN, relative to the reduction in the calculation of state retirement system annuities at age 65.
HB 1477-FN, relative to annulment of arrests or convictions for possession of 3/4 of an ounce of marijuana, or less.
HB 1509-FN, authorizing Granite Pathways to issue decals for multi-use decal number plates.
HB 1513-FN, authorizing the New Hampshire Law Enforcement Officers Memorial Association to issue decals for multi-use decal plates.
HB 1549, relative to the availability of vehicle accident reports.
HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes.
HB 1672-FN, prohibiting release of certain information relative to users of therapeutic cannabis to federal agencies.
HB 1725-FN, relative to wine samples and samples for consumption on the premises of a beverage manufacturer.
HB 1741, relative to a definition of "contracted copayment" for purposes of the managed care law.
HB 1786-LOCAL, prohibiting costs for inspection of governmental records under the right-to-know law.
HB 1788-FN-LOCAL, relative to costs charged under the right-to-know law.
CACR 20, relating to the retirement age of judges. Providing that the retirement age of judges be increased.

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HB	House Bills
SSSB	Special Session Senate Bill
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The abbreviations listed below are used in the Numerical Index.

adop	adopted
am	amended, amendment
call Q	Moved to call the question
Chair 2/3	Chair ruled a 2/3 vote necessary
Clerk	administrative, clerical, technical corrections
conc	concurred
conf	conference committee
div	division vote
div Q	divide the question
EBA	enrolled bill amendment
enr	enrolled
Fin	referred to Finance committee
Fin rep	Finance report
H	House
H refused	House refused to consider
Intro	introduced, introduction
IS	referred to interim study
K	killed (inexpedient to legislate)
LT	laid on the table
nonconc	nonconcurred
nso	not signed off
psd	passed
RC	roll call
recin	rescind
recon	reconsideration, reconsidered
rej	rejected
rem cc	remove from consent calendar
rem T	remove from table
rep	report
RIC	retained in committee (House)
RRC	re-referred to committee (Senate)
rs	rule suspension
SO	special order
vac	Vacate
wthd	Withdrawn, withdrew, withdrawal

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SB 205-FN-A, establishing the small business jobs fund and tax credit. (Bradley, Dist 3; et al: Ways and Means)
H IS 223

SB 214-FN, relative to privatization of state services. (Soucy, Dist 18; et al: Executive Departments and Administration)
Fin rep 4, IS 8, 15

SB 215-FN, permitting the university system of New Hampshire and the community college system of New Hampshire to participate in the state health insurance plan. (Feltes, Dist 15, Soucy, Dist 18; et al: Executive Departments and Administration)
SO 160, nonconc H am rej 308, conc H am 308, enr 616 (Chapter 6)

SB 219-FN-A, relative to a one-time allowance for certain state retirees. (Carson, Dist 14; et al: Finance)
K rej 48-49, IS 50

SB 220-FN, relative to the definition of mental illness for purposes of mental health services. (Bradley, Dist 3; et al: Health and Human Services)
Fin rep 4, IS 54

SB 224-FN, relative to conversion therapy seeking to change a person's sexual orientation. (Fuller Clark, Dist 21; et al: Health and Human Services)
H K 108

SB 240-FN-LOCAL, relative to the monitoring and treatment of contaminated wells. (Innis, Dist 24; et al: Public and Municipal Affairs)
RRC 51-52, am 197-198, psd 198, 222, H IS 1470

SB 247-FN-A, preventing childhood lead poisoning from paint and water. (Feltes, Dist 15; et al: Health and Human Services)
conc H am (RC) 161, EBA 169-170, enr 225 (Chapter 4)

SB 249, relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file. (Carson, Dist 14, Bradley, Dist 3: Judiciary)
nonconc H am 161

SB 300, naming a certain bridge connecting Dover and Newington the Ruth L. Griffin bridge and establishing the fallen state troopers' memorial committee. (Morse, Dist 22; et al: Transportation)
Intro 82, psd 154, 167, conc H am 1310, EBA 1507-1508, enr 1519 (Chapter 339)

SB 301-FN, temporarily reducing the real estate transfer tax for first-time home buyers. (Bradley, Dist 3; et al: Ways and Means)
Intro 82, Fin rep 320, K rej 367-368, am 368-369, psd (RC) 369-370, Fin 370, psd (RC) 538-539, 551, H IS 989

SB 303, relative to a security freeze on a consumer's credit report. (Gray, Dist 6; et al: Commerce)
Intro 82, psd 173, 184, 222, conc H am 1307, enr 1518 (Chapter 209)

SB 309-FN, regulating groundwater pollution caused by polluting emissions in the air and relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water. (Innis, Dist 24; et al: Energy and Natural Resources)
Intro 82, Fin rep 385, am 529-531, psd 531, Fin 531, psd 642, 699, conc H am 1308, enr 1518 (Chapter 368)

SB 310-FN, establishing a committee to study the feasibility of establishing community-based services pilot programs. (Morse, Dist 22; et al: Health and Human Services)
Intro 82, Fin rep 173, psd 206, Fin 206, am 269-270, psd 270, 313, H conc 1082, enr 1198 (Chapter 97)

SB 311, clarifying rules of construction under the New Hampshire Trust Code. (D'Allesandro, Dist 20, Bradley, Dist 3; et al: Commerce)
Intro 82, psd 228, 313, H conc 1192, enr 1478 (Chapter 120)

SB 312, clarifying the New Hampshire Foundation Act. (D'Allesandro, Dist 20, Bradley, Dist 3; et al: Commerce)
Intro 82, psd 173, 184, 222, conc H am 1307, enr 1518 (Chapter 210)

SB 313-FN, reforming New Hampshire's Medicaid and Premium Assistance Program, establishing the granite workforce pilot program, and relative to certain liquor funds. (Bradley, Dist 3, Morse, Dist 22; et al: Finance)
Intro 316, SO 453, SO 469, am (RC) 471-490, am rej (RC) 490-493, am rej (RC) 493-495, am rej (RC) 495-499, am 499, psd (RC) 510-511, 551, conc H am (RC) 1488-1490, EBA 1630-1631, enr 1667 (Chapter 342)

SB 314, relative to regulation of mortgage bankers, brokers, servicers, and originators. (French, Dist 7: Commerce)
Intro 82, am 706, psd 706, 763, H conc 1192, EBA 1473-1474, enr 1517 (Chapter 211)

SB 315, relative to the definitions of beverage and of mead. (Carson, Dist 14; et al: Commerce)
Intro 82, am 174, psd 173-174, 184, 222, H conc 965, EBA 989-990, enr 1199 (Chapter 98)

SB 316, relative to the regulation of online auctions. (French, Dist 7, Reagan, Dist 17: Commerce)
Intro 83, am 243-244, psd 244, 313, H conc 1082, enr 1198 (Chapter 116)

SB 317-FN, relative to veterans' preference in public employment. (Carson, Dist 14; et al: Commerce)
Intro 83, Fin rep 384, IS rej (RC) 460-462, psd (RC) 462, 551, H IS

SB 318, relative to posting and notification requirements for employers, establishing criteria for workplace inspections, and amending certain provisions of the youth employment law. (French, Dist 7: Commerce)
Intro 83, SO 462, SO 563, SO 677, SO 702, SO 766, am rej 863-867, div Q 867-878, Sec (RC) 878-880, Sec (RC) 880-881, Sec (RC) 881-885, Sec (RC) 885, psd (RC) 885, 900, nonconc H am, conf 1307, 1500-1501, 1574, rep adop (RC) 1584-1589, enr 1666 (Chapter 312)

SB 319, relative to exempt securities. (Daniels, Dist 11: Commerce)
Intro 83, psd 174, 184, 222, H conc 1082, enr 1198 (Chapter 99)

SB 320, relative to checklists used at elections. (Gray, Dist 6: Election Law and Internal Affairs)
Intro 83, psd 234, 243, 313, H conc 1082, enr 1198 (Chapter 100)

SB 321, relative to group host net energy metering. (Giuda, Dist 2; et al: Energy and Natural Resources)
Intro 83, psd 120, 167, H conc 1082, EBA 1474-1475, enr 1517 (Chapter 212)

SB 322, relative to access to a water utility. (French, Dist 7; et al: Energy and Natural Resources)
Intro 83, IS 737

SB 323, relative to rehiring of laid off classified state employees. (D'Allesandro, Dist 20; et al: Executive Departments and Administration)
Intro 83, psd 621, 699, H conc 1192, enr 1477 (Chapter 121)

SB 324-FN, allowing an optional retirement system allowance to include a subsequent remarriage of a divorced retiree. (D'Allesandro, Dist 20: Executive Departments and Administration)
Intro 83, Fin rep 110, am 112-113, psd 112, 114, 167, H conc 965, enr 994 (Chapter 101)

SB 325, establishing a committee to study the consolidation of the board of mental health practice and the board of licensing for alcohol and other drug use professionals. (Reagan, Dist 17, Carson, Dist 14: Executive Departments and Administration)
Intro 83, K 113, 114

SB 326, relative to the functions of the division of historical resources. (Bradley, Dist 3; et al: Executive Departments and Administration)
Intro 83, psd 113, 114, 167, H K 1083

SB 327, relative to the medical review subcommittee of the board of medicine and time limits for allegations of professional misconduct before the board. (Feltes, Dist 15; et al: Executive Departments and Administration)
Intro 83, psd 235, 243, 313, H conc 1083, enr 1198 (Chapter 102)

SB 328, relative to attorney general membership on certain committees and repealing the criminal justice information system. (French, Dist 7: Executive Departments and Administration)
Intro 83, psd 113, 114, 167, H conc 965, enr 994 (Chapter 49)

SB 329, relative to inspections of county correctional facilities. (French, Dist 7: Executive Departments and Administration)
Intro 84, K 236, 243

SB 330, requiring the department of environmental services to give certain persons time to cure violations before imposing a penalty. (Daniels, Dist 11: Executive Departments and Administration)
Intro 84, rem cc 111, K (RC) 156-160

SB 331, prohibiting Medicaid from paying for sex reassignment drug or hormone therapy or surgery. (Daniels, Dist 11; et al: Finance)
Intro 84, K rej (RC) 642-646, LT wthd 646, recon 646, K (RC) 646, recon 647, K rej (RC) 647, LT 648, 1734

SB 332, relative to medication synchronization. (Gray, Dist 6; et al: Health and Human Services)
Intro 84, am 239-240, psd 238, 243, 313, H conc 1083, enr 1198 (Chapter 103)

SB 333, relative to pharmacy interns and vaccinations. (Soucy, Dist 18; et al: Health and Human Services)

Intro 84, psd 137-138, 167, H conc 989, enr 1199 (Chapter 104)

SB 334-FN, relative to temporary licensure of allied health professionals from nearby states, and reciprocal and temporary licensure for occupations and professions for persons from other states. (Kahn, Dist 10; et al: Health and Human Services)

Intro 84, Fin rep 110, am 139-141, LT 141, rem T 142, psd (RC) 142-143, Fin 143, am (RC) 333-339, psd (RC) 339, 380, conc H am (RC) 1485-1488, enr 1664 (Chapter 283)

SB 335, establishing a committee to review compensation in asbestos litigation and to study ways to promote transparency, fairness, and timeliness of payment in asbestos litigation. (French, Dist 7; et al: Judiciary)
Intro 84, IS rej 659, am 659-660, psd 661, 699, H K 1192

SB 336, relative to the judicial district for the town of Waterville Valley and the unincorporated place of Livermore. (Woodburn, Dist 1; et al: Judiciary)
Intro 84, am 153, psd 153, 167, conc H am 1309, EBA 1508, enr 1520 (Chapter 213)

SB 337, relative to the human rights commission. (Reagan, Dist 17; et al: Judiciary)
Intro 84, LT 350, 1734

SB 338, relative to the growing of cannabis if it becomes legal. (French, Dist 7, Reagan, Dist 17: Judiciary)
Intro 84, IS 181-182, 184

SB 339, relative to voting by zoning boards of adjustment. (Kahn, Dist 10, Ward, Dist 8; et al: Public and Municipal Affairs)
Intro 84, psd 183, 184, 222, conc H am 1309, enr 1518 (Chapter 214)

SB 340, relative to the commissioner of revenue administration's assessment report. (Daniels, Dist 11: Public and Municipal Affairs)
Intro 84, am 402, psd 402, 405, 551, H conc 965, enr 994 (Chapter 50)

SB 341, relative to the veterans' property tax credit for service-connected disability. (Daniels, Dist 11: Public and Municipal Affairs)
Intro 84, am 327, psd 327, 331, 380, H conc 1083, enr 1198 (Chapter 105)

SB 342, requiring identification of specific items in the default budget. (Daniels, Dist 11: Public and Municipal Affairs)
Intro 84, am 629-630, am (RC) 630-632, psd (RC) 633, 699, nonconc H am, conf 1310, 1501, 1506, rep adop 1574, 1589-1590, enr 1666 (Chapter 313)

SB 343, relative to legislative ethics guidelines. (Carson, Dist 14; et al: Rules and Enrolled Bills)
Intro 85, SO 760, SO 772, am (RC) 886-890, psd (RC) 890, 900, nonconc H am, conf 1310, 1501, rep adop 1574, 1590-1591 enr 1666 (Chapter 314)

SB 344-FN, authorizing New England Donor Services, Inc. to issue decals for multi-use decal number plates. (Birdsell, Dist 19; et al: Transportation)
Intro 85, Fin rep 110, psd 154, LT 154, 1734

SB 345, naming a bridge in the town of Lincoln in honor of the Clark Family. (Woodburn, Dist 1; et al: Transportation)
Intro 85, psd 154-156, 168, H conc 989, enr 1199 (Chapter 107)

SB 346, relative to requiring enhanced technology ignition interlock devices. (Birdsell, Dist 19; et al: Transportation)
Intro 85, am 403, psd 403-404, 551, H conc 1192, enr 1478 (Chapter 122)

SB 347, relative to seasonal highway weight limits. (French, Dist 7: Transportation)
Intro 85, K 183, 184

SB 348, relative to senior-specific certifications or designations for securities broker-dealers. (Soucy, Dist 18, Innis, Dist 24; et al: Commerce)
Intro 85, psd 174-175, 184, 222, H conc 1083, enr 1198 (Chapter 106)

SB 349, relative to course requirements in a career and technical education program. (Watters, Dist 4; et al: Education)
Intro 85, psd 177, 184, 222, H conc 965, enr 994 (Chapter 108)

SB 350, relative to biological products dispensed by pharmacists. (Innis, Dist 24; et al: Health and Human Services)
Intro 85, rem cc 702, SO 760, am 783-784, am 784, psd 784, 900, H IS

SB 351, relative to managed care programs under workers' compensation. (Innis, Dist 24; et al: Commerce)
Intro 85, am 462-463, psd 463, 552, conc H am 1189, recon 1201, conc H am 1307, enr 1518 (Chapter 215)

SB 352-FN, relative to examinations of injured employees under workers' compensation law. (Soucy, Dist 18; et al: Commerce)
Intro 85, Fin rep 228, psd rej (RC) 244-246, wthd 246, IS (RC) 246

SB 353-FN, relative to direct shippers of alcohol. (Morse, Dist 22; et al: Commerce)
Intro 85, Fin rep 227, rem cc 228, LT 304, 1734

SB 354, relative to disclosure of information relative to lower cost drugs under the managed care law. (Soucy, Dist 18, Reagan, Dist 17; et al: Commerce)
Intro 85, psd 706-707, 763, wthd 1307, nonconc H am, conf 1308, 1484, 1501, rep nso 1628

SB 355-FN, relative to the names of the colleges in the community college system and making an appropriation therefor. (Reagan, Dist 17; et al: Education)
Intro 85, Fin rep 172, am 186, psd 187, LT 187, 1734

SB 356, adding a representative from the community college system to the apprenticeship advisory council. (Gannon, Dist 23; et al: Education)
Intro 86, psd 178, 184, 222, H conc 1083, enr 1198 (Chapter 109)

SB 357, relative to safe school zones and relative to syringe service programs. (Reagan, Dist 17; et al: Education)
Intro 86, rem cc 228, am 304, SO 305, RRC 331-332, am rej (RC) 719-736, psd (RC) 736-737, 763, conc H am 1484, enr 1664 (Chapter 254)

SB 358, relative to reorganization of the department of education. (Reagan, Dist 17: Education)
Intro 86, am 118-119, psd 119, 168, conc H am 1484, enr 1667 (Chapter 315)

SB 359, relative to notice to school districts of out-of-home placements. (Reagan, Dist 17; et al: Education)
Intro 86, am 230-231, psd 229-230, 313, H conc 965, enr 994 (Chapter 51)

SB 360, establishing a commission to study whether the department of education should be required to conduct criminal history records checks, via a fingerprint check, on all applicants for teacher certification. (Reagan, Dist 17, Watters, Dist 4; et al: Education)
Intro 86, am 112, psd 111, 114, 168, H conc 989, enr 1199 (Chapter 110)

SB 361, relative to dual and concurrent enrollment agreements between high schools and colleges and universities. (Kahn, Dist 10; et al: Education)
Intro 86, Fin rep 172, am 178-179, psd 178, 184, Fin 178, LT 339, 1734

SB 362, requiring disclosure of federal income tax returns by presidential and vice-presidential candidates. (Hennessey, Dist 5; et al: Election Law and Internal Affairs)
Intro 86, K (RC) 254-257

SB 363, prohibiting political expenditures by foreign nationals. (Feltes, Dist 15; et al: Election Law and Internal Affairs)
Intro 86, am 257, psd (RC) 258, 313, H conc 1083, enr 1198 (Chapter 111)

SB 364, establishing a commission to study the establishment of a searchable database to verify that each vote was properly recorded. (Sanborn, Dist 9; et al: Election Law and Internal Affairs)
Intro 86, K 258

SB 365, relative to the use of renewable generation to provide fuel diversity. (Innis, Dist 24; et al: Energy and Natural Resources)
Intro 86, am (RC) 737-743, psd 743, 763, conc H am 1485, enr 1664, Veto overridden (RC) 1705-1712

SB 366, relative to membership and procedures of the site evaluation committee. (Bradley, Dist 3; et al: Energy and Natural Resources)
Intro 86, am 234, psd 234, 243, 313, conc H am 1308, enr 1518 (Chapter 216)

SB 367, relative to public utilities commission review of group host agreements. (Feltes, Dist 15; et al: Energy and Natural Resources)
Intro 87, psd 120, 168, H conc 1083, enr 1198 (Chapter 112)

SB 368, establishing an exemption from shoreland protection permitting requirements for maintenance and repairs of existing roads and for borings and test wells. (Bradley, Dist 3: Energy and Natural Resources)
Intro 87, am 323, psd 323, 331, 381, H conc 1192, enr 1478 (Chapter 123)

SB 369-FN, relative to the publication of the rulemaking register. (Reagan, Dist 17; et al: Executive Departments and Administration)
Intro 87, Fin rep 110, psd 113, 168, H conc 1192, EBA 1475-1476, enr 1518 (Chapter 217)

SB 370-FN, adopting the emergency medical services personnel licensure interstate compact. (Reagan, Dist 17; et al: Executive Departments and Administration)
Intro 87, Fin rep 384, am 532-533, psd 533, 552, nonconc H am, conf 1482, 1501, 1506, rep adop 1574, 1591-1592, EBA 1631-1632, enr 1668 (Chapter 359)

SB 371, establishing the Meldrim Thomson, Jr. Memorial Commission. (Sanborn, Dist 9; et al: Executive Departments and Administration)
Intro 87, SO 111, LT 190, 1734

SB 372-FN-A, establishing positions in the office of professional licensure and certification and making an appropriation therefor. (Reagan, Dist 17; et al: Executive Departments and Administration)
Intro 87, Fin rep 110, psd 113, Fin 114, am 198, psd 199, 222, H conc 1083, enr 1198 (Chapter 113)

SB 373, requiring rulemaking by the department of corrections. (Feltes, Dist 15, Reagan, Dist 17: Executive Departments and Administration)
Intro 87, am 621-622, psd 622, 699, H K 1313

SB 374, relative to adoption of emergency medical and trauma services protocols. (Kahn, Dist 10, Feltes, Dist 15: Executive Departments and Administration)
Intro 87, psd 236, 243, 313, conc H am 1308, EBA 1508-1509, enr 1519 (Chapter 218)

SB 375, requiring gross expenditures and funding in the state operating budget. (Sanborn, Dist 9; et al: Finance)
Intro 87, psd (RC) 135-136, LT 135, 1734, rem T rej (RC) 898

SB 376-FN, relative to the sale of certain cold medications. (Carson, Dist 14, Feltes, Dist 15; et al: Health and Human Services)
Intro 87, Fin rep 110, am 141-142, psd 142, 168, H conc 1192, enr 1478 (Chapter 124)

SB 377-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners. (Soucy, Dist 18, Carson, Dist 14; et al: Health and Human Services)
Intro 87, Fin rep 110, psd 143, 168, conc H am 1488, EBA 1632-1633, enr 1666 (Chapter 316)

SB 378-FN, relative to an exemption from the board of registration of medical technicians. (Reagan, Dist 17, Gannon, Dist 23; et al: Health and Human Services)
Intro 87, Fin rep 172, psd 206-207, 222, H LT 1084

SB 379, relative to retroactive denials of previously paid claims. (Innis, Dist 24; et al: Health and Human Services)
Intro 88, am 241, psd 240, 243, 313, nonconc H am, conf 1483, 1501, rep adop 1575, 1593, enr 1666 (Chapter 317)

SB 380, relative to the therapeutic use of cannabis. (Reagan, Dist 17; et al: Health and Human Services)
Intro 88, am 143-144, psd 144, 168, conc H am 1309, enr 1518 (Chapter 219)

SB 381, deleting immunization/vaccination requirements for Hepatitis B. (Daniels, Dist 11; et al: Health and Human Services)
Intro 88, SO 269, K (RC) 300-303

SB 382, relative to a plan for the dissolution of cooperative school districts. (Reagan, Dist 17: Education)
Intro 88, psd 179, 184, 222, conc H am 1484-1485, enr 1664 (Chapter 255)

SB 383, establishing a commission to recommend policies that will enhance access to affordable health care for all New Hampshire residents. (Hennessey, Dist 5; et al: Health and Human Services)
Intro 88, rem cc 702, SO 760, am 784-786, psd (RC) 787, 900, H K 1313

SB 384, relative to written certification under the use of cannabis for therapeutic purposes law. (Reagan, Dist 17; et al: Health and Human Services)
Intro 88, psd 144-145, 168, H conc 965, enr 994 (Chapter 360)

SB 385, establishing a foster care children's bill of rights. (Feltes, Dist 15; et al: Health and Human Services)
Intro 88, am 145, psd 145, 168, conc H am 1309, enr 1518 (Chapter 220)

SB 386, relative to access to criminal records. (Kahn, Dist 10; et al: Judiciary)
Intro 88, psd 182, 184, 222, H conc 1313, EBA 1633-1634, enr 1667 (Chapter 318)

SB 387-FN, relative to liability of governmental units. (Feltes, Dist 15; et al: Judiciary)
Intro 88, Fin rep 172, psd 212-213, 222, H conc 1192, enr 1478 (Chapter 125)

SB 388, relative to dispensary locations for therapeutic cannabis. (Reagan, Dist 17, French, Dist 7; et al: Judiciary)
Intro 88, rem cc 386, SO 549, am 607-608, am rej (RC) 608-615, psd 615, Fin 615, recin recon 617, am (RC) 617-621, psd 621, Fin 621, psd 788-789, 900, H conc 1192, enr 1478 (Chapter 126)

SB 389, relative to administrative fees on restitution. (Carson, Dist 14; et al: Judiciary)
Intro 88, psd 326, 331, 381, H conc 1083, enr 1198 (Chapter 114)

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. (Carson, Dist 14; et al: Judiciary)
Intro 89, Fin rep 173, psd 213, Fin 213, am 271, am 271, psd 272, 313, H conc 1192, enr 1478 (Chapter 127)

SB 391-FN, relative to sexual assault survivors' rights. (Soucy, Dist 18; et al: Judiciary)
Intro 89, Fin rep 384, am 391-392, psd 390-391, 405, 552, conc H am 1309, enr 1518 (Chapter 276)

SB 392, establishing a commission to study and evaluate the impact of the discharge of state prisoners. (Feltes, Dist 15; et al: Judiciary)
Intro 89, am 153-154, psd 154, 168, H conc 989, enr 1199 (Chapter 115)

SB 393, relative to county financial audits, performance audits, and forensic audits. (Kahn, Dist 10, Giuda, Dist 2; et al: Public and Municipal Affairs)
Intro 89, am 183, psd 183, 184, 222, nonconc H am, conf 1310, 1501, rep nso 1628

SB 394, enabling municipalities to establish term limits for elected officials. (Innis, Dist 24; et al: Public and Municipal Affairs)
Intro 89, K 279-280

SB 395, relative to access to records under the right-to-know law. (Giuda, Dist 2; et al: Public and Municipal Affairs)
Intro 89, am 633-634, psd 634, 699, H K 1083

SB 396-FN, relative to gold star number plates. (Birdsell, Dist 19; et al: Transportation)
Intro 89, Fin rep 110, am 114, psd 114, 168, H conc 1083, enr 1198 (Chapter 128)

SB 397-FN, authorizing the university system of New Hampshire to issue decals for multi-use decal plates. (Kahn, Dist 10; et al: Transportation)
Intro 89, Fin rep 110, rem cc 111, psd 160, LT 160, 1734

SB 398, relative to information contained in certain motor vehicle records. (Watters, Dist 4; et al: Transportation)
Intro 89, psd 329, 331, 381, conc H am 1490, enr 1664 (Chapter 256)

SB 399, naming a bridge in Concord in honor of David E. Powelson. (Feltes, Dist 15, Reagan, Dist 17; et al: Transportation)
Intro 89, rem cc 111, SO 111, psd (RC) 114-115, recon 119, psd (RC) 120, 168, H conc 965, enr 994 (Chapter 284)

SB 400, relative to traveler information signs on highways. (Watters, Dist 4; et al: Transportation)
Intro 89, am 445-446, psd 446, 552, H K 1083

SB 401, relative to repair of roads not maintained by a municipality. (Woodburn, Dist 1; et al: Transportation)
Intro 89, am 404, psd 404, 405, 552, H refused 902

SB 402, naming a portion of route 110 in Berlin in honor of Anthony B. Urban. (Woodburn, Dist 1; et al: Transportation)
Intro 90, SO 171-172, psd (RC) 184-185, recon 185, psd (RC) 185, 222, enr 965 (Chapter 14)

SB 403-LOCAL, relative to the exemption for recreational vehicles from property taxation. (Reagan, Dist 17; et al: Ways and Means)
Intro 90, am 634-635, psd (RC) 635, 699, H K 1083

SB 404-FN-A, phasing out the tax on interest and dividends. (Sanborn, Dist 9; et al: Ways and Means)
Intro 90, Fin rep 320, psd (RC) 370-373, Fin 373, K rej (RC) 648-649, LT (RC) 649, 1735

SB 405, enabling municipalities to adopt a separate exemption against the statewide property tax for certain long-term residents. (Sanborn, Dist 9; et al: Ways and Means)
Intro 90, am rej 635-636, LT (div) 640, 1735

SB 406-FN, requiring background checks for access to Internal Revenue Service federal tax information. (Reagan, Dist 17, Carson, Dist 14; et al: Ways and Means)
Intro 90, Fin rep 319, psd 373, 381, H conc 965, enr 994 (Chapter 52)

SB 407, relative to membership of the McAuliffe-Shepard discovery center board. (Reagan, Dist 17; et al: Executive Departments and Administration)
Intro 90, psd 113-114, 168, conc H am 1485, enr 1664 (Chapter 257)

SB 408-FN, licensing historic racing. (French, Dist 7; et al: Ways and Means)
Intro 90, Fin rep 320, am 373-374, psd 374, Fin 374, psd 539, 552, H IS 965

SB 409-FN, relative to the taxation of moist snuff tobacco products. (Giuda, Dist 2; et al: Ways and Means)
Intro 90, Fin rep 320, IS 374

SB 410-FN, establishing a commission to study creating a boat safe card. (D'Allesandro, Dist 20: Ways and Means)
Intro 90, Fin rep 385, am 542-544, am 544-546, psd 546, 552, H conc 1192, enr 1478 (Chapter 129)

SB 411-FN-A, relative to the research and development tax credit. (Innis, Dist 24; et al: Ways and Means)
Intro 90, Fin rep 385, am 546-548, psd 548, 552, nonconc H am, conf 1310, 1502, rep nso 1628

SB 412, relative to agritourism. (Giuda, Dist 2, Gannon, Dist 23; et al: Ways and Means)
Intro 90, am 640-641, psd 641, 699, H conc 1083, EBA 1476, enr 1518 (Chapter 56)

SB 413, relative to name availability for business organizations and relative to reinstatement of a limited liability company. (Birdsell, Dist 19, Soucy, Dist 18; et al: Commerce)
Intro 90, am 707-708, psd 708, 763, H conc 1313, enr 1518 (Chapter 221)

SB 414-FN, establishing a condominium dispute resolution board. (Birdsell, Dist 19; et al: Commerce)
Intro 90, Fin rep 227, IS 228-229, 243

SB 415, relative to condominium unit owners' special meetings and voting proxies. (Birdsell, Dist 19, Morse, Dist 22; et al: Commerce)
Intro 91, am 229, psd 229, 243, 313, nonconc H am, conf 1481, 1502, rep adop 1575, 1593, enr 1666 (Chapter 319)

SB 416, relative to transportation network company drivers. (Birdsell, Dist 19; et al: Commerce)
Intro 91, psd (RC) 246-248, 313, H conc 1192, enr 1478 (Chapter 130)

SB 417, relative to days of rest for employees of recreation camps and youth skill camps. (Bradley, Dist 3; et al: Commerce)
Intro 91, psd 229, 243, 313, H conc 1083, enr 1198 (Chapter 131)

SB 418, relative to wine samples and samples for consumption on the premises of a beverage manufacturer. (Bradley, Dist 3; et al: Commerce)
Intro 91, am 708-709, am (RC) 709-716, psd (RC) 716, 763, nonconc H am, conf 1481, 1491, rep adop 1575, 1593-1594, enr 1666 (Chapter 285)

SB 419, relative to votes by condominium unit owners. (Birdsell, Dist 19, Morse, Dist 22; et al: Commerce)
Intro 91, LT 251, 1735

SB 420, relative to collective bargaining under the right-to-know law. (Daniels, Dist 11; et al: Commerce)
Intro 91, psd (RC) 716-717, 763, H K 1471

SB 421, relative to insurance coverage for prescription contraceptives. (Soucy, Dist 18; et al: Commerce)
Intro 91, psd (RC) 717-718, 763, conc H am 1484, EBA 1634, enr 1668 (Chapter 361)

SB 422, relative to advance notice of work schedules. (Feltes, Dist 15; et al: Commerce)
Intro 91, K rej (RC) 463-466, LT rej (RC) 466, call Q 471, am rej (RC) 466-471, LT (RC) 471, 1735

SB 423, relative to noncompete clauses for low-wage employees. (Watters, Dist 4; et al: Commerce)
Intro 91, K rej (RC) 511-512, SO 514, SO 563, am wthd 677-678, am rej (RC) 678-680, psd rej (RC) 680, K (RC) 680

SB 424, relative to property and casualty insurance. (Innis, Dist 24; et al: Commerce)
Intro 91, psd 320, 331, 381, H conc 1192, enr 1478 (Chapter 132)

SB 425, relative to limited liability companies. (Innis, Dist 24; et al: Commerce)
Intro 92, psd 331, 381, H conc 1313, enr 1518 (Chapter 222)

SB 426, relative to the commission on primary care workforce issues. (Hennessey, Dist 5; et al: Commerce)
Intro 92, K (RC) 514-515, recon 515, K (RC) 515

SB 427, limiting the liability of successor corporations for asbestos-related claims. (Gannon, Dist 23; et al: Commerce)
Intro 92, am 516, psd (RC) 519, 552, H K 1313

SB 428, relative to the payment of weekly and biweekly wages. (Innis, Dist 24; et al: Commerce)
Intro 92, psd 185, 222, H conc 1083, enr 1198 (Chapter 133)

SB 429-FN, establishing a consumer services program within the insurance department. (French, Dist 7: Commerce)
Intro 92, Fin rep 172, am 175-177, psd 175, 184, Fin 184, psd 272, 313, H conc 1083, EBA 1194, enr 1477 (Chapter 134)

SB 430, relative to priority of liens for liability for support of assisted persons. (Kahn, Dist 10; et al: Commerce)
Intro 92, vacate 4, K 350-351

SB 431, relative to non-academic surveys required to be filed by school districts to maintain federal funding. (Gray, Dist 6: Education)
Intro 92, SO 227, SO 318-319, K (RC) 406-412

SB 432-FN-LOCAL, establishing a commission to study whether it is in the best interest of students to require schools to offer an SAT preparation course as an elective. (Gannon, Dist 23; et al: Education)
Intro 92, Fin rep 227, rem cc 228, K rej 305, am 305-307, psd 307, Fin 307, K rej (RC) 539-540, psd 540, 552, H K 1313

SB 433, relative to the annual filing of statistical reports to the department of education and relative to retention of pupil registers kept on a computer. (Kahn, Dist 10, Watters, Dist 4; et al: Education)
Intro 92, psd 231, 243, 313, conc H am 1308, enr 1518 (Chapter 223)

SB 434, relative to school nurse certification. (Woodburn, Dist 1; et al: Education)
Intro 92, am 232, psd 231, 243, 313, nonconc H am 1484

SB 435, relative to alternative programs for granting credit leading to graduation. (Ward, Dist 8; et al: Education)
Intro 92, am 232, psd 232, 243, 313, H conc 1313, enr 1518 (Chapter 224)

SB 436, relative to tuition in the community college system. (Soucy, Dist 18; et al: Education)
Intro 92, am 253-254, psd 254, 313, H conc 989, enr 1200 (Chapter 135)

SB 437, relative to the robotics education development program. (Avard, Dist 12; et al: Education)
Intro 93, am 233, psd 233, 243, 313, nonconc H am, conf 1481, 1502, rep adop 1575, 1594, enr 1668 (Chapter 362)

SB 438, relative to the postponement of local elections. (Birdsell, Dist 19, Woodburn, Dist 1; et al: Election Law and Internal Affairs)
Intro 93, SO 319, am (RC) 413-419, am rej (RC) 419-423, psd 423, 552, nonconc H am, conf 1481, 1502, H rej rep 1575

SB 439, repealing the authority to share voter information or data with other states. (Lasky, Dist 13; et al: Election Law and Internal Affairs)
Intro 93, K (RC) 258-263

SB 440-FN, relative to prohibited political contributions. (Lasky, Dist 13; et al: Election Law and Internal Affairs)
Intro 93, Fin rep 227, IS 263-264

SB 441, relative to grading policies in schools. (Watters, Dist 4; et al: Education)
Intro 93, psd 233, 243, 313, nonconc H am 1484

SB 442, relative to surety indemnification requirements for private postsecondary career schools. (Kahn, Dist 10, Watters, Dist 4; et al: Education)
Intro 93, psd 233-234, 313, H conc 989, enr 1200 (Chapter 136)

SB 443, relative to the jurisdiction of counties concerning retail electric supply, and allowing the Carroll county convention to employ a delegation coordinator. (Giuda, Dist 2; et al: Energy and Natural Resources)
Intro 93, psd 427, 552, conc H am 1308, enr 1519 (Chapter 225)

SB 444, relative to cutting timber near certain waters and public highways. (Giuda, Dist 2; et al: Energy and Natural Resources)
Intro 93, psd 187, 222, H conc 1192, enr 1478 (Chapter 137)

SB 445, designating the Warner River as a protected river. (Feltes, Dist 15; et al: Energy and Natural Resources)
Intro 93, psd 187-188, 223, H conc 1192, enr 1478 (Chapter 377)

SB 446, relative to net energy metering limits for customer-generators. (Avard, Dist 12; et al: Energy and Natural Resources)
Intro 93, rem cc 386, SO 549, am 568-570, am 570-571, psd 571, 616, conc H am 1485, enr 1664, Veto Overridden (RC) 1712-1716, Veto H sustained 1734

SB 447, relative to issuance of renewable energy certificates. (Fuller Clark, Dist 21, Woodburn, Dist 1; et al: Energy and Natural Resources)
Intro 94, am 743-744, psd 744, 763, H K 1471

SB 448, establishing a commission to study the establishment of a state department of energy. (Fuller Clark, Dist 21; et al: Energy and Natural Resources)
Intro 94, am 180, psd 179, 184, 223, H K 1083

SB 449, relative to the site evaluation committee. (Ward, Dist 8; et al: Energy and Natural Resources)
Intro 94, IS 744

SB 450-FN-A, establishing an advisory commission for the department of environmental services relative to the delegation of authority of the National Pollutant Discharge Elimination System Program. (Bradley, Dist 3; et al: Energy and Natural Resources)
Intro 94, Fin rep 228, am 264-266, psd 266, Fin 266, am 649, psd 649, 699, conc H am 1485, EBA 1638-1639, enr 1667 (Chapter 320)

SB 451, relative to wildlife trafficking. (Watters, Dist 4; et al: Energy and Natural Resources)
Intro 94, am 427-429, psd 429, 552, conc H am 1308, EBA 1509, enr 1520 (Chapter 226)

SB 452, relative to renewable energy fund incentive payments. (Giuda, Dist 2; et al: Energy and Natural Resources)
Intro 94, psd 744, 763, H K 1313

SB 453, relative to requirements and criteria for a competitive grant program for drinking water protection and relative to fluoride in municipal water systems. (Morse, Dist 22, Feltes, Dist 15; et al: Energy and Natural Resources)
Intro 94, am 788, psd 788, 900, conc H am 1485, enr 1664 (Chapter 258)

SB 454, relative to ambient water quality standards and maximum contaminant levels for certain perflourinated chemicals. (Fuller Clark, Dist 21; et al: Energy and Natural Resources)
Intro 94, LT 745, 1735

SB 455, relative to state employees injured in the line of duty. (Gray, Dist 6, Bradley, Dist 3: Executive Departments and Administration)
Intro 94, psd 622-623, 699, H conc 1083, enr 1198 (Chapter 138)

SB 456, relative to the appointment of the state medical director for emergency medical services. (Kahn, Dist 10; et al: Executive Departments and Administration)
Intro 94, am 236, psd 236, 243, 313, conc H am 1308, enr 1519 (Chapter 227)

SB 457-FN, waiving initial licensure fees for indigent applicants for certain professions. (Woodburn, Dist 1; et al: Executive Departments and Administration)
Intro 95, Fin rep 173, K (RC) 190-192

SB 458, authorizing the purchase of retirement system creditable service by a certain surviving spouse. (Birdsell, Dist 19; et al: Executive Departments and Administration)
Intro 95, psd 623-624, 699, H conc 1083, enr 1198 (Chapter 286)

SB 459, relative to reciprocity for licensure as a real estate broker or salesperson. (Giuda, Dist 2; et al: Executive Departments and Administration)
Intro 95, psd 624-625, 699, nonconc H am, conf 1483, 1502, rep adop 1575, 1594-1595, enr 1666 (Chapter 321)

SB 460, relative to the terms and qualifications for the adjutant general and deputy adjutant general. (Woodburn, Dist 1, Reagan, Dist 17; et al: Executive Departments and Administration)
Intro 95, K 192

SB 461, relative to continuing education for real estate brokers and salespersons. (Carson, Dist 14; et al: Executive Departments and Administration)
Intro 95, am 625-626, psd rej (RC) 627, LT 627, rem T 896, psd (RC) 896-897, 900, conc H am 1485, enr 1664 (Chapter 259)

SB 462-FN, relative to occupational licensure, certification, or registration for persons with criminal records, and relative to license applicants for barbering, cosmetology, esthetics, and manicuring. (Daniels, Dist 11: Executive Departments and Administration)
Intro 95, Fin rep 384, K 533-534

SB 463-FN, establishing an architectural paint can recycling program. (Feltes, Dist 15: Executive Departments and Administration)
Intro 95, Fin rep 385, SO 534, K (RC) 571

SB 464, relative to the procedure for driveway permits. (Carson, Dist 14; et al: Transportation)
Intro 95, am 446-447, psd 447, 552, H IS 1084

SB 465-FN, relative to documentation requirements for the department of labor. (Sanborn, Dist 9; et al: Executive Departments and Administration)
Intro 95, Fin rep 173, LT (RC) 192-193, 1735

SB 466, relative to political activities of commissioners of state agencies. (Woodburn, Dist 1; et al: Executive Departments and Administration)
Intro 95, K (RC) 627-629

SB 467-FN-A, relative to the state art fund. (Kahn, Dist 10; et al: Finance)
Intro 95, K 199

SB 468-FN-A, relative to fines and penalties collected by the department of environmental services. (Daniels, Dist 11: Finance)
Intro 95, am 339-340, psd 340, 381, H IS 965

SB 469, relative to the appropriation of funds from the equipment inventory fund. (Watters, Dist 4, Birdsell, Dist 19: Finance)
Intro 96, am 136, psd 136, 168, H conc 965, EBA 990, enr 1200 (Chapter 139)

SB 470-FN, relative to positions within the insurance department. (Carson, Dist 14; et al: Finance)
Intro 96, psd 272, 313, H conc 989, enr 1200 (Chapter 140)

SB 471, relative to the authority of municipalities to address potential natural threats. (Giuda, Dist 2; et al: Finance)
Intro 96, am 199-200, psd 200, 223, H conc 965, enr 994 (Chapter 53)

SB 472, establishing a committee to study the creation of an economic improvement fund. (Innis, Dist 24; et al: Finance)
Intro 96, LT 200, 1735

SB 473, relative to employment contract restrictions upon certain health care providers. (Sanborn, Dist 9; et al: Health and Human Services)
Intro 96, psd 275-277, 313, nonconc H am, conf 1483, 1502-1503, rep adop 1575, 1595, enr 1666 (Chapter 322)

SB 474, establishing a committee to study group home rate parity. (Ward, Dist 8; et al: Health and Human Services)
Intro 96, rem cc 228, am 307-308, psd 308, 313, H conc 1083, enr 1200 (Chapter 141)

SB 475, relative to testing for Lyme disease. (Daniels, Dist 11; et al: Health and Human Services)
Intro 96, SO 542, am 578-579, LT 579, rem T 607, psd 607, 616, H IS

SB 476, establishing a committee to study reinstituting the unemployed parent program. (Fuller Clark, Dist 21; et al: Health and Human Services)
Intro 96, am 241, psd 241, 243, 313, H conc 1192, enr 1477 (Chapter 142)

SB 477, establishing a therapeutic cannabis medical oversight board. (Fuller Clark, Dist 21; et al: Health and Human Services)
Intro 96, am 207-209, psd 209, 223, H conc 1313, EBA 1509-1510, enr 1520 (Chapter 228)

SB 478, establishing an advisory council on lactation. (Fuller Clark, Dist 21; et al: Health and Human Services)
Intro 96, am 388-389, psd 387, 405, 552, conc H am 1309, EBA 1510, enr 1520 (Chapter 260)

SB 479, relative to the oversight commission on children's services and relative to the commission to review child abuse fatalities. (Carson, Dist 14; et al: Health and Human Services)
Intro 96, am 324, psd 324, 331, 381, conc H am 1309, EBA 1510-1511, enr 1520 (Chapter 363)

SB 480, limiting the use of electroconvulsive therapy. (Bradley, Dist 3; et al: Health and Human Services)
Intro 97, K 324, 325, 331

SB 481, establishing a committee to study the impact of pharmacy benefit manager operations on cost, administration, and distribution of prescription drugs. (Soucy, Dist 18; et al: Health and Human Services)
Intro 97, am 242, psd 241-242, 243, 313, H conc 1192, enr 1477 (Chapter 143)

SB 482-FN, relative to confidential emergency medical and trauma services data. (Hennessey, Dist 5, Watters, Dist 4; et al: Health and Human Services)
Intro 97, Fin rep 172, psd 209, 223, H conc 1083, EBA 1194, enr 1477 (Chapter 144)

SB 483, relative to procedures for dispensing controlled drugs. (Fuller Clark, Dist 21; et al: Health and Human Services)
Intro 97, am 277, psd 277, 313, H IS

SB 484, reestablishing the commission to address child hunger in New Hampshire. (Fuller Clark, Dist 21; et al: Health and Human Services)
Intro 97, rem cc 320, am 377-378, am 378, psd 378, 381, H conc 989, enr 1200 (Chapter 145)

SB 485, establishing a committee to study the relationship between concierge medicine and New Hampshire and federal health insurance law. (Avard, Dist 12; et al: Health and Human Services)
Intro 97, am 325, psd 325, 331, 381, H conc 1192, enr 1478 (Chapter 146)

SB 486, establishing a commission to study enhancing the prescription drug donation program. (Feltes, Dist 15; et al: Health and Human Services)
Intro 97, am 242, psd 242, 243, 313, H conc 1192, enr 1478 (Chapter 147)

SB 487, relative to requirements for certain alcohol and other drug use professionals and establishing a state substance use disorder treatment services program. (Feltes, Dist 15; et al: Health and Human Services)
Intro 97, am 754-756, psd (RC) 756, 763, nonconc H am, conf 1483, 1503, rep adop 1575-1576, 1595-1596, EBA 1639-1640, enr 1668 (Chapter 364)

SB 488, relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center. (Bradley, Dist 3; et al: Health and Human Services)
Intro 97, psd 209, 223, conc H am 1488, enr 1664 (Chapter 266)

SB 489, establishing a committee to study parental alienation in New Hampshire. (Avard, Dist 12; et al: Health and Human Services)
Intro 97, am 278, psd 278, 313, conc H am 1309, enr 1519 (Chapter 229)

SB 490, establishing a commission to study end-of-life choices. (Hennessey, Dist 5; et al: Health and Human Services)
Intro 98, am rej (RC) 342-346, am rej (RC) 346-349, psd rej (RC) 349, K (RC) 349-350

SB 491, relative to food protection services in New Hampshire. (Carson, Dist 14, Fuller Clark, Dist 21; et al: Health and Human Services)
Intro 98, am 702-705, psd 702, 705, 763, nonconc H am, conf 1309, 1503, rep adop 1576, 1596-1598, EBA 1640, enr 1668 (Chapter 323)

SB 492-FN, prohibiting bump stocks in New Hampshire. (Woodburn, Dist 1; et al: Judiciary)
Intro 98, Fin rep 173, IS (RC) 213-219

SB 493, relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file. (Carson, Dist 14; et al: Judiciary)
Intro 98, psd 326-327, 331, 381, nonconc H am 1309

SB 494, relative to access to child abuse or neglect information by certain legislative committees. (French, Dist 7, Giuda, Dist 2: Judiciary)
Intro 98, K 327, 331

SB 495, relative to certain court orders in a divorce/custody matter. (Innis, Dist 24; et al: Judiciary)
Intro 98, K 327, 331

SB 496-FN, relative to mediation for certain child support arrearages. (Carson, Dist 14; et al: Judiciary)
Intro 98, Fin rep 172, rem cc 173, am 220, am 220-221, psd 221, 223, conc H am 1309, enr 1519 (Chapter 230)

SB 497-FN, relative to breast-feeding. (Fuller Clark, Dist 21, Lasky, Dist 13; et al: Judiciary)
Intro 98, Fin rep 384, am 392-393, psd 392, 405, 552, H K 1192

SB 498-FN, requiring an annual report detailing activity related to forfeiture of personal property. (French, Dist 7; et al: Judiciary)
Intro 98, Fin rep 384, am 393, psd 393, 405, 552, conc H am 1309, enr 1519 (Chapter 231)

SB 499, relative to the applicability of certain DWI prohibitions. (French, Dist 7, Reagan, Dist 17: Judiciary)
Intro 98, SO 542, SO 615-616, am 695-697, psd (RC) 697, 699, H K 1083

SB 500, amending references to firearms terminology. (Avard, Dist 12, Bradley, Dist 3: Judiciary)
Intro 98, am 394-396, psd 405, 552, conc H am 1309, EBA 1511, enr 1667 (Chapter 324)

SB 501, relative to immunity for campground owners. (Avard, Dist 12; et al: Judiciary)
Intro 98, K rej 661, am (RC) 661-668, psd 668, 700, H K 1192

SB 502-FN, relative to transparency and standards for acquisition transactions in health care. (Feltes, Dist 15; et al: Judiciary)
Intro 99, Fin rep 319, psd 350, 381, H IS 1313

SB 503, relative to increasing the maximum amount of the optional veterans' tax credit. (Gannon, Dist 23; et al: Public and Municipal Affairs)
Intro 99, SO 280, K rej (RC) 351-353, am (RC) 353-354, psd (RC) 354, 381, H conc 1083, enr 1198 (Chapter 148)

SB 504-FN, relative to sales of tax-deeded property. (Bradley, Dist 3; et al: Public and Municipal Affairs)
Intro 99, Fin rep 227, am 280-281, psd 281, 313, H conc 1083, enr 1198 (Chapter 149)

SB 505, requiring abutter notice of the construction of a crematory. (Giuda, Dist 2; et al: Public and Municipal Affairs)
Intro 99, psd 281-282, 313, H conc 1083, enr 1198 (Chapter 150)

SB 506, limiting amendments to warrant articles. (Giuda, Dist 2; et al: Public and Municipal Affairs)
Intro 99, am 444-445, psd 445, 552, nonconc H am, conf 1310, 1503, rep adop 1576, 1598, enr 1666 (Chapter 325)

SB 507, proclaiming June as post-traumatic stress injury (PTSI) awareness month. (Bradley, Dist 3; et al: Public and Municipal Affairs)
Intro 99, psd 219, 223, conc H am 1310, EBA 1512, enr 1667 (Chapter 326)

SB 508, establishing a committee to study the prevalence of post-traumatic stress disorder (PTSD) and other related disorders among first responders. (Avard, Dist 12; et al: Public and Municipal Affairs)
Intro 99, am 282-283, psd 284, 314, H K 1313

SB 509, allowing municipalities to require income and expense information of business properties for tax appraisals. (Fuller Clark, Dist 21; et al: Public and Municipal Affairs)
Intro 99, K 284

SB 510, relative to municipal notice of leases on tax-exempt property. (Fuller Clark, Dist 21; et al: Public and Municipal Affairs)
Intro 99, am 284-285, psd 285, 314, conc H am 1310, enr 1519 (Chapter 232)

SB 511, establishing an optional tax credit for combat service. (Woodburn, Dist 1; et al: Public and Municipal Affairs)
Intro 99, am 756-759, psd 759, H conc 1083, enr 1198 (Chapter 151)

SB 512, relative to compact sections of towns. (Watters, Dist 4; et al: Public and Municipal Affairs)
Intro 100, rem cc 320, am rej 378-379, am 379-380, psd 380, 381, nonconc H am, conf 1484, 1503, 1506, rep adop 1576, 1598-1599, enr 1666 (Chapter 327)

SB 513, establishing September as New Hampshire recovery month. (Watters, Dist 4; et al: Public and Municipal Affairs)
Intro 100, psd 285-286, recon 286, psd (RC) 286, 314, H conc 1313, EBA 1512, enr 1667 (Chapter 328)

SB 514-FN, establishing a commission to create a New Hampshire recovery memorial. (Watters, Dist 4; et al: Public and Municipal Affairs)
Intro 100, Fin rep 319, am 328-329, psd 328, 381, H IS 989

SB 515, relative to commemorative license plates. (Ward, Dist 8: Transportation)
Intro 100, psd 329, 331, 381, H conc 1083, enr 1199 (Chapter 152)

SB 516, prohibiting motorcycle-only checkpoints. (French, Dist 7; et al: Transportation)
Intro 100, am 354-356, psd 356, 381, H conc 989, enr 1200 (Chapter 153)

SB 517, establishing an electric vehicle charging stations infrastructure commission. (Watters, Dist 4; et al: Transportation)
Intro 100, am 356-357, am 357, psd 359, 381, H conc 989, enr 1200 (Chapter 154)

SB 518, relative to agency reports of real property owned or leased by the department. (Watters, Dist 4; et al: Transportation)
Intro 100, psd 330, 331, 381, H IS 989

SB 519, relative to the purchase of property for the construction of roads. (Watters, Dist 4; et al: Transportation)
Intro 100, am 330, psd 330-331, 381, H conc 1083, enr 1199 (Chapter 155)

SB 520-FN, relative to organizations authorized to issue decals for multi-use decal plates and relative to autonomous vehicles. (Feltes, Dist 15; et al: Transportation)
Intro 100, Fin rep 319, am 360, LT 360, rem T 360, psd 361, LT 361, rem T 895, am 895-896, psd 896, 900, nonconc H am 1484

SB 521-FN, authorizing Sophia's Fund to issue decals for multi-use decal plates. (Gannon, Dist 23; et al: Transportation)
Intro 100, Fin rep 172, psd 219-220, LT 220, 1735

SB 522, relative to alteration of speed limits. (Fuller Clark, Dist 21, Watters, Dist 4; et al: Transportation)
Intro 101, am 404-405, psd 404-405, 552, H K 1192

SB 523-FN, requiring public school students to receive training in cardiopulmonary resuscitation and the use of an automated external defibrillator device. (Hennessey, Dist 5; et al: Education)
Intro 101, Fin rep 319, K 333

SB 524-FN, relative to head injury policies for the community college system of New Hampshire and the university system of New Hampshire. (Watters, Dist 4; et al: Education)
Intro 101, Fin rep 319, am 320-323, psd 320, 331, 381, H IS 989

SB 525-FN, prohibiting the distribution of adult education financial assistance to any student who is not a legal resident. (Sanborn, Dist 9; et al: Education)
Intro 101, Fin rep 385, rem cc 386, SO 549, SO 563, K rej (RC) 683-685, call Q 693, am (RC) 686-694, LT rej (RC) 694, psd (RC) 694, 700, waived Fin 694, H IS 1313

SB 526-FN, relative to school food and nutrition programs. (Fuller Clark, Dist 21; et al: Education)
Intro 101, Fin rep 385, am 525-526, am 526-529, psd (RC) 529, Fin 529, SO 649, SO 754, LT (RC) 768-769, 1735

SB 527-FN-LOCAL, relative to absentee voting and relative to the statewide centralized voter registration database. (Birdsell, Dist 19, Gray, Dist 6; et al: Election Law and Internal Affairs)
Intro 101, Fin rep 384, am 423-426, psd 427, 552, nonconc H am, conf (RC) 1481-1482, 1503-1504, 1506, call Q 1605, rep adop (RC) 1576, 1599-1605, EBA 1640-1643, enr 1668 (Chapter 329)

SB 528-FN-LOCAL, relative to dam registration fees and relative to permit fees for constructing or reconstructing a dam. (Bradley, Dist 3, Feltes, Dist 15; et al: Energy and Natural Resources)
Intro 101, Fin rep 172, am 188-189, psd (RC) 190, Fin 190, am 650, psd 650, 700, H IS 965

SB 529-FN, requiring the department of environmental services to conduct a study regarding the Baker River in the town of Warren and making an appropriation for such study. (Giuda, Dist 2; et al: Energy and Natural Resources)
Intro 101, Fin rep 227, am 235, psd 235, 243, Fin 243, psd 650, 700, H K 965

SB 530-FN, relative to high voltage electric transmission lines in highway rights-of-ways. (Giuda, Dist 2; et al: Energy and Natural Resources)
Intro 101, Fin rep 385, IS 532

SB 531-FN, relative to the office of professional licensure and certification. (Reagan, Dist 17; et al: Executive Departments and Administration)
Intro 101, Fin rep 172, psd 180, 184, Fin 184, psd 272-273, 314, nonconc H am, conf 1308, 1504, rep adop 1576, 1605-1606, enr 1666 (Chapter 330)

SB 532-FN, relative to group II status of certain department of corrections officials. (D'Allesandro, Dist 20; et al: Executive Departments and Administration)
Intro 102, Fin rep 385, am 534-535, psd 535, Fin 535, am 650-651, psd 651, 700, H K 989

SB 533-FN, relative to the composition and compensation of the personnel appeals board. (Carson, Dist 14; et al: Executive Departments and Administration)
Intro 102, Fin rep 228, psd 266, Fin 266, am 540-541, psd 541, 552, H conc 1083, enr 1199 (Chapter 156)

SB 534-FN, relative to the classification of certain state employee positions and relative to a review of certain unclassified positions in the department of health and human services. (Reagan, Dist 17, D'Allesandro, Dist 20; et al: Executive Departments and Administration)
Intro 102, Fin rep 172, am 180-181, psd 180, 184, Fin 184, psd 273, 314, conc H am 1308, enr 1519 (Chapter 233)

SB 535-FN, relative to licensure for the practice of professional art therapy and relative to certain revenues from the sale of commemorative liquor bottles of historic significance. (Watters, Dist 4; et al: Executive Departments and Administration)
Intro 102, Fin rep 228, rs 268, am 266-268, psd 268, Fin 268, psd 651, 700, nonconc H am, conf 1482, 1504, rep adop 1576, 1606-1608, EBA 1643, enr 1668 (Chapter 365)

SB 536-FN, relative to eligibility for death benefits for court security officers. (Lasky, Dist 13; et al: Executive Departments and Administration)
Intro 102, Fin rep 227, psd 268-269, 314, H conc 965, enr 994 (Chapter 54)

SB 537, conferring extraterritorial financing powers on the New Hampshire business finance authority. (Innis, Dist 24; et al: Executive Departments and Administration)
Intro 102, am 745-754, psd 754, 763, nonconc H am, conf 1483, 1504, rep adop 1576, 1608, EBA 1643-1644, enr 1668 (Chapter 331)

SB 538-FN, including police officers of the state office complex police force in group II of the retirement system. (Giuda, Dist 2; et al: Executive Departments and Administration)
Intro 102, Fin rep 227, am 236-238, psd 236, 243, Fin 243, psd 651, 700, H conc 1470, enr 1519 (Chapter 234)

SB 539-FN-A, making appropriations to the department of education for adequate education grants and relative to certain provisions for Medicaid waivers. (Birdsell, Dist 19; et al: Finance)
Intro 102, am 200-201, psd 201, 223, conc H am 984, enr 993 (Chapter 8)

SB 540-FN, relative to the operation of keno games in unincorporated places and permitting keno games in cigar bars. (Feltes, Dist 15; et al: Finance)
Intro 102, SO 541, am 571-572, am rej (RC) 572-577, am 577-578, psd 578, 616, nonconc H am, conf 1308, 1504, rep adop 1576-1577, 1608-1609, enr 1666 (Chapter 332)

SB 541-FN-A, relative to the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer. (Innis, Dist 24; et al: Finance)
Intro 102, SO 766, SO 838, am rej 838-840, am (RC) 840-848, psd (RC) 850, 900, nonconc H am, conf 1483, 1504, rep adop 1577, 1609-1610, enr 1666 (Chapter 369)

SB 542-FN, relative to the use of funds in the revenue stabilization reserve account for public health emergencies. (Woodburn, Dist 1; et al: Finance)
Intro 103, SO 269, K (RC) 294-295

SB 543-FN, relative to health care premium payments for certain retired state workers. (Feltes, Dist 15; et al: Finance)
Intro 103, K (RC) 652-654

SB 544-FN, transferring department of safety funds to the fire standards and training and emergency medical services fund. (Daniels, Dist 11: Finance)
Intro 103, am 340-341, psd 341, 381, conc H am 1308, enr 1519 (Chapter 235)

SB 545-FN, increasing the age for sales and possession of tobacco products. (Watters, Dist 4, Bradley, Dist 3; et al: Health and Human Services)
Intro 103, Fin rep 227, SO 269, LT 303, 1735

SB 546-FN, relative to purchasing alliances. (Sanborn, Dist 9; et al: Health and Human Services)
Intro 103, Fin rep 384, SO 542, am 579-580, psd (RC) 582, 616, H IS

SB 547, relative to unused prescription drugs. (Innis, Dist 24; et al: Health and Human Services)
Intro 103, IS 325, 331

SB 548-FN, relative to therapeutic intervention needs of infants diagnosed with neonatal abstinence syndrome. (Hennessey, Dist 5, Lasky, Dist 13; et al: Health and Human Services)
Intro 103, Fin rep 385, am 389-390, psd 389, 405, Fin 405, SO 649, SO 754, K rej 769, am 769-772, psd 772, 900, H K 1192

SB 549-FN-A, relative to plans of safe care for infants affected by substance abuse or withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder. (Gray, Dist 6: Health and Human Services)
Intro 103, Fin rep 172, am 209-210, psd 210, 223, nonconc H am, conf 1483, 1504-1505, rep adop 1577, 1610-1611, enr 1666 (Chapter 336)

SB 550-FN, relative to drop in or walk in clinics. (Sanborn, Dist 9; et al: Health and Human Services)
Intro 103, Fin rep 227, IS 243

SB 551-FN, relative to deductibles under health insurance policies. (Sanborn, Dist 9; et al: Health and Human Services)
Intro 103, Fin rep 173, IS 210-212

SB 552-FN, relative to transportation of trauma victims by first responders. (Giuda, Dist 2; et al: Health and Human Services)
Intro 104, Fin rep 227, IS 278

SB 553-FN, establishing a commission to study the incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation. (Hennessey, Dist 5; et al: Commerce)
Intro 104, Fin rep 385, SO 514, SO 563, IS rej 680-681, am 681-683, psd 683, 694, 700, Fin 683, waived Fin 694, nonconc H am, conf 1190, recon 1201, conc H am 1308, EBA 1512-1513, enr 1520 (Chapter 261)

SB 554-FN, relative to the minimum hourly rate and employer-sponsored health benefits. (Soucy, Dist 18; et al: Commerce)
Intro 104, Fin rep 228, K (RC) 251-253

SB 555-FN-A, establishing a citizens' right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor. (Giuda, Dist 2; et al: Judiciary)
Intro 104, Fin rep 385, am 396-399, psd 396, Fin 405, K rej (RC) 654-656, psd (RC) 656, 700, H K 1192-1193

SB 556-FN, relative to changes in bail procedures and procedures for annulment of a criminal record. (Feltes, Dist 15; et al: Judiciary)
Intro 104, Fin rep 384, am 399-401, psd 399, 405, 552, nonconc H am, conf 1309, 1505, rep adop 1577, 1611-1613, EBA 1644, enr 1668 (Chapter 366)

SB 557-FN, establishing a board of housing development appeals. (Giuda, Dist 2; et al: Judiciary)
Intro 104, Fin rep 385, am 401-402, psd 405, Fin 405, psd 656, 700, H IS

SB 558-FN, relative to discrimination based on pregnancy or lactation. (Fuller Clark, Dist 21; et al: Judiciary)
Intro 104, Fin rep 172, IS 182, 184

SB 559-FN-A, establishing a committee to study the construction of sound barriers on type I and type II highways. (Sanborn, Dist 9; et al: Transportation)
Intro 104, Fin rep 385, am (RC) 447-453, psd 453, 552, H K 989

SB 560-FN-LOCAL, relative to updating the state trails plan and making an appropriation therefor. (Feltes, Dist 15; et al: Transportation)
Intro 104, Fin rep 319, am 361-363, psd 363, Fin 363, am 657, psd 657, 700, H IS 965

SB 561-FN, naming a bridge over the Little River between the towns of Plaistow and Atkinson the Lance Corporal Dimitrios Gavriel bridge. (Bradley, Dist 3: Transportation)
Intro 104, Fin rep 319, am (RC) 363-365, am 365-366, psd (RC) 366, 381, H conc 965, enr 993 (Chapter 15)

SB 562-FN, allowing the waiver of fees for reinstatement of a driver's license and registration in cases of demonstrated financial hardship. (Feltes, Dist 15; et al: Transportation)
Intro 105, Fin rep 386, K 453

SB 563-FN, establishing a recovery friendly workplace initiatives tax credit against business taxes administered by the community development finance authority. (Bradley, Dist 3; et al: Ways and Means)
Intro 105, Fin rep 386, am 454-455, am 455-456, psd 456, Fin 456, psd 657, 700, H IS 965

SB 564-FN-A, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses. (Bradley, Dist 3; et al: Ways and Means)
Intro 105, Fin rep 386, am 548-549, psd 549, Fin 549, am 789-790, am rej (RC) 790-794, psd 796, 900, conc H am 1310, rs 1480, recon 1480, wthd 1481, nonconc H am, conf 1481, 1505, rep adop 1577, 1613-1623, EBA 1644-1645, enr 1665 (Chapter 157)

SB 565-FN, relative to aircraft registration fees. (Giuda, Dist 2; et al: Ways and Means)
Intro 105, Fin rep 320, psd (RC) 374-377, Fin 377, psd (RC) 541-542, 552, conc H am 1490, enr 1664 (Chapter 287)

SB 566-FN, establishing a commission to study certain aspects of the school bus driver shortage. (Soucy, Dist 18; et al: Commerce)
Intro 105, Fin rep 384, am 519-520, psd 520, 552, conc H am 1484, EBA 1645, enr 1667 (Chapter 333)

SB 567-FN, relative to workforce development and job training. (Feltes, Dist 15; et al: Commerce)
Intro 105, Fin rep 385, IS (RC) 520-525

SB 568-FN, relative to criminal history record checks for school employees and certain volunteers. (Reagan, Dist 17; et al: Education)
Intro 105, Fin rep 385, SO 529, am rej 563-565, am rej (RC) 565-568, LT 568, 1735

SB 569-FN, relative to animal cruelty and establishing a commission to study cost of care for confiscated animals. (Bradley, Dist 3; et al: Energy and Natural Resources)
Intro 105, Fin rep 385, am 429-437, am 437, am 437-438, psd (RC) 438-439, Fin 439, am 796-798, psd 798, 900, nonconc H am, conf 1482, 1505, rep nso 1628

SB 570-FN, relative to the work requirement for the child care scholarship program. (Feltes, Dist 15: Executive Departments and Administration)
Intro 105, SO 227, Fin rep 227, SO 318-319, Fin rep 319, 384, psd (RC) 443-444, 552, conc H am 1485, EBA 1645-1646, enr 1667 (Chapter 334)

SB 571-FN, requiring the department of health and human services to perform an efficiency audit. (Daniels, Dist 11: Executive Departments and Administration)
Intro 105, Fin rep 386, K 535

SB 572-FN, relative to the individual health insurance market. (Sanborn, Dist 9; et al: Health and Human Services)
Intro 106, Fin rep 385, IS 390, 405

SB 573-FN-A, relative to the controlled drug prescription health and safety program and making an appropriation therefor. (Bradley, Dist 3; et al: Health and Human Services)
Intro 106, Fin rep 228, am 278-279, psd 279, Fin 279, psd 657-658, 700, H conc 1192, enr 1478 (Chapter 158)

SB 574-FN, clarifying the repayment period for parental reimbursement. (Fuller Clark, Dist 21; et al: Judiciary)
Intro 106, Fin rep 172, am 182-183, psd 182, 184, 223, H conc 965, enr 994 (Chapter 55)

SB 575-FN, relative to electric vehicle charging stations. (Watters, Dist 4; et al: Transportation)
Intro 106, Fin rep 319, am 366-367, psd (RC) 367, 381, conc H am 1490, enr 1664 (Chapter 262)

SB 576-FN, relative to home health services rate setting. (Bradley, Dist 3: Finance)
Intro 106, LT 342, rem T 897, K rej 897, am 897-898, psd 898, 900, H K 1083

SB 577, requiring the public utilities commission to revise its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy. (Bradley, Dist 3; et al: Energy and Natural Resources)
Intro 106, Fin rep 385, rs 441, am 439-441, am 441, psd (RC) 443, Fin 443, K rej (RC) 798-800, psd (RC) 800-801, 900, conc H am 1485, EBA 1646, enr 1667 (Chapter 340)

SB 578-FN, relative to unclassified positions within the department of health and human services. (Reagan, Dist 17; et al: Executive Departments and Administration)
Intro 106, Fin rep 228, psd 269, Fin 269, psd 658, 700, conc H am 1485, EBA 1646-1647, enr 1667 (Chapter 335)

SB 579-FN, relative to penalties for welfare fraud. (Gray, Dist 6; et al: Finance)
Intro 106, psd 273, 314, H conc 965, enr 994 (Chapter 277)

SB 580, relative to transfers of appropriated funds, amending a capital budget appropriation to allow for door replacements at the New Hampshire hospital, and transferring a capital budget appropriation for painting the ceiling of Representatives Hall to the legislative branch. (Birdsell, Dist 19, Watters, Dist 4: Finance)
Intro 106, am 273-275, psd 275, 314, conc H am 1485, recon 1490, conc H am rej 1490, nonconc H am, conf 1490, 1491, 1505, rep adop 1577, 1623-1625, EBA 1647, enr 1688 (Chapter 163)

SB 581-FN, relative to compounding of drugs and establishing a committee to study rulemaking authority for reconstituted drugs. (Sanborn, Dist 9: Health and Human Services)
Intro 106, Fin rep 384, rem cc 386, SO 549, am 582-583, psd 583, 616, Clerk 604, conc H am 1488, enr 1664 (Chapter 263)

SB 582-FN, authorizing an assessment to determine appropriate caseload and workload standards for the division for children, youth and families; establishing additional child protection services positions in the division for children, youth and families; relative to foster care and adoption programs and services; and making appropriations therefor. (Carson, Dist 14; et al: Health and Human Services)
Intro 106, Fin rep 386, SO 542, am 583-585, psd (RC) 586-587, Fin 587, am 801, psd 802, 900, H K 1083

SB 583-FN, establishing a pilot program to eliminate employment barriers for certain parents. (Feltes, Dist 15; et al: Health and Human Services)
Intro 106, Fin rep 385, psd 390, Fin 405, K (RC) 658-659

SB 584-FN, prohibiting electroconvulsive therapy on children 16 years of age or under. (Fuller Clark, Dist 21, Reagan, Dist 17; et al: Judiciary)
Intro 107, Fin rep 384, K 402, 405

SB 585-FN, authorizing the New Hampshire Breast Cancer Coalition to issue decals for multi-use decal plates. (Fuller Clark, Dist 21; et al: Transportation)
Intro 107, Fin rep 385, psd 453-454, LT 454, 1735

SB 586-FN-A-LOCAL, relative to casino gambling. (D'Allesandro, Dist 20; et al: Ways and Means)
Intro 107, Fin rep 320, LT 377, rem T 890, IS rej 890, call Q 894, psd rej (RC) 890-895, LT 895, rem T 948, rs 948, IS (RC) 948-949, am (RC) 949-958, Chair 2/3 958, psd rej (RC) 958-959, LT 959, 1735

SB 587-LOCAL, relative to the collection of fees for public parking facilities. (Feltes, Dist 15; et al: Ways and Means)
Intro 107, Fin rep 386, K (RC) 456-460

SB 588-FN, relative to inspections of laboratories and relative to loans for lead hazard remediation projects. (Bradley, Dist 3: Executive Departments and Administration)
Intro 168, Fin rep 384, am 535-536, psd 536, 552, conc H am 1485, enr 1664 (Chapter 264)

SB 589-FN, relative to authorizing petitions to state licensing boards for review of an individual's criminal record concerning disqualification for licensure. (Reagan, Dist 17; et al: Executive Departments and Administration)
Intro 168, Fin rep 384, psd (RC) 536-538, 552, nonconc H am, conf 1483, 1505-1506, rep adop 1577, 1625, EBA 1647-1648, enr 1668 (Chapter 367)

SB 590-FN-A, relative to the state loan repayment program, the developmental disabilities wait list, involuntary admissions procedures, and the mental health system. (Bradley, Dist 3; et al: Health and Human Services)
Intro 168, Fin rep 386, SO 542, am (RC) 587-602, am 603-604, psd 604, Fin 604, call Q 813, am rej (RC) 802-814, psd (RC) 815, 901, conc H am 1488, EBA 1648-1649, enr 1667 (Chapter 343)

SB 591-FN, relative to accreditation of health care providers by pharmacy benefit managers. (Soucy, Dist 18, Reagan, Dist 17; et al: Health and Human Services)
Intro 169, Fin rep 319, am 326, psd 326, 331, 381, conc H am 1192, EBA 1477, enr 1518 (Chapter 236)

SB 592-FN-A, relative to the child welfare system. (Carson, Dist 14; et al: Health and Human Services)
Intro 169, Fin rep 386, SO 542, am 604-607, psd 607, Fin 607, am 815, psd 815, 901, conc H am 1488, EBA 1649, enr 1666 (Chapter 337)

SB 593-FN, relative to the penalty for capital murder. (Avard, Dist 12; et al: Executive Departments and Administration)
Intro 317, Fin rep 386, psd (RC) 668-677, 700, H conc 1192, enr 1479, Veto sustained (RC) 1717-1725

2018 CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

CACR 15, relating to legal actions. Providing that taxpayers have standing to bring actions against the government. (Rules and Enrolled Bills)
Intro 556, psd (RC) 1281-1282, recin 1283, recon 1283, psd (RC) 1283, 1311

CACR 16, Relating to privacy. Providing that an individual's right to live free of governmental intrusion is natural, essential, and inherent. (Rules and Enrolled Bills)
Intro 556, psd (RC) 1282-1283, 1311, EBA 1517

CACR 20, relating to the retirement age of judges. Providing that the retirement age of judges be increased. (Soucy, Dist 18; et al: Judiciary)
Intro 81, psd rej (RC) 145-152, LT rej (div) 152, K rej (RC) 152, LT rej (div) 152, LT (RC) 152, 1735

CACR 21, relative to alcohol and drug abuse prevention. Providing that a portion of liquor commission revenue shall be used for alcohol and drug abuse prevention. (Woodburn, Dist 1; et al: Finance)
Intro 81, SO 269, K (RC) 286-294

CACR 22, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights. (Carson, Dist 14; et al: Judiciary)
Intro 81, am (RC) 816-821, recon 822, am (RC) 822, am (RC) 822-826, am wthd 830, am rej (RC) 830-838, LT 838, rem T 850, am rej (RC) 851-857, am rej (RC) 857-860, psd 863, 900, H K 1193

2018 SPECIAL SESSION SENATE BILL

SSSB 1-FN, establishing a commission to study ways to protect the New Hampshire advantage for New Hampshire businesses as a result of the uncertainty created from the recent United States Supreme Court decision on the collection of certain sales and use taxes. (Bradley, Dist 3; et al)
Intro 1680, rs rej 1684-1685, rs rej 1688, rs rej 1690, psd (RC) 1696, nonconc H am (RC) 1697-1700

2018 HOUSE BILLS

HB 79-FN, relative to New Hampshire products purchased and sold by the liquor commission. (Commerce)
Fin rep 4, K 25-26

HB 101-FN, relative to certification for solid waste operators. (Energy and Natural Resources)
Intro 224, Fin rep 1089, IS 1096

HB 114, relative to minimum electric renewable portfolio standards. (Energy and Natural Resources)
Intro 315, SO 1202, SO 1315, IS 1436

HB 121, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees. (Public and Municipal Affairs)
am 57, psd rej (RC) 57-58, IS 58

HB 122, relative to withdrawal from a cooperative school district. (Education)
psd 28, 80, enr 108 (Chapter 1)

HB 124-FN, relative to aircraft registration fees. (Ways and Means)
Intro 315, Fin rep 1088, am 1160-1161, am 1161-1163, psd 1163, 1191, H conc 1499, enr 1663 (Chapter 237)

HB 134-FN, relative to causes for divorce. (Judiciary)
Intro 224, Fin rep 998, LT 1068-1069, 1735

HB 135, relative to the submission of evidence prior to hearings in divorce cases. (Judiciary)
Intro 224, SO 1155, K 1265-1266

HB 141, relative to electric renewable energy classes. (Energy and Natural Resources)
Intro 315, Fin rep 1089, IS 1096-1097

HB 143, relative to recommittal of a prisoner by the parole board. (Judiciary)
rem cc 5, am rej 71-72, am 72-73, psd 73, 80, H conc 701, enr 764, Veto overridden (RC) 1725-1729

HB 151, establishing a committee to study the feasibility of using hemp in agricultural and industrial processes and to further study the licensing, registration, and permitting of industrial hemp growers. (Judiciary)
am 54-56, psd 56, 80, H conc 1084, enr 1197 (Chapter 17)

HB 169-FN, relative to limits on wagers in charitable games of chance. (Ways and Means)
Intro 224, Fin rep 1089, SO 1173, psd 1174-1175, Fin 1175, SO 1202, K rej (RC) 1369-1371, am 1371-1373, psd 1373, 1468, H nonconc, conf 1491, rep adop 1523, 1628, enr 1665 (Chapter 265)

HB 173, relative to regulations restricting the use of water for outdoor usage. (Public and Municipal Affairs)
K 14, 15

HB 193, relative to traffic control measures. (Transportation)
Intro 315, IS (RC) 940-942

HB 225-FN, relative to information collection concerning electric renewable portfolio standards. (Energy and Natural Resources)
Fin rep 4, RRC 45, Fin rep 110, am 121-122, psd 120-122, 167, H nonconc, conf 1306, rep adop 1523-1524, 1628, enr 1665 (Chapter 288)

HB 252, relative to pro se litigants under the right-to-know law. (Judiciary)
Intro 224, am 970, psd 970, 987, H nonconc, conf 1306, rep adop 1524, 1628, enr 1665 (Chapter 289)

HB 263, relative to facilities licenses for charitable gaming and relative to security requirements for games of chance. (Ways and Means)
Intro 225, am 1290-1292, psd 1292, 1311, H nonconc, conf 1491, rep adop 1524-1525, 1628, enr 1665 (Chapter 290)

HB 267, establishing the New Hampshire transportation council. (Transportation)
Intro 225, am 1158, psd 1158, 1191, H conc 1499, EBA 1649-1650, enr 1666 (Chapter 291)

HB 287, establishing a committee to study decriminalizing sex work. (Judiciary)
Intro 225, SO 542, SO 615-616, K (RC) 697-698, recon 698, K (RC) 698-699

HB 296, allowing counties to authorize and fund forensic audits. (Public and Municipal Affairs)
K 15

HB 298, relative to the mechanical licensing board. (Executive Departments and Administration)
Intro 225, am 1049-1052, psd 1052, 1081, H nonconc 1193

HB 305, clarifying lessee liability for month-to-month leases. (Commerce)
am 26-27, psd 27, 80, H conc 966, enr 993 (Chapter 18)

HB 314, relative to licensing requirements for autonomous vehicle testing and establishing an automated and connected vehicle testing and deployment commission. (Transportation)
Intro 225, rem cc 1087, SO 1087-1088, am 1284-1286, am 1286-1288, psd 1288, 1311, H nonconc, conf 1491, 1506, rep adop (RC) 1525-1529, 1628, EBA 1650, enr 1667, Veto sustained (RC) 1729-1731

HB 317, relative to changes in the system benefits charge. (Energy and Natural Resources)
Intro 225, SO 1087, SO 1201-1202, am 1315-1316, psd 1316, 1468, H nonconc, conf 1491-1492, rep adop 1529-1530, 1628, enr 1665 (Chapter 374)

HB 324, establishing a commission to study utility property valuation and recommend legislation to reform the current system of taxing utility property in New Hampshire. (Ways and Means)
Intro 902, SO 1189, am 1292, psd 1292, 1312, H conc 1499, enr 1663 (Chapter 238)

HB 337, relative to municipal regulations of small wind energy systems. (Energy and Natural Resources)
psd 45, 81, enr 108 (Chapter 2)

HB 342, establishing a commission to study the transition of certain regulatory authority to the department of environmental services from the Environmental Protection Agency. (Energy and Natural Resources)
K 45

HB 372, relative to construction of the terms “resident,” “inhabitant,” “residence,” and “residency.” (Election Law and Internal Affairs)
am (RC) 31-44, psd (RC) 44, 81, H nonconc, conf 1498, rep nso 1628

HB 388-FN, relative to special number plates for veterans. (Transportation)
Intro 315, Fin rep 1089, K 1091, 1092

HB 390, relative to parties on certain election forms and ballots. (Election Law and Internal Affairs)
am 6-8, psd 6, 15, 81, H conc 1193, enr 1478 (Chapter 165)

HB 407-FN, requiring workers’ compensation to cover prophylactic treatment for exposure. (Commerce)
Intro 902, Fin rep 1089, psd 1092, Fin 1092, SO 1202, psd 1373, 1469, enr 1518 (Chapter 166)

HB 410, relative to the legislative youth advisory council. (Executive Departments and Administration)
Intro 225, rem cc 702, SO 760, am 782-783, psd 783, 900, H conc 988, enr 1199 (Chapter 19)

HB 472, permitting qualifying patients to cultivate cannabis for their own therapeutic use. (Health and Human Services)
IS 54

HB 476, relative to the duties of registers of probate. (Judiciary)
Intro 556, Fin rep 1089, SO 1155, call Q 1272, IS (RC) 1266-1272

HB 485, relative to standards for emerging contaminants in drinking water, and relative to standards for perfluorochemicals in drinking water, ambient groundwater, and surface water. (Energy and Natural Resources)
Intro 225, Fin rep 1089, am 1097-1099, psd 1099, LT 1099, 1735

HB 492, relative to electric personal assistive mobility devices. (Transportation)
Intro 225, psd 942-943, 963, enr 993 (Chapter 20)

HB 500, relative to organizations that are authorized to issue decals. (Transportation)
Intro 225, rem cc 1087, SO 1088, K rej 1288-1289, am 1289, psd 1289, 1312, H conc 1499, EBA 1650-1651, enr 1666 (Chapter 371)

HB 523, establishing a committee to study the use and regulation of biometric information. (Commerce)
Intro 225, psd 1003, 1081, enr 1197 (Chapter 21)

HB 549-FN, relative to beverage vendor fees. (Commerce)
Fin rep 5, psd (RC) 27-28, Fin 28, am (RC) 201-206, psd (RC) 206, 222, H nonconc, conf 1305, rep adop 1530-1531, 1628, enr 1665 (Chapter 292)

HB 557-FN, relative to school attendance in towns with no public schools. (Education)
Fin rep 4, K 28-29

HB 559-FN, relative to expenditures from the energy efficiency fund. (Finance)
Intro 556, K (RC) 1112-1119

HB 560-FN-A-LOCAL, establishing keno. (Ways and Means)
Fin rep 5, IS 64-65

HB 561-FN, relative to part-time employment of a retirement system retiree by a participating employer. (Executive Departments and Administration)
Fin rep 5, RRC 47, Fin rep 111, am (RC) 122-131, am rej (RC) 131-135, psd (RC) 135, Fin 135, SO 269, K rej (RC) 295-300, am 300, psd 300, 312, H nonconc, conf 1306, rep adop 1531-1533, 1628, enr 1665 (Chapter 293)

HB 574-FN, increasing the limit on contributions to the community development finance authority for which an investment tax credit may be taken. (Ways and Means)
Fin rep 5, IS (RC) 65-67

HB 587-FN, relative to conversion therapy seeking to change a person's sexual orientation. (Health and Human Services)
Intro 315, Fin rep 998, SO 1033, am rej (RC) 1033-1046, am (RC) 1046-1048, psd (RC) 1049, 1081, H conc 1499, enr 1663 (Chapter 167)

HB 614-FN, relative to forfeiture of personal property. (Judiciary)
Fin rep 4, rem cc 5, IS (RC) 73-76

HB 628-FN, relative to a family and medical leave insurance program. (Finance)
Intro 902, IS (RC) 1119-1136

HB 1100, establishing a commission to review and evaluate workforce and job training in New Hampshire. (Commerce)
Intro 556, IS rej 1206-1207, am 1207-1213, am 1213-1214, am rej (RC) 1214-1218, rs 1219, am rej 1218-1220, psd 1220, 1312, H nonconc, conf 1492, rep adop 1533-1534, 1628, EBA 1651, enr 1667 (Chapter 344)

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. (Energy and Natural Resources)
Intro 556, Fin rep 1089, am 1099-1104, psd 1104, Fin 1104, SO 1202, psd 1374, 1469, H conc 1499, EBA 1651-1652, enr 1666 (Chapter 345)

HB 1102-FN, enabling the department of health and human services to contract with certain certified physicians. (Health and Human Services)
Intro 556, Fin rep 998, psd 1000, 1003, Fin 1003, SO 1202, SO 1374, am wthd 1436-1442, am 1442-1443, LT 1443, rem T 1460, am 1460-1461, Clerk 1461, psd 1461, 1469, H nonconc, conf 1492, rep adop 1535, 1628, EBA 1652, enr 1667 (Chapter 278)

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." (Health and Human Services)
Intro 556, Fin rep 1089, am 1144-1145, psd 1145, Fin 1145, SO 1202, am rej (RC) 1374-1382, psd 1382, 1469, H conc 1499, enr 1663 (Chapter 338)

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. (Executive Departments and Administration)
Intro 902, Fin rep 999, am 1052-1053, psd 1054, Fin 1054, SO 1202, psd 1325-1326, 1469, H conc 1499, EBA 1652-1653, enr 1665 (Chapter 279)

HB 1201, relative to an employee's earned but unused vacation time. (Commerce)
Intro 764, K 1092

HB 1202-LOCAL, relative to town revolving funds for group net metering. (Energy and Natural Resources)
Intro 315, psd 924, 963, enr 993 (Chapter 58)

HB 1215, relative to voting on variances. (Public and Municipal Affairs)
Intro 557, am 972, psd 972, 973, 987, H conc 1193, enr 1478 (Chapter 168)

HB 1216, relative to liability for deferred property taxes and relative to applications for abatement of property taxes. (Public and Municipal Affairs)
Intro 557, K 1090, 1092

HB 1217, amending the certification requirements for school nurses. (Education)
Intro 557, psd rej (RC) 973-977, K 977

HB 1227, relative to an unattended idling vehicle on private property. (Transportation)
Intro 557, psd 943, 963, enr 993 (Chapter 22)

HB 1228, removing the limitation on a chartered public school incurring long term debt. (Education)
Intro 557, LT rej (RC) 919, psd (RC) 913-923, 963, enr 993 (Chapter 372)

HB 1233, preempting local regulation of seeds and fertilizer. (Energy and Natural Resources)
Intro 557, SO 1202, psd 1316-1317, 1469, enr 1518 (Chapter 169)

HB 1237, relative to the definition of "public at large." (Public and Municipal Affairs)
Intro 557, K 1090, 1092

HB 1238, relative to animal cruelty involving an equine colt. (Energy and Natural Resources)
Intro 557, rem cc 1203, SO 1310, psd 1363, 1469, EBA 1513, enr 1519 (Chapter 170)

HB 1243, relative to exemptions from property attachments. (Rules and Enrolled Bills)
Intro 557, IS 1284

HB 1247, relative to administering oaths to certain state officers. (Public and Municipal Affairs)
Intro 557, psd 1076, 1081, enr 1197 (Chapter 23)

HB 1251, relative to indicia for payment of taxes on the transfer of real property. (Ways and Means)
Intro 315, SO 1088, Fin rep 1088, am rej 1293-1294, psd 1295, 1312, EBA 1513-1514, enr 1519 (Chapter 171)

HB 1252-FN, relative to certificates of insurance. (Commerce)
Intro 557, Fin rep 906, am 911, psd 911, 963, H conc 988, enr 1199 (Chapter 24)

HB 1254, establishing a committee to study the procedures for adoption of national codes by the state of New Hampshire; establishing a moratorium on the adoption of changes to the state building code and state fire code; and repealing the joint legislative oversight committee on the emergency management system. (Executive Departments and Administration)
Intro 557, rs 1257, am 1256-1257, am 1257-1259, psd 1259, 1312, H nonconc, conf 1492, rep adop 1535-1536, 1628, enr 1665 (Chapter 294)

HB 1256, relative to decal fees for multi-use veterans decal plates. (Transportation)
Intro 315, psd 981, 987, enr 1199 (Chapter 25)

HB 1258, relative to the advanced manufacturing education advisory council. (Education)
Intro 557, psd 923-924, 963, EBA 990, enr 1199 (Chapter 26)

HB 1260, relative to the payout value of bingo games at private campgrounds and hotels, the hours of operation of Keno, and the sale of Lucky 7 tickets during bingo games. (Ways and Means)
Intro 315, rs 1296, am 1295-1296, psd 1296, 1312, H conc 1499, enr 1666 (Chapter 295)

HB 1261, relative to record management of abuse and neglect reports. (Health and Human Services)
Intro 557, psd 1204, 1206, 1312, EBA 1514, enr 1519 (Chapter 172)

HB 1262-LOCAL, relative to online driver education. (Transportation)
Intro 764, IS 1091, 1092

HB 1264, relative to construction of the terms "resident," "inhabitant," "residence," and "residency." (Election Law and Internal Affairs)
Intro 557, am 1243-1244, LT rej (RC) 1252, psd (RC) 1256, 1312, H conc 1499, enr 1519 (Chapter 370)

HB 1265, relative to the release of criminal conviction records. (Judiciary)
Intro 557, am 1002-1003, psd 1002, 1003, 1081, H conc 1193, enr 1478 (Chapter 173)

HB 1271, changing the name of Industrial Drive at the Hugh Gallen Office Park to Ratification Way. (Transportation)
Intro 557, psd 908, 910, 963, enr 993 (Chapter 9)

HB 1273, relative to licensure of health care professionals employed at the Manchester Veterans Affairs Medical Center. (Health and Human Services)
Intro 557, am (RC) 932-935, psd 935, 963, H nonconc, conf 1306, rep nso 1628

HB 1276, adding an exemption for certain raffles conducted by charitable organizations and relative to charitable gaming licenses. (Ways and Means)
Intro 315, SO 1189, am 1296-1297, psd 1297, 1312, H conc 1499, enr 1663 (Chapter 239)

HB 1278, naming the rest area in Colebrook in honor of Frederick W. King, Sr. and naming a bridge in Farmington in honor of Major John W. Lawrence, Jr. (Transportation)
Intro 315, rem cc 386, SO 549, SO 616, SO 766, am 766-767, psd (RC) 767, 900, H conc 966, enr 993 (Chapter 10)

HB 1280-FN, relative to bow and arrow hunting licenses for permanently disabled military veterans. (Energy and Natural Resources)
Intro 557, Fin rep 906, psd 924, 963, enr 993 (Chapter 27)

HB 1281, establishing an executive order registry. (Rules and Enrolled Bills)
Intro 557, psd 939, 963, enr 993 (Chapter 28)

HB 1283, prohibiting sobriety checkpoints. (Judiciary)
Intro 557, K (RC) 1069-1073

HB 1284, relative to the reports required by the incapacitated and vulnerable adult fatality review committee. (Health and Human Services)
Intro 557, psd 980, 987, enr 1199 (Chapter 59)

HB 1285, relative to dancers and entertainers in premises serving alcoholic beverages. (Commerce)
Intro 557, SO 996, SO 1087, psd 1220-1221, 1312, enr 1518 (Chapter 174)

HB 1286, relative to fishing and hunting licenses for permanently disabled veterans. (Energy and Natural Resources)
Intro 557, Fin rep 906, rem cc 906, am (RC) 946-948, psd 948, 963, H nonconc, conf 1306, rep adop 1536-1537, 1629, EBA 1653, enr 1669 (Chapter 346)

HB 1288, relative to petitions for annulment. (Judiciary)
Intro 557, IS 1155-1156

HB 1289, relative to trespassing domestic fowl. (Energy and Natural Resources)
Intro 557, psd 999, 1003, 1081, enr 1197 (Chapter 60)

HB 1290, relative to vehicle registration for new residents to New Hampshire. (Transportation)
Intro 557, psd 908, 910, 964, enr 993 (Chapter 29)

HB 1292, relative to the effective dates of changes to the rates for the business profits tax and the business enterprise tax. (Ways and Means)
Intro 315, SO 760, am rej (RC) 773-782, psd 782, 900, enr 904 (Chapter 11)

HB 1294, relative to religious societies. (Public and Municipal Affairs)
Intro 557, am 1206, psd 1206, 1312, H conc 1499, enr 1663 (Chapter 240)

HB 1295, relative to persons held in civil contempt. (Judiciary)
Intro 902, SO 1155, K 1272-1273

HB 1303, relative to the purposes of revolving funds in towns. (Public and Municipal Affairs)
Intro 557, psd 938-939, 964, enr 993 (Chapter 30)

HB 1304, relative to the authorization for forensic audits by a county convention. (Public and Municipal Affairs)
Intro 557, psd 972, 973, 988, enr 1199 (Chapter 61)

HB 1307, relative to the first session of annual meetings. (Public and Municipal Affairs)
Intro 558, rem cc 1087, Fin rep 1088, SO 1189, K rej (RC) 1280, am 1280-1281, psd 1281, 1312, H conc 1499, enr 1663 (Chapter 241)

HB 1308-FN, relative to non-renewal of lines of business. (Commerce)
Intro 558, Fin rep 906, psd 911-912, 964, enr 993 (Chapter 31)

HB 1309, relative to transferring dogs, cats, and ferrets by animal shelter facilities. (Energy and Natural Resources)
Intro 558, psd 1203, 1206, 1312, enr 1518 (Chapter 175)

HB 1310, establishing a committee to study all non-regulatory boards and commissions. (Executive Departments and Administration)
Intro 558, K 1259

HB 1313, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile. (Judiciary)
Intro 902, rem cc 1203, SO 1310, IS rej (RC) 1366-1367, LT (RC) 1367, 1735

HB 1315, prohibiting the university system funds from being spent to oppose the formation of unions and collective bargaining units. (Finance)
Intro 558, K (RC) 1067

HB 1316-FN, relative to revenue collected from concealed carry licenses and relative to funding the permits and licensing unit of the state police. (Judiciary)
Intro 902, Fin rep 999, psd 1073, Fin 1073, SO 1202, K rej 1326, am (RC) 1326-1329, psd 1329, 1469, H conc 1499, enr 1664 (Chapter 242)

HB 1319, prohibiting discrimination based on gender identity. (Judiciary)
Intro 558, IS rej (RC) 1273-1275, psd (RC) 1275-1277, 1312, enr 1518 (Chapter 176)

HB 1322, relative to risk-based capital for health maintenance organizations. (Commerce)
Intro 315, psd 1003, 1081, EBA 1195, enr 1477 (Chapter 177)

HB 1327, relative to apprentice electricians. (Executive Departments and Administration)
Intro 558, am (RC) 1259-1261, LT rej 1261, psd (RC) 1261, 1312, H conc 1499, enr 1664 (Chapter 243)

HB 1329, relative to eyewitness identification procedures. (Judiciary)
Intro 558, psd 1156, 1191, EBA 1471, enr 1517 (Chapter 347)

HB 1331, relative to incidental uses for agricultural plates. (Transportation)
Intro 558, am 909, psd 909, 910, 964, H conc 1084, enr 1197 (Chapter 62)

HB 1332, allowing warrant articles to be split by the deliberative session. (Public and Municipal Affairs)
Intro 315, K 1090, 1092

HB 1334, establishing a commission to review the structure of motor vehicle laws. (Transportation)
Intro 315, psd 405, 551, enr 764 (Chapter 7)

HB 1335, relative to the cybersecurity software used by the state of New Hampshire. (Executive Departments and Administration)
Intro 558, psd 978, 988, EBA 1084, enr 1197 (Chapter 63)

HB 1340, relative to absences among officers required to be present at school district elections. (Public and Municipal Affairs)
Intro 558, psd 1090, 1092, 1191, enr 1478 (Chapter 178)

HB 1346, establishing a commission to study the New Hampshire veterans cemetery. (Public and Municipal Affairs)
Intro 315, am 759-760, psd 760, 763, H conc 966, enr 993 (Chapter 32)

HB 1347, relative to information to be included in the minutes under the right-to-know law. (Judiciary)
Intro 902, am 1277-1278, psd 1278, 1312, H conc 1499, enr 1664 (Chapter 244)

HB 1349, relative to biological products and diagnostic reagents for animal use. (Energy and Natural Resources)
Intro 315, psd 924-925, 964, enr 993 (Chapter 33)

HB 1352-FN, eliminating the nonresident freshwater bait dealers license and relative to hunting adventure permits. (Energy and Natural Resources)
Intro 558, Fin rep 906, rs 926, am 925-926, psd 926, 964, H conc 1084, enr 1197 (Chapter 64)

HB 1354, relative to the speaker of the house of representatives and senate president as members of the university system board of trustees. (Finance)
Intro 558, am 1067-1068, psd 1068, 1081, H nonconc, conf 1492, rep adop 1537-1538, 1629, EBA 1653, enr 1667 (Chapter 348)

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. (Health and Human Services)
Intro 558, Fin rep 998, am 1000-1001, psd 1000, 1003, Fin 1003, SO 1202, am 1329-1331, psd 1331, 1469, H nonconc, conf 1492-1493, rep adop 1538-1539, 1629, EBA 1653-1654, enr 1667 (Chapter 296)

HB 1357, relative to the delivery of articles to a prisoner in a state or county correctional facility. (Judiciary)
Intro 315, psd 1073-1074, 1081, enr 1197 (Chapter 65)

HB 1361, relative to county audits. (Public and Municipal Affairs)
Intro 558, K 1090, 1092

HB 1363, relative to the waiver of vehicle registration suspension fees. (Transportation)
Intro 558, psd 909, 910, 964, enr 993 (Chapter 34)

HB 1364, relative to use of amber lights on vehicles. (Transportation)
Intro 315, psd 943, 964, enr 993 (Chapter 66)

HB 1365, relative to OHRV operation on public ways. (Transportation)
Intro 558, K 1158-1159

HB 1370, relative to a school's emergency management plan. (Education)
Intro 315, am 387, psd 386-387, 405, 551, H conc 902, EBA 903-904, enr 994 (Chapter 35)

HB 1372, prohibiting the implanting of subcutaneous identification devices in individuals. (Judiciary)
Intro 558, am 1278-1279, psd 1279, 1312, H conc 1499, enr 1664 (Chapter 245)

HB 1373, relative to an individual's property right in his or her DNA. (Judiciary)
Intro 903, IS 1204, 1206

HB 1374, relative to financial regulation technicals. (Commerce)
Intro 558, psd 912, 964, enr 994 (Chapter 36)

HB 1377, relative to emancipation by marriage and establishing a committee to study the emancipation of minors. (Judiciary)
Intro 558, am 1205, psd 1204, 1206, 1312, H nonconc, conf 1493, rep adop 1539-1540, 1629, enr 1665 (Chapter 297)

HB 1378, relative to domestic insurance company investments. (Commerce)
Intro 558, psd 912, 964, EBA 991, enr 1199 (Chapter 67)

HB 1379, relative to confidentiality of forms and rates. (Commerce)
Intro 558, psd 912, 964, enr 994 (Chapter 37)

HB 1382, repealing the requirement that restaurants provide separate bathrooms for each sex. (Commerce)
Intro 558, LT 1221, 1735

HB 1386, establishing a joint committee on employee relations. (Executive Departments and Administration)
Intro 316, SO 754, psd 767-768, 900, enr 904 (Chapter 12)

HB 1389, relative to commercial lines modernization. (Commerce)
Intro 558, psd 913, 964, EBA 991, enr 1199 (Chapter 68)

HB 1392, relative to tallies of votes on budget items or warrant articles. (Public and Municipal Affairs)
Intro 316, rem cc 1203, SO 1311, am rej 1367-1368, am 1368-1369, psd 1369, 1469, H conc 1499, enr 1664 (Chapter 246)

HB 1401, relative to the New Hampshire accountancy act. (Finance)
Intro 558, psd 1068, 1081, enr 1197 (Chapter 69)

HB 1402, relative to ordinances regarding forestry activities. (Energy and Natural Resources)
Intro 316, SO 996, SO 1087, SO 1202, psd 1317-1318, 1469, enr 1518 (Chapter 179)

HB 1404, relative to the competing harms defense. (Judiciary)
Intro 558, K 1205, 1206

HB 1407, repealing the prohibition on the use of milk containers. (Commerce)
Intro 316, psd 1003-1004, 1081, enr 1197 (Chapter 70)

HB 1411-FN-A, relative to funds transferred to the nongame species account. (Finance)
Intro 903, psd 1137, 1191, enr 1478 (Chapter 180)

HB 1415-FN-A, establishing a death benefit for a school employee killed in the line of duty and making an appropriation to the public school infrastructure fund. (Executive Departments and Administration)
Intro 903, Fin rep 968, psd 969, 973, Fin 973, K rej 1137-1138, rs rej (RC) 1138-1140, LT (RC) 1140-1141, rem T 1163, rs 1164, am (RC) 1163-1171, psd 1171, 1191, H nonconc, conf 1493, 1506, rep adop 1540, 1629, EBA 1654, enr 1667 (Chapter 349)

HB 1416-FN, repealing the prohibition on bottle rockets. (Commerce)
Intro 558, Fin rep 1088, psd (RC) 1092-1094, 1191, enr 1478 (Chapter 38)

HB 1418-FN, relative establishing a commission to study greater transparency in pharmaceutical costs and drug rebate programs. (Health and Human Services)
Intro 558, Fin rep 1088, am 1145-1146, psd 1146, 1191, H conc 1499, EBA 1654-1655, enr 1667 (Chapter 350)

HB 1420-FN, relative to a criminal penalty for driving after certification as an habitual offender. (Judiciary)
Intro 558, Fin rep 968, psd 970, 973, 988, enr 1199 (Chapter 71)

HB 1421-FN, relative to the regulation of event tents. (Executive Departments and Administration)
Intro 558, Fin rep 906, psd 926, 964, enr 994 (Chapter 39)

HB 1425-FN, relative to simple assault. (Judiciary)
Intro 558, Fin rep 906, K 908, 910

HB 1427-FN, relative to the reduction in the calculation of state retirement system annuities at age 65. (Executive Departments and Administration)
Intro 558, Fin rep 999, am 1054-1055, psd 1055, Fin 1055, SO 1202, K rej (RC) 1331-1332, LT (RC) 1332-1333, 1735

HB 1428-FN, relative to roadside memorials. (Transportation)
Intro 558, Fin rep 1088, am 1159, psd 1160, 1191, H nonconc, conf 1493, rep nso 1628

HB 1441-FN, establishing the office of the ombudsman in the department of state. (Executive Departments and Administration)
Intro 559, Fin rep 906, K 907, 910

HB 1443, relative to a jury's determination as to the applicability of a law. (Judiciary)
Intro 764, K (RC) 1279

HB 1446, relative to childhood cancer awareness month. (Public and Municipal Affairs)
Intro 559, psd 908, 910, 964, enr 994 (Chapter 351)

HB 1450, relative to retention of job applications and personnel files. (Public and Municipal Affairs)
Intro 559, am 1091, psd 1091, 1092, 1191, H conc 1499, enr 1664 (Chapter 247)

HB 1453, relative to the traffic safety commission. (Transportation)
Intro 559, psd 909, 910, 964, EBA 991-992, enr 1199 (Chapter 72)

HB 1454, eliminating the commission to study recommendations of the National Transportation Safety Board. (Transportation)
Intro 559, psd 909, 910, 964, enr 994 (Chapter 40)

HB 1455, relative to vehicle operation at uncontrolled intersections. (Transportation)
Intro 316, psd 943, 964, enr 994 (Chapter 41)

HB 1458, relative to exempting certain rules governing marine species from the administrative procedures act and relative to immunity for campground owners. (Energy and Natural Resources)
Intro 559, SO 968, SO 1087, SO 1202, rs 1320, call Q 1325, am (RC) 1318-1325, psd 1325, 1469, H nonconc 1500

HB 1467, relative to the penalty for driving after revocation or suspension. (Judiciary)
Intro 559, K 1205, 1206

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. (Health and Human Services)
Intro 559, am 980-981, psd 981, Fin 981, SO 1202, rs 1334, am 1333-1334, psd 1334, 1469, H conc 1499, EBA 1655-1656, enr 1666 (Chapter 298)

HB 1471-FN, relative to telemedicine and establishing a committee to study health care reimbursement for telemedicine and telehealth. (Health and Human Services)
Intro 903, Fin rep 968, psd 981, 988, enr 1199 (Chapter 267)

HB 1472, relative to the state building code provisions for energy conservation in new building construction. (Executive Departments and Administration)
Intro 559, psd 1261-1262, 1312, enr 1518 (Chapter 181)

HB 1473-FN, relative to the timber yield tax. (Public and Municipal Affairs)
Intro 559, Fin rep 998, am 1076-1077, psd 1077, 1081, H conc 1193, enr 1478 (Chapter 182)

HB 1474, designating the New Hampshire Red as the official state poultry. (Energy and Natural Resources)
Intro 764, psd 969, 973, 988, enr 1199 (Chapter 268)

HB 1476, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use. (Health and Human Services)
Intro 559, SO 1203, call Q 1351, IS (RC) 1351, recon 1353, IS (RC) 1353

HB 1477-FN, relative to annulment of arrests or convictions for possession of 3/4 of an ounce of marijuana, or less. (Judiciary)
Intro 559, Fin rep 998, LT 1074, rem T rej (RC) 1468, 1735

HB 1480, relative to the membership of the board of trustees of a chartered public school. (Education)
Intro 559, K 907, 910

HB 1483, amending the wiretapping and eavesdropping statute to include private communication networks. (Judiciary)
Intro 559, psd 1156, 1191, enr 1478 (Chapter 183)

HB 1484, relative to late fees in manufactured housing parks. (Public and Municipal Affairs)
Intro 559, psd (RC) 1077-1078, 1081, enr 1197 (Chapter 73)

HB 1487, relative to banks and credit unions. (Commerce)
Intro 559, psd 1221, 1312, enr 1518 (Chapter 184)

HB 1488, establishing a committee to study the public utilities commission's role and scope of duties in a deregulated environment. (Energy and Natural Resources)
Intro 559, IS 1203, 1206

HB 1493, relative to the statewide assessment system of performance in schools. (Education)
Intro 559, psd 907, 910, 964, enr 994 (Chapter 42)

HB 1494, relative to the definition of academic standards. (Education)
Intro 559, psd 907, 910, 964, enr 994 (Chapter 280)

HB 1495, relative to standards for determining an adequate education. (Education)
Intro 559, am 1010-1011, psd 1011, 1081, H conc 1499, EBA 1656, enr 1666 (Chapter 299)

HB 1496, relative to requirements for performance based accountability for an adequate education and relative to reporting requirements for the civics competency assessment. (Education)
Intro 559, am 1011-1012, am 1012-1013, psd 1013, 1081, H nonconc, conf 1493, rep adop 1541, 1629, EBA 1656-1657, enr 1667 (Chapter 352)

HB 1497, relative to accountability for school performance. (Education)
Intro 559, psd 1013, 1081, EBA 1471-1472, enr 1517 (Chapter 185)

HB 1498, relative to alternate certification pathways for career and technical education instructors. (Education)
Intro 559, SO 996, SO 1087, psd rej 1232, K 1232

HB 1499, relative to the focus and components of New Hampshire kindergartens. (Education)
Intro 903, psd (RC) 1013-1017, 1081, enr 1197 (Chapter 269)

HB 1501-FN, relative to regulation of consultants for games of bingo and lucky 7. (Ways and Means)
Intro 559, Fin rep 1088, SO 1189, am 1297-1298, psd 1298, 1312, H nonconc, conf 1493-1494, rep adop 1541-1542, 1629, enr 1665 (Chapter 300)

HB 1502, adding the utility property tax exclusion for exempt water and air pollution control facilities to tax expenditure review. (Ways and Means)
Intro 559, SO 1189, K 1298

HB 1506-FN, relative to the commission on primary care workforce issues. (Executive Departments and Administration)
Intro 559, Fin rep 906, SO 998, am (div) 1055-1057, am rej (RC) 1057-1063, psd 1064, 1081, H conc 1499, enr 1664 (Chapter 248)

HB 1509-FN, authorizing Granite Pathways to issue decals for multi-use decal number plates. (Transportation)
Intro 316, Fin rep 968, LT 983, 1735

HB 1513-FN, authorizing the New Hampshire Law Enforcement Officers Memorial Association to issue decals for multi-use decal plates. (Transportation)
Intro 316, Fin rep 968, LT 983-984, 1735

HB 1515, relative to an exemption from the combustion ban on construction and demolition debris. (Energy and Natural Resources)
Intro 559, rem cc 1203, SO 1310, am 1363, am 1363-1364, psd 1364, 1469, H conc 1499, enr 1664 (Chapter 249)

HB 1517, relative to vehicle inspection failures for rust. (Transportation)
Intro 559, psd 909, 910, 964, enr 994 (Chapter 43)

HB 1518, repealing the requirement that motor vehicle lighting and safety equipment be approved by the director of the division of motor vehicles. (Transportation)
Intro 316, psd 910, 964, enr 994 (Chapter 44)

HB 1519, relative to the conduct of condominium unit owners' associations votes without a meeting. (Commerce)
Intro 559, psd 1221-1222, 1312, enr 1519 (Chapter 187)

HB 1521, relative to the definition of an emergency for a special assessment in a condominium. (Commerce)
Intro 903, psd 1222, 1312, enr 1518 (Chapter 186)

HB 1523, relative to heavy duty recovery vehicles. (Transportation)
Intro 560, psd 910, 964, enr 994 (Chapter 74)

HB 1530, requiring criminal history records checks for applicants for allied health professional licensure or certification. (Executive Departments and Administration)
Intro 560, am 1262-1263, psd 1263, 1312, H conc 1499, enr 1664 (Chapter 250)

HB 1533, relative to termination of variances and special exceptions. (Public and Municipal Affairs)
Intro 560, psd 972, 973, 988, enr 1199 (Chapter 75)

HB 1537, relative to a second opinion on health care matters for state or county prisoners. (Judiciary)
Intro 316, IS 1205, 1206

HB 1538-FN, limiting the liability of successor corporations for asbestos-related claims. (Transportation)
Intro 316, Fin rep 968, LT 984, rem T 1425, rs 1429, wthd 1429, am (RC) 1425-1431, psd 1431, 1469, H nonconc 1500

HB 1545, relative to the statewide interoperability executive committee. (Executive Departments and Administration)
Intro 560, am 1263, psd 1263, 1312, H conc 1499, enr 1664 (Chapter 251)

HB 1546-FN, authorizing the town of Hampton to hold a special town meeting. (Transportation)
Intro 316, Fin rep 968, LT 984, rs 1521, rem T 1521, am 1521-1522, psd 1522, H conc 1628, enr 1665 (Chapter 117)

HB 1549, relative to the availability of vehicle accident reports. (Transportation)
Intro 903, rem cc 1087, SO 1189, LT 1289, 1735

HB 1550, requiring electric bills to include the cost of compliance with renewable energy standards. (Energy and Natural Resources)
Intro 903, rem cc 1203, SO 1310, IS rej 1364, am 1364-1365, psd 1366, 1460, H nonconc, conf 1494, rep adop 1542, enr 1629 (Chapter 375)

HB 1551, relative to the retention of records of individualized education programs. (Education)
Intro 316, psd 907, 964, EBA 992, enr 1199 (Chapter 76)

HB 1554-FN, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes. (Ways and Means)
Intro 560, Fin rep 1089, SO 1189, am rej (RC) 1298-1305, LT 1305, 1735

HB 1555, relative to participation by the public utilities commission in regional activities. (Energy and Natural Resources)
Intro 764, psd 1104, 1191, enr 1478 (Chapter 376)

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. (Health and Human Services)
Intro 560, Fin rep 999, SO 1203, am 1351-1353, psd 1353, 1469, H nonconc, conf 1494, rep adop 1542-1543, 1629, enr 1665 (Chapter 301)

HB 1564-FN, relative to sexual assault of a victim who is incarcerated in a correctional institution by a person with supervisory or disciplinary authority over the victim. (Judiciary)
Intro 316, Fin rep 968, am 971, psd 971, 973, 988, H conc 1084, EBA 1195, enr 1478 (Chapter 159)

HB 1565-FN, requiring the secure psychiatric unit to be accredited as a behavioral health facility. (Health and Human Services)
Intro 560, Fin rep 1089, am 1146-1148, am rej (RC) 1148-1152, psd 1152, Fin 1152, SO 1202, am rej (RC) 1383-1386, psd 1386, 1469, H nonconc, conf 1494, rep adop 1543-1544, 1629, EBA 1657, enr 1667 (Chapter 353)

HB 1571, authorizing an alternative recovery monitoring program for nurses licensed by the board of nursing. (Executive Departments and Administration)
Intro 560, psd 969, 973, 988, enr 1199 (Chapter 270)

HB 1575, permitting hunting with an air rifle. (Energy and Natural Resources)
Intro 560, psd 907, 910, 964, EBA 992-993, enr 1199 (Chapter 77)

HB 1577, relative to the administration of anesthesia by dentists. (Health and Human Services)
Intro 560, am 1001, psd 1001, 1003, 1081, H conc 1193, EBA 1472, enr 1517 (Chapter 188)

HB 1578, relative to samples from nano breweries. (Commerce)
Intro 560, Fin rep 999, IS 1222

HB 1579-FN, requiring records to be kept for certain exempt convenings under the right-to-know law. (Public and Municipal Affairs)
Intro 764, Fin rep 998, K 1078-1079

HB 1581, relative to commencement of an administrative license suspension. (Transportation)
Intro 316, K 943-944

HB 1586, relative to judicial review for underage marriage. (Judiciary)
Intro 903, psd 1205, 1206, 1312, EBA 1514-1515, enr 1519 (Chapter 271)

HB 1587, relative to the minimum age for marriage. (Judiciary)
Intro 560, psd 1205, 1206, 1312, enr 1518 (Chapter 272)

HB 1589, relative to actions against tenants for a caregiver under an agreement for a person with disabilities. (Judiciary)
Intro 560, psd 1156-1157, 1191, enr 1478 (Chapter 189)

HB 1592-FN, requiring the commissioner of the department of environmental services to review ambient groundwater standards for arsenic. (Energy and Natural Resources)
Intro 903, Fin rep 998, am 1032-1033, psd 1033, Fin 1033, SO 1202, LT rej (RC) 1334, LT (RC) 1336-1337, rem T 1431, K rej 1431, am 1432-1435, psd 1435, 1469, H conc 1499, enr 1519 (Chapter 190)

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. (Public and Municipal Affairs)
Intro 560, psd 972, 973, 988, EBA 1195-1196, enr 1477 (Chapter 191)

HB 1595, relative to the use of the left lane of a multilane roadway. (Transportation)
Intro 560, rem cc 1087, SO 1189, am 1290, psd 1290, 1312, H conc 1499, enr 1664 (Chapter 281)

HB 1598-LOCAL, relative to the vote to withdraw from a cooperative school district. (Education)
Intro 560, psd 977, 988, enr 1199 (Chapter 78)

HB 1599, relative to the governor's commission on disability. (Executive Departments and Administration)
Intro 560, psd 978, 988, enr 1199 (Chapter 79)

HB 1601, relative to a declarant's options for condominium expansion. (Commerce)
Intro 560, psd (RC) 1222-1225, 1312, LT 1225, rem T 1225, EBA 1515, enr 1519 (Chapter 192)

HB 1603, relative to employee representation on the independent investment committee in the New Hampshire retirement system. (Executive Departments and Administration)
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HB 1605, relative to reinsurance. (Commerce)
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Intro 560, psd 935, 964, EBA 1085, enr 1197 (Chapter 80)

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Intro 560, am 1017-1018, psd 1018, 1081, H conc 1499, enr 1664 (Chapter 252)

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Intro 316, rem cc 1087, Fin rep 1089, SO 1174, am 1183-1189, psd 1189, Fin 1189, SO 1202, am 1387, psd (RC) 1389, 1469, H nonconc, conf 1494, 1506, rep adop (RC) 1544, H rej rep 1630

HB 1615, relative to speed limits in work zones. (Transportation)
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Intro 560, psd 1064, 1081, enr 1197 (Chapter 82)

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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. (Finance)
Intro 560, SO 1202, rs 1338, am rej 1337-1338, am rej (RC) 1338-1341, am 1341-1344, psd 1344, LT 1344, rem T 1435, am 1435-1436, Clerk 1468, psd 1436, 1469, H nonconc, conf 1494, rep adop 1544-1545, 1629, enr 1665 (Chapter 302)

HB 1627-FN, prohibiting the transmission of images or sounds of another person who is on private property or to conduct surveillance activity. (Judiciary)
Intro 903, SO 996, Fin rep 998, SO 1087, IS 1279-1280

HB 1636, 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. (Education)
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HB 1637, requiring school districts to establish policies relating to suspensions and expulsions. (Education)
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HB 1651, establishing a committee to study the use of liquid de-icers and solid salt on roads. (Transportation)
Intro 316, am 944, psd 944, 964, H conc 1084, enr 1198 (Chapter 84)

HB 1654, relative to automobile medical payments. (Commerce)
Intro 561, psd (div) 1225-1226, 1312, enr 1518 (Chapter 195)

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Intro 561, psd 1004, 1081, enr 1198 (Chapter 85)

HB 1661, relative to a marriage petition by a party under age. (Judiciary)
Intro 561, am 1074, psd 1074, 1081, H conc 1193, enr 1478 (Chapter 273)

HB 1663, establishing a committee to study reimbursement rates under automobile insurance policies. (Commerce)
Intro 561, psd 913, 964, enr 993 (Chapter 13)

HB 1664, relative to terms of appointment of members of governing boards for allied health professionals. (Executive Departments and Administration)
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HB 1665, relative to the authority of the governing boards of allied health professionals. (Executive Departments and Administration)
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HB 1672-FN, prohibiting release of certain information relative to users of therapeutic cannabis to federal agencies. (Judiciary)
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HB 1673-FN-LOCAL, relative to the interest charged on late and delinquent property tax payments and relative to prorated assessments for damaged buildings. (Ways and Means)
Intro 561, Fin rep 1089, SO 1173, am rej 1175-1177, am 1177-1179, psd 1179, Fin 1179, SO 1202, rs 1390, am 1389-1391, psd 1391, 1470, H conc 1499, enr 1664 (Chapter 282)

HB 1674, relative to computer science and digital skills required for an adequate education. (Education)
Intro 561, psd 977, 988, enr 1199 (Chapter 274)

HB 1675, relative to state house Internet service and relative to calendars and journals of the house and senate. (Rules and Enrolled Bills)
Intro 316, IS 939-940

HB 1676-FN, repealing the licensing requirement for open-air shows and repealing the laws related to the keeping of billiard tables. (Executive Departments and Administration)
Intro 561, Fin rep 906, K 926-927

HB 1682-FN, establishing a committee to study the pervasiveness of foreclosure practices that violate state or federal law. (Commerce)
Intro 764, Fin rep 999, K 1226

HB 1683-FN, relative to the definition of child abuse. (Judiciary)
Intro 561, Fin rep 906, psd 908, 910, 964, enr 994 (Chapter 45)

HB 1684, relative to criminal background checks for emergency medical services license applicants. (Executive Departments and Administration)
Intro 561, psd 1065-1066, 1081, enr 1198 (Chapter 88)

HB 1685-FN, establishing a statutory commission for oversight over occupational regulation. (Executive Departments and Administration)
Intro 561, Fin rep 906, K (RC) 927-932, LT 932, rem T 935, K 935

HB 1686-FN, relative to applications for and the use of education tax credits. (Ways and Means)
Intro 764, Fin rep 1089, SO 1173, psd (RC) 1180-1182, Fin 1182, SO 1202, am rej (RC) 1391-1395, psd (RC) 1396, 1470, enr 1518 (Chapter 341)

HB 1687, relative to banking and consumer credit. (Commerce)
Intro 561, psd 1226-1227, 1312, enr 1518 (Chapter 196)

HB 1689-FN, repealing the repeal of the pollution prevention program of the department of environmental services. (Energy and Natural Resources)
Intro 561, Fin rep 997, psd 999, 1003, 1082, enr 1198 (Chapter 89)

HB 1690-FN, relative to liquor licenses. (Commerce)
Intro 561, SO 996, Fin rep 998, SO 1087, am rej (RC) 1227-1228, psd 1228, 1312, enr 1518 (Chapter 197)

HB 1692-FN, allowing liquor licensees to select an anniversary for renewal. (Commerce)
Intro 561, Fin rep 998, psd 1004, 1082, enr 1477 (Chapter 161)

HB 1697-FN, relative to organizations authorized to issue decals for multi-use decal plates. (Transportation)
Intro 561, SO 967, Fin rep 968, am 981-982, am 982-983, psd 983, 988, H nonconc, conf 1498, rep adop 1545-1546, enr 1629 (Chapter 373)

HB 1698-FN-LOCAL, relative to the cost of special education services for foster children. (Education)
Intro 903, Fin rep 998, psd 1019, 1082, enr 1198 (Chapter 90)

HB 1700, relative to the procedure for placing a security freeze on a consumer credit report. (Commerce)
Intro 561, psd 1094, 1191, enr 1478 (Chapter 198)

HB 1715-FN, establishing a committee to study options for tenants to dispute a rent increase in a manufactured housing park if such increase was arbitrary and unreasonable. (Commerce)
Intro 561, Fin rep 1088, K (RC) 1094-1096

HB 1718-FN, relative to surveillance on the public ways of the state. (Transportation)
Intro 903, Fin rep 1088, IS 1160

HB 1719-FN, relative to donations of liquor to nonprofits. (Commerce)
Intro 561, Fin rep 998, am 1005, psd 1006, 1082, H conc 1193, enr 1197 (Chapter 16)

HB 1720-FN, relative to the storage of beverages produced by contract brewers. (Commerce)
Intro 561, Fin rep 998, psd 1006-1007, 1082, EBA 1196, enr 1478 (Chapter 199)

HB 1725-FN, relative to wine samples and samples for consumption on the premises of a beverage manufacturer. (Commerce)
Intro 764, Fin rep 998, am rej 1007-1008, am wthd 1008-1010, LT 1010, 1735

HB 1731-FN, relative to regulating bicycles. (Transportation)
Intro 316, Fin rep 906, psd 944-945, 964, enr 994 (Chapter 46)

HB 1736, relative to increasing the threshold required for governor and council approval of expenditures from the dam maintenance fund. (Finance)
Intro 561, psd 979, 988, enr 1199, Veto sustained (RC) 1725, 1731

HB 1738, transferring the division of film and digital media to the division of travel and tourism in the department of business and economic affairs. (Executive Departments and Administration)
Intro 561, am 1066, psd 1067, 1082, H conc 1193, EBA 1472-1473, enr 1517 (Chapter 200)

HB 1739-FN, prohibiting female genital mutilation. (Judiciary)
Intro 316, Fin rep 968, am 971-972, psd 971, 973, 988, H conc 1084, EBA 1473, enr 1517 (Chapter 354)

HB 1740, relative to costs of blood testing orders. (Commerce)
Intro 561, am rej 1229-1231, psd 1231, 1313, EBA 1516, enr 1519 (Chapter 201)

HB 1741, relative to a definition of "contracted copayment" for purposes of the managed care law. (Health and Human Services)
Intro 561, LT 938, 1735

HB 1743-FN, relative to funding for the Sununu youth services center, relative to positions at the department of health and human services, and establishing a committee to study alternatives to the continued use of the Sununu youth services center. (Finance)
Intro 561, SO 1202, am 1344-1346, psd 1346, 1470, H nonconc, conf 1495, rep adop 1546-1549, 1629, EBA 1657-1658, enr 1668 (Chapter 355)

HB 1744, authorizing a parent to exempt his or her child from participating in the statewide assessment program. (Education)
Intro 562, psd (RC) 1019-1022, 1082, enr 1198 (Chapter 91)

HB 1746-FN, relative to the practices of pharmacy benefit managers. (Health and Human Services)
Intro 562, Fin rep 997, psd 1002, 1003, 1082, enr 1198 (Chapter 92)

HB 1753-FN, relative to transportation of alcoholic beverages by a minor. (Judiciary)
Intro 562, Fin rep 998, am 1075, psd 1075, 1082, H nonconc, conf 1307, rep adop 1549-1550, enr 1629 (Chapter 303)

HB 1756-FN-A, relative to a one-time allowance for certain state retirees. (Finance)
Intro 562, K rej (RC) 1141-1144, LT 1144, rem T 1171, am 1172-1173, psd 1173, 1191, H conc 1499, EBA 1658, enr 1666 (Chapter 304)

HB 1761, relative to the math learning communities program in secondary schools. (Education)
Intro 562, rs 1025, am 1022-1025, am (RC) 1025-1032, psd 1032, 1082, H nonconc, conf 1495, rep adop 1550, 1629, enr 1665 (Chapter 305)

HB 1763-FN-A, establishing a road usage fee and making an appropriation therefor. (Transportation)
Intro 903, Fin rep 1089, IS 1091, 1092

HB 1766-FN, requiring the department of environmental services to report to the general court regarding bedrock testing and perfluorochemical contamination in the Seacoast area and at other landfills and hazardous waste sites. (Energy and Natural Resources)
Intro 562, Fin rep 1088, am (RC) 1105-1107, am rej (RC) 1107-1112, psd (RC) 1112, 1191, H nonconc, conf 1495, rep adop 1550-1551, 1629, enr 1665 (Chapter 306)

HB 1769-FN, relative to maintenance of certification by physicians or applicants for a license to practice medicine in New Hampshire. (Health and Human Services)
Intro 562, Fin rep 997, IS 1002, 1003

HB 1774, relative to parenting plans and relocation of a child's residence. (Judiciary)
Intro 562, psd 1206, 1313, enr 1518 (Chapter 202)

HB 1775, relative to the appointment of guardians ad litem in parenting cases and relative to alcohol and drug free housing. (Judiciary)
Intro 562, Fin rep 1089, am 1157, psd 1157, Fin 1157, SO 1202, am 1396-1399, psd 1399, 1470, H nonconc, conf 1495, rep adop 1551-1552, 1629, enr 1665 (Chapter 307)

HB 1777-FN, relative to energy infrastructure corridor revenue. (Energy and Natural Resources)
Intro 562, Fin rep 997, psd 999-1000, 1003, 1082, enr 1198 (Chapter 93)

HB 1781, relative to condominiums with 10 or fewer residential units. (Commerce)
Intro 562, IS 1231-1232

HB 1782-FN, establishing a committee to study insurance payments to ambulance providers and balance billing by ambulance providers. (Health and Human Services)
Intro 562, Fin rep 997, psd 1002, 1003, 1082, enr 1198 (Chapter 94)

HB 1785, changing "hearing impaired" to "deaf" or "hard of hearing" in the New Hampshire laws. (Health and Human Services)
Intro 316, SO 905, psd (RC) 910, 964, enr 994 (Chapter 275)

HB 1786-LOCAL, prohibiting costs for inspection of governmental records under the right-to-know law. (Public and Municipal Affairs)
Intro 562, LT 1157-1158, 1735

HB 1788-FN-LOCAL, relative to costs charged under the right-to-know law. (Judiciary)
Intro 764, Fin rep 998, LT 1076, 1735

HB 1791-FN, allowing pharmacists to disclose information relative to lower cost drugs under the managed care law and relative to biological products dispensed by pharmacists. (Health and Human Services)
Intro 562, rem cc 1087, SO 1088, Fin rep 1088, SO 1203, am 1353-1354, am (RC) 1354-1357, psd 1357, 1470, H conc 1500, enr 1664 (Chapter 164)

HB 1795, eliminating the oversight commission on motor vehicle fines. (Transportation)
Intro 562, LT rej (div) 945, psd 945, 964, enr 994 (Chapter 47)

HB 1796, relative to the legislative oversight committee on electric utility restructuring. (Energy and Natural Resources)
Intro 562, am 1204, psd 1203-1204, 1206, 1313, H conc 1500, enr 1664 (Chapter 253)

HB 1805, establishing a committee to study level dollar amortization of retirement system unfunded accrued liability and relative to the retirement system board of trustees. (Executive Departments and Administration)
Intro 562, psd 1265, 1313, enr 1518 (Chapter 203)

HB 1807-FN, relative to exploitation of elderly, disabled, or impaired adults and establishing a protective order for vulnerable adults. (Health and Human Services)
Intro 562, SO 968, Fin rep 969, 998, SO 1068, Fin rep 1088, am 1153-1155, psd (RC) 1155, 1191, H conc 1500, EBA 1658, enr 1666 (Chapter 308)

HB 1808, repealing certain inactive dedicated funds. (Finance)
Intro 562, psd 979-980, 988, EBA 1196-1197, enr 1477 (Chapter 204)

HB 1809-FN, relative to balance billing under the managed care law and relative to coverage for emergency services. (Health and Human Services)
Intro 562, SO 1088, Fin rep 1088, SO 1203, am 1357-1359, psd (RC) 1359-1360, 1470, H conc 1500, EBA 1659, enr 1666 (Chapter 356)

HB 1810, establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them. (Energy and Natural Resources)
Intro 562, psd 1000, 1003, 1082, enr 1198 (Chapter 95)

HB 1816-FN, relative to Medicaid managed care. (Health and Human Services)
Intro 903, Fin rep 999, SO 1203, am 1360-1361, psd (RC) 1361, 1470, H conc 1500, EBA 1816, enr 1666 (Chapter 309)

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; 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; making an appropriation for recovery friendly workplaces; relative to kindergarten funding; relative to transitional housing; relative to the state loan repayment program; relative to disproportionate share hospital payments and making an appropriation therefor; and relative to the uncompensated care and Medicaid fund. (Executive Departments and Administration)
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HB 1819-FN, relative to administration of the education tax credit. (Ways and Means)
Intro 903, Fin rep 1089, SO 1189, SO 1305, am 1362, psd 1362, 1470, H conc 1500, EBA 1661-1662, enr 1669 (Chapter 357)

HB 1822-FN, making hormonal contraceptives available directly from pharmacists by means of a standing order. (Health and Human Services)
Intro 903, SO 968, Fin rep 968, SO 996, Fin rep 998, SO 1087, SO 1203, psd 1361-1362, 1470, EBA 1516-1517, enr 1519 (Chapter 205)

HB 1823-FN, relative to layered amortization of retirement system liabilities. (Executive Departments and Administration)
Intro 562, Fin rep 906, psd 908, 910, 964, enr 994 (Chapter 48)

HB 2018, relative to the state 10-year transportation improvement program, establishing a committee to study the removal of the Merrimack tolls, and establishing a committee to study driveway permitting. (Transportation)

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