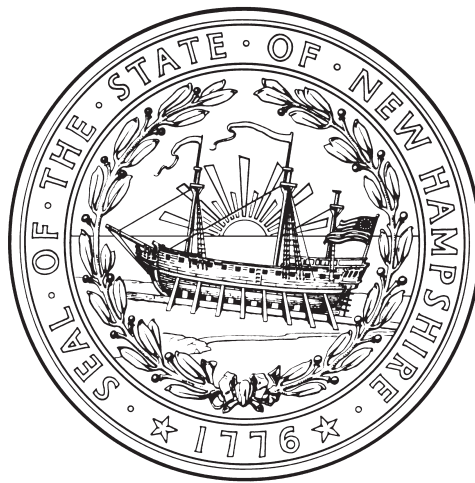


February 6, 2020
Nos. 2-3

STATE OF NEW HAMPSHIRE

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**Second Year of the 166th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – JANUARY 30, 2020 SESSION
COMMENCEMENT – FEBRUARY 6, 2020 SESSION**

SENATE JOURNAL 2 *(continued)*

January 30, 2020

INTRODUCTION OF LEGISLATION

Senator Feltes 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

20-3071

SB 529-FN, relative to the New Hampshire excellence in higher education scholarship program and establishing a workforce development student debt relief program and fund. (D'Allesandro, Dist 20; Kahn, Dist 10; Feltes, Dist 15; Soucy, Dist 18; Finance)

20-3067

SB 744, establishing a commission to review drug overdose fatality information and data. (Soucy, Dist 18; Morse, Dist 22; Hinch, Hills. 21; Shurtleff, Merr. 11; Executive Departments and Administration)

January 30, 2020

2020-0336-EBA

08/05

Enrolled Bill Amendment to SB 255-FN

The Committee on Enrolled Bills to which was referred SB 255-FN

AN ACT relative to dementia training for direct care staff in residential facilities and community-based settings.

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 255-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to SB 255-FN

Amend RSA 151:52, I(e) as inserted by section 4 of the bill by replacing line 3 with the following:

the commissioner, such an extension would be in the public interest. The

Senator Soucy 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:

SB 159, relative to net energy metering limits for customer-generators.

Senator Soucy 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 255-FN, relative to dementia training for direct care staff in residential facilities and community-based settings.

Senator Soucy 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 Feltes moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 3

February 6, 2020

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

PRESIDENT SOUCY: Due to a misunderstanding with our chaplain, I've asked Senator Levesque if she would lead us in some prayer or special thoughts for the day.

SENATOR LEVESQUE: Thank you, Madam President.

Senator Levesque offered the following prayer:

Please join me in a prayer for unity. In this century, and in any century, our deepest hope, our most tender prayer, is that we learn to listen. May we listen to one another in openness and mercy. May we listen to plants and animals in wonder and respect. May we listen to our own hearts in love and forgiveness. May we listen to God in quietness and awe, and in this listening, which is boundless in its beauty, may we find the wisdom to cooperate, with the healing spirit, a divine spirit, who beckons us into peace and community and creativity. We do not ask for a perfect world, but we do ask for a better world. We ask for deep listening. Amen.

Senator Giuda led the Pledge of Allegiance.

Senator Hennessey is excused for the day.

INTRODUCTION OF PAGES

Senator Fuller Clark introduced Liam Van Epps, and Trevor Chapman, from Portsmouth High School, serving as Senate Pages for the day.

SPECIAL ORDER

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

ENERGY AND NATURAL RESOURCES

SB 628-FN, relative to the authority of the department of environmental services for emergency action at hazardous dams.

FN REPORT FOR FEBRUARY 6, 2020

Senator D'Allesandro 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 674-FN, relative to the special fund for domestic violence programs, the public health services special fund, and the mosquito control fund.

SB 716-FN, relative to Medicaid coverage for child health and development.

JUDICIARY

SB 736-FN, relative to the supreme court reporter and reports.

SB 737-FN, requiring a penalty assessment on violation-level offenses.

TRANSPORTATION

SB 653-FN, relative to remedies for the sale of counterfeit motor vehicle airbags.

REGULAR CALENDAR:

EDUCATION AND WORKFORCE DEVELOPMENT

SB 302-FN, relative to suspension and expulsion of pupils.

ENERGY AND NATURAL RESOURCES

SB 628-FN, relative to the authority of the department of environmental services for emergency action at hazardous dams.

HEALTH AND HUMAN SERVICES

SB 642-FN, relative to the administration of epinephrine.

SB 646-FN, relative to Medicare supplemental insurance.

SB 703-FN, relative to the use of cannabis for therapeutic purposes program.

JUDICIARY

SB 651-FN, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

WAYS AND MEANS

SB 663-FN, establishing a credit against business taxes for employer payments in the graduate retention incentive partnership program.

Senator D'Allesandro recommends the following bill be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

REGULAR CALENDAR:**HEALTH AND HUMAN SERVICES**

SB 742-FN, relative to the definition of Alzheimer's Disease and related disorders and making an appropriation therefor.

Without objection, the FN Report is adopted.

CONSENT CALENDAR

Senator Feltes 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 MUNICIPAL AFFAIRS

SB 461, relative to the use of cemetery trust funds.

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

This bill would permit cemetery trustees to expend the income of trusts for the construction of columbaria. After deliberation, the towns that this will affect have been working on an alternative solution which may result in local action that does not need state legislative involvement.

ENERGY AND NATURAL RESOURCES

SB 428, relative to notifications to the rivers coordinator of state agency actions affecting rivers.

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

This bill creates an exception for utility providers in offering notice to local river management advisory committees when minimum impact work is conducted. The New Hampshire Department of Environmental Services adopted new rules in December 2019 that requires advisory committees to sign off on most minimum impact projects, such as dock, beach, deck, forestry, and utility activities, that fall within a designated river corridor on any of New Hampshire's nineteen rivers protected under the Rivers Management and Protection Program. Requiring such sign off by these advisory committees is burdensome to them and on permit applicants, especially utility companies, looking to conduct minimum impact work. The department is currently formulating a rules proposal to send to the Joint Legislative Committee on Administrative Rules to correct this issue. The Senate Energy & Natural Resources Committee felt it best to pass this bill as a contingency in case the rules proposal fails.

SB 517, relative to the public information and permitting functions of the office of the commissioner in the department of environmental services.

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

This bill changes the functions of the Public Information and Permitting Unit (Unit) within the Office of the Commissioner of the New Hampshire Department of Environmental Services (NHDES). In May 2019, the Office of the Legislative Budget Assistant completed an audit of the department's Wetlands Bureau. The auditors interpreted current statute to mean that the more than 7,000 annual permit applications that NHDES receives must go through the Unit for processing, and then all subsequent decisions on those

permit applications must go back through the Unit to be passed onto applicants. NHDES has not been interpreting the Unit's duties that way as it would not be practical and would significantly slow down the permit review process. The bill clarifies the Unit's functions as NHDES has traditionally applied them rather than the Unit acting as a bottleneck for timely permitting.

Energy and Natural Resources

January 29, 2020

2020-0292s

08/04

Amendment to SB 517

Amend the bill by replacing section 1 with the following:

1 Department of Environmental Services; Office of the Commissioner; Public Information. Amend RSA 21-O:12, IV to read as follows:

IV. Public information and permitting [~~shall include all initial public contact relative to permits and applications; furnishing members of the general public with all permit applications and information needed for any project which comes under the jurisdiction of the department, as well as information as to federal or local permits which may be required; assisting~~] **shall assist** members of the general public, whenever possible[~~; to fill out permit applications~~] by directing them to the appropriate person within the relevant division of the department; and generally providing members of the general public with all of the information necessary for meeting permit requirements[~~, including information as to where to find the relevant federal laws and regulations, rules, and municipal ordinances~~].

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 541, relative to the child abuse and neglect central registry.

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

SB 541 expands the type of employers permitted to require that employees submit their names to the child abuse and neglect central registry as a condition of employment. The bill is a request of the department of health and human services. SB 541 works to fill gaps that currently exist in the central registry for certain services for which the department hires people that cannot be searched in the central registry for abuse or neglect of children. It also makes the records retention process consistent across the department.

SB 542, relative to membership on the professional standards board.

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

SB 542 changes the membership and term requirements for the professional standards board that advises the state board of education. This bill is a request of the department of education. SB 542 aims to improve the balance between representatives of higher education and representatives of K-12 education on the Professional Standards Board. SB 542 will also allow members of the Professional Standards Board to serve more than two non-consecutive terms.

HEALTH AND HUMAN SERVICES

SB 466, relative to the patient's bill of rights.

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

The legislation, as amended by the Committee, adds gender identity, sexual orientation, profession and financial considerations to the list of items where a patient cannot be denied appropriate care. It also adds unmarried partners and a patient-chosen representative as individuals who are allowed to visit patients. The Committee amendment deletes the first section of the bill as introduced. The Committee unanimously supports these two important changes and protections for our New Hampshire patients as stated in the Patient's Bill of Rights.

Health and Human Services

January 29, 2020

2020-0314s

01/04

Amendment to SB 466

Amend the bill by deleting section 1 and renumbering the original sections 2-4 to read as 1-3, respectively.

SB 545, establishing a committee to study the safety of residents and employees in long-term care facilities.

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

This legislation establishes a committee to study the safety of residents and employees in long-term care facilities in our state. As one of the most rapidly aging states in the country, long-term care is of utmost importance. Both residents and employees of these vital facilities deserve assurance that they are in safe, secure facilities. The Committee amendment adds one task to the committee which would be an important review of suicide risks.

Health and Human Services
January 29, 2020
2020-0311s
01/11

Amendment to SB 545

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the safety, including risk of suicide, of residents and employees in long-term care facilities. The committee may solicit information from any person or entity the committee deems relevant to its study.

SB 674-FN, relative to the special fund for domestic violence programs, the public health services special fund, and the mosquito control fund.

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

This is a housekeeping measure in order to correct inconsistencies in the statute. In preparation for the Department of Health and Human Services Dedicated Funds Review, the Department identified some programs which are not properly listed in the applicable statutes.

SB 716-FN, relative to Medicaid coverage for child health and development.

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

This bill expands Medicaid coverage to support healthy childhood development. In 2017, 60% of the DCYF cases involved substance use problems – the #1 issue for the Department and a problem that affects every member of a family. The legislation also requires the DHHS to conduct a fiscal impact study as to the result of expanding Medicaid to cover childhood mental health services. The Committee Amendment merely changes one date to give the Department time to complete the study before submitting administrative rules for consideration.

Health and Human Services
January 29, 2020
2020-0316s
05/04

Amendment to SB 716-FN

Amend the introductory paragraph of RSA 126-A:5, XXXIV as inserted by section 1 of the bill by replacing it with the following:

XXXIV. In order to support healthy childhood and development, by January 1, 2021, the commissioner shall submit to the joint legislative committee on administrative rules final proposed rules, and amend the state Medicaid plan where necessary, to make the following changes to Medicaid coverage:

JUDICIARY

SB 736-FN, relative to the supreme court reporter and reports.

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

This bill is a request of the Judicial Branch to make various changes to the statute governing the supreme court reporter. Enacting this language will allow the Judicial Branch to publish the decisions of the court on the supreme court website and make the language in the statute gender neutral. The Committee amended the bill to address some technical corrections in the language.

Senate Judiciary
January 30, 2020
2020-0340s
04/05

Amendment to SB 736-FN

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

2 The State Reporter and Reports. Amend RSA 505:7 through RSA 505:9 to read as follows:

505:7 Publication. The reporter shall, as soon as practicable after a decision is announced, publish a report of each case in which an opinion is furnished by the court. ~~[The report shall include the opinion furnished by the court.]~~

505:8 Style, Etc. of Reports. The reports ~~[shall be published in volumes entitled "New Hampshire Reports," and shall give the extreme dates of the decisions on the title page. The size, style, and price of the volumes shall be prescribed by the justices of the court]~~ **may be published either:**

I. In volumes entitled "New Hampshire Reports." The size, style, and price of the volumes shall be prescribed by the justices of the court; or

II. On the supreme court website.

505:9 Sale of Reports **and Disposal of Copyright**. The reporter ~~[shall publish the reports and]~~ **may** provide for the sale ~~[thereof,]~~ **of the reports** and may dispose of the copyright as ~~[he]~~ **the reporter** shall deem expedient.

3 The State Reporter and Reports; Distribution of Court Reports. Amend RSA 505:11 to read as follows:

505:11 Distribution of Court Reports. ***At the direction of the chief justice of the supreme court,*** the reporter ~~[shall, unless otherwise directed by the chief justice of the supreme court,]~~ **may** send one copy of the court reports to each of the following officers and bodies: Justices and clerks of the supreme and superior courts, the office of clerk in each county, state reporter, each free public library established under the laws of the state, the department of justice, the clerk of the Supreme Court of the United States, the Library of Congress at Washington, the ~~[judge]~~ **judges** and clerk of the District Court of the United States for the District of New Hampshire, and the state library of each state of the United States with which the New Hampshire law library or state library maintains an exchange agreement covering court reports. The residue may be drawn upon by the law library or the state library for their own use or for additional exchange agreements. The law library or state library may recover all sets and/or partial sets of court reports located within those towns closing their free public libraries or desiring to dispose of court reports furnished under this section. The law library or state library may establish full sets in public libraries ~~[open daily]~~ agreeing to make them available to all the people in the geographic area. The reclaimed sets ~~[shall]~~ **may** be placed in the stock held by the reporter.

4 Repeal. The following are repealed:

I. RSA 505:10, relative to the disposal of proceeds by the supreme court reporter.

II. RSA 505:12, relative to the annual salary of the supreme court reporter.

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

SB 737-FN, requiring a penalty assessment on violation-level offenses.

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

This bill requires that a penalty assessment be imposed on violation-level offenses. The Judicial Branch has been charging penalty assessments for violation-level offenses even though the statute currently only requires them for criminal offenses. This bill will bring the statute in line with the current practice at the Judicial Branch.

TRANSPORTATION

SB 612, relative to road skill examinations for applicants licensed in foreign jurisdictions.

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

This bill extends a provision already in statute that covers France and Canada, to enable the Director of the Division of Motor Vehicles to enter into agreements with other foreign jurisdictions to waive the road skill examination for applicants licensed in such jurisdictions. Applicants will still be required to take a knowledge and vision test. Provisions will be in place to ensure the applicant has a valid driver's license and good driving record from the foreign jurisdiction.

SB 613, relative to access to crash data.

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

This bill permits the Department of Transportation to access crash data held by other governmental agencies for the purpose of advancing safety related initiatives. It is vitally important for DOT to have timely access to crash data. The committee amendment addresses concerns with regard to personally identifiable

information. It makes clear that such information is to be redacted and not published or shared. The DOT testified to the fact that they do not seek or have need for personally identifiable information. They are only interested in crash data so that they can plan accordingly to improve roadway safety.

Senate Transportation

January 29, 2020

2020-0284s

06/11

Amendment to SB 613

Amend the bill by replacing section 1 with the following:

1 New Section; Access to Crash Data. Amend RSA 21-L by inserting after section 12-d the following new section:

21-L:12-e Access to Crash Data. Notwithstanding any provision of law to the contrary, the commissioner of the department of transportation and designated department of transportation safety representatives are authorized to access or be provided with crash data held by the department of safety, local law enforcement, or other government agencies or entities. The purpose of this authorization is to enable the department of transportation and its agents to access information for the sole purpose of timely crash analysis to improve safety and to advance safety related initiatives. For the stated purpose, the department of transportation is authorized to share the redacted data with governmental transportation planning agencies and their contracted agents for transportation planning purposes, provided the information shall not be further disseminated or used for any other purpose. In the event that the department obtains personally identifiable information, the department shall redact such information and not include such information in its analysis nor disclose the personally identifiable information. The department is authorized to publish the following analytical information for public information purposes and to help prioritize transportation projects: the number of accidents, each accident location, type of accident, and severity of impact at each accident location. Any information received under this section by the department of transportation shall not be subject to RSA 91-A.

SB 653-FN, relative to remedies for the sale of counterfeit motor vehicle airbags.

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

This bill addresses a serious problem relative to the sale of counterfeit motor vehicle airbags by clarifying the penalties imposed for the sale, purchase, and installation of such counterfeit airbags. This is a growing and dangerous trend and 22 other states have passed similar legislation and it is pending in 5 additional states.

SB 654, relative to the prohibition against displaying a revoked or suspended driver's license or permit.

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

This bill makes it clear that it is illegal to use a suspended or revoked driver's license to operate a motor vehicle. The committee amendment authorizes the Division of Motor Vehicles to participate in the State to State (S2S) driver information program and the Driver License Data Verification (DLDV) program. These initiatives came as a result of the Division taking a close look at our laws to see where improvements could be made to increase safety after the horrific accident that took place in Randolph. Full participation in these programs will enable NH to receive and share crucial information in a timely fashion relative to license suspensions and revocations.

Senate Transportation

January 28, 2020

2020-0279s

11/06

Amendment to SB 654

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

AN ACT relative to the prohibition against displaying a revoked or suspended driver's license or permit and authorizing participation in state to state driver information and driver license data verification programs.

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

2 Administration of Motor Vehicle Laws; Provision for Federal Identification Database Prohibited. Amend RSA 260:14-a, VI to read as follows:

VI. Notwithstanding any law to the contrary, the department is authorized to participate in ~~[a pointer based state-to-state driver verification system with information from applicants for drivers' licenses and identification cards pursuant to RSA 263:14-b, RSA 263:14-c, RSA 260:21-a, and RSA 260:21-b]~~ ***the state to state (S2S) driver information program.***

VII. Notwithstanding any law to the contrary, the department is authorized to participate in the driver license data verification (DLDV) program.

2020-0279s

AMENDED ANALYSIS

This bill clarifies the prohibition against displaying or permitting to be displayed any revoked or suspended driver's license or permit.

This bill also authorizes the department of safety to participate in the state to state driver information program and the driver license data verification program.

SB 658, relative to the adoption of federal requirements for motor carriers.

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

This bill clarifies which federal motor carrier safety regulations may be adopted by the Commissioner of the Department of Safety as administrative rules. It also repeals the authority of the Commissioner to waive the skills test for an applicant for commercial driver's license. This was necessary in order to be in compliance with federal regulations. The committee amendment simply corrects a typo on line 6 of page 1, changing "308" to "380."

Senate Transportation

January 29, 2020

2020-0283s

11/06

Amendment to SB 658

Amend the bill by replacing section 1 with the following:

1 Equipment of Vehicles; Motor Carriers; Equipment; Roadside Inspections. Amend RSA 266:72-a, I to read as follows:

I. The commissioner may adopt as rules, under RSA 541-A, the current version of the federal motor carrier safety regulations promulgated by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration and Federal Motor Carrier Safety Administration, contained in 49 C.F.R. parts 107, **380, and 382**~~[-and 385]~~-397. Notwithstanding the provisions of RSA 541-A, any amendments or additions by the respective federal agencies or their successor agencies shall also amend or supplement the rules adopted by the commissioner of safety without further action on the part of the commissioner. The commissioner shall be authorized to exempt vehicles and drivers operating exclusively in intrastate commerce from such rules which the commissioner determines impose an unnecessary regulatory burden without providing a corresponding safety benefit.

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

REGULAR CALENDAR

COMMERCE

SB 449, permitting tastings by distilleries at farmers markets.

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

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 SB 302-FN to the end of the Regular Calendar. Adopted.

Recess. Out of recess.

HEALTH AND HUMAN SERVICES

SB 420, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

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

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

Senator Dietsch is in favor of the motion of Ought to Pass on SB 420.

SB 506, establishing a commission to study workplace safety in health care settings.
Ought to Pass with Amendment, Vote 4-0. Senator Gray for the committee.

Health and Human Services
January 29, 2020
2020-0315s
01/05

Amendment to SB 506

Amend RSA 126-A:81, I(a) as inserted by section 1 of the bill by inserting after subparagraph (14) the following new subparagraphs:

(15) A member of NAMI-New Hampshire, appointed by that organization.

(16) A member of the New Hampshire Association of Residential Care Homes (NHARCH), appointed by the association.

(17) A member of the American College of Emergency Physicians, appointed by that organization.

(18) The long-term care ombudsman, or designee.

Amend RSA 126-A:81, 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. Ten members of the commission shall constitute a quorum.

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

Senator Sherman offered a Floor Amendment.

Sen. Sherman, Dist 24
February 5, 2020
2020-0529s
01/05

Floor Amendment to SB 506

Amend RSA 126-A:81, I(a) as inserted by section 1 of the bill by inserting after subparagraph (18) the following new subparagraph:

(19) A member from a nonprofit social services organization representing the patient perspective, appointed by the president of 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. Adopted, bill ordered to Third Reading.

SB 548, relative to protections under the use of cannabis for therapeutic purposes program.
Ought to Pass, Vote 4-0. Senator Bradley for the committee.

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

SB 642-FN, relative to the administration of epinephrine.
Ought to Pass with Amendment, Vote 4-0. Senator Sherman for the committee.

Health and Human Services
January 29, 2020
2020-0313s
01/04

Amendment to SB 642-FN

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

1 New Section; Physicians and Surgeons; Administration of Epinephrine. Amend RSA 329 by inserting after section 1-e the following new section:

329:1-f Administration of Epinephrine.

I. In this section:

- (a) “Administer” means the direct application of an epinephrine auto-injector to the body of an individual.
- (b) “Authorized entity” means any entity or organization in which allergens capable of causing anaphylaxis may be present, including recreation camps and day care facilities. Authorized entity shall not include an elementary or secondary school or a postsecondary educational institution eligible to establish policies and guidelines for the emergency administration of epinephrine under RSA 200-N.
- (c) “Epinephrine auto-injector” means a single-use device used for the automatic injection of a pre-measured dose of epinephrine into the human body.
- (d) “Health care practitioner” means a person who is lawfully entitled to prescribe, administer, dispense, or distribute controlled drugs.
- (e) “Provide” means to furnish one or more epinephrine auto-injectors to an individual.

II. A health care practitioner may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this section, and pharmacists and health care practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name of an authorized entity.

III. An authorized entity may acquire and maintain a supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with this section. Such epinephrine auto-injectors shall be stored in a location readily accessible in an emergency and in accordance with the instructions for use, and any additional requirements that may be established by board of medicine. An authorized entity shall designate employees or agents who have completed the training required by paragraph V to be responsible for the storage, maintenance, control, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

IV. An employee or agent of an authorized entity, or other individual, who has completed the training required by paragraph V may use epinephrine auto-injectors prescribed pursuant to this section to:

- (a) Provide an epinephrine auto-injector to any individual who the employee agent or other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or caregiver of such individual, for immediate administration, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.
- (b) Administer an epinephrine auto-injector to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

V.(a) An employee, agent, or other individual described in paragraph IV shall complete an anaphylaxis training program at least every 2 years, following completion of the initial anaphylaxis training program. Such training shall be conducted by a nationally-recognized organization experienced in training unlicensed persons in emergency health care treatment or an entity or individual approved by the board of medicine. Training may be conducted online or in person and, at a minimum, shall cover:

- (1) How to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;
- (2) Standards and procedures for the storage and administration of an epinephrine auto-injector; and
- (3) Emergency follow-up procedures.

(b) The entity or individual that conducts the training shall issue a certificate, on a form developed or approved by the board of medicine to each person who successfully completes the anaphylaxis training program.

VI. No authorized entity that possesses and makes available epinephrine auto-injectors and its employees, agents, and other individuals, or health care practitioner that prescribes or dispenses epinephrine auto-injectors to an authorized entity, or pharmacist or health care practitioner that dispenses epinephrine auto-injectors to an authorized entity, or individual or entity that conducts the training described in paragraph V, shall be liable for any injuries or related damages that result from any act or omission pursuant to this section, unless such injury or damage is the result of willful or wanton misconduct. The administration of an epinephrine auto-injector in accordance with this section shall not be considered to be the practice of medicine or any other profession that otherwise requires licensure. This section shall not be construed to eliminate, limit, or reduce any other immunity or defense that may be available under state law. An entity

located in this state shall not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector outside of this state if the entity would not have been liable for such injuries or related damages had the provision or administration occurred within this state, or is not liable for such injuries or related damages under the law of the state in which such provision or administration occurred.

2 Repeal. RSA 126-A:70 and 71, relative to administration of epinephrine, are repealed.

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 646-FN, relative to Medicare supplemental insurance.

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

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

SB 703-FN, relative to the use of cannabis for therapeutic purposes program.

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

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

SB 742-FN, relative to the definition of Alzheimer's Disease and related disorders and making an appropriation therefor.

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

Health and Human Services

January 29, 2020

2020-0310s

04/05

Amendment to SB 742-FN

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

1 Elderly and Adult Services; Alzheimer's Disease and Related Disorders. Amend RSA 161-F:66, I to read as follows:

I. "ADRD," Alzheimer's disease and related disorders, means ~~[a condition which]~~ ***the conditions for which an individual receives a differential diagnosis of Alzheimer's disease or a similar irreversible dementia, or the conditions whereby an individual demonstrates symptoms of Alzheimer's disease or a similar irreversible dementia to the extent such symptoms interfere with the activities of daily living.***

2 Appropriation. There is hereby appropriated to the department of health and human services the sum of \$100,000 for the biennium ending June 30, 2021 for the purposes of section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Funds appropriated in this section shall be nonlapsing.

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).

JUDICIARY

SB 651-FN, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

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

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

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

The following Senators voted Yes: Watters, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Carson, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

The following Senators voted No: Starr, Giuda, Bradley, Gray, French, Ward, Reagan, Birdsell, Morse.

The following Senators were excused: Hennessey.

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

WAYS AND MEANS

SB 663-FN, establishing a credit against business taxes for employer payments in the graduate retention incentive partnership program.

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

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

Recess. Out of recess.

EDUCATION AND WORKFORCE DEVELOPMENT

SB 302-FN, relative to suspension and expulsion of pupils.

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

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

Senator Kahn moved Ought to Pass.

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10

December 20, 2019

2020-0004s

06/05

Floor Amendment to SB 302-FN

Amend the bill by replacing section 1 with the following:

1 Suspension and Expulsion of Pupils. Amend RSA 193:13 to read as follows:

193:13 Suspension and Expulsion of Pupils.

I.(a) ~~[The]~~ **A** superintendent or ~~[chief administering officer]~~ **chartered public school director**, or a representative designated in writing by the superintendent **or chartered public school director**, ~~[is authorized to]~~ **may** suspend pupils from school for a period not to exceed 10 **consecutive** school days for: ~~[gross misconduct or for neglect or refusal to conform to the reasonable rules of the school and shall make educational assignments available to the suspended pupil during the period of suspension]~~

(1) Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel; or

(2) Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions under paragraph X.

(b) The school board or **chartered public school board of trustees, or** a representative designated in writing ~~[of the school board is authorized]~~ **may**, following a hearing, ~~[to continue]~~ **extend** the suspension of a pupil ~~[for a period in excess of]~~ **up to 10 additional consecutive** school days **for an act that constitutes an act of theft, destruction, or violence as defined in RSA 193-D; bullying pursuant to school district policy when the pupil has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or possession of a firearm, BB gun, or paintball gun.** The school board's **or board of trustees'** designee may be the superintendent or any other individual, but may not be the individual who suspended the pupil for the first 10 days under subparagraph (a). Any suspension shall be valid throughout the school districts of the state, subject to modification by the superintendent of the school district **or chartered public school** in which the pupil seeks to enroll.

(c) Any suspension in excess of 10 school days imposed under subparagraph (b) by any person other than the school board **or board of trustees** is appealable to the school board **or board of trustees**, provided that the superintendent, **school board, or board of trustees** received such appeal in writing within 10 days after the issuance of the decision being appealed. The school board **or board of trustees** shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under subparagraph (b). The suspension under subparagraph (b) shall be enforced while that appeal is pending, unless the school board **or board of trustees** stays the suspension while the appeal is pending.

II. Any pupil may be expelled from school by the local school board **or board of trustees for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:** ~~[gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun,]~~

- (a) A repeated act under subparagraph I(b);*
- (b) Any act of physical or sexual assault that would be a felony if committed by an adult;*
- (c) Any act of violence pursuant to RSA 651:5, XIII;*
- (d) Criminal threatening pursuant to RSA 631:4, II(a); or*
- (e) Possessing a firearm.*

III. A pupil who has been expelled ~~[and the pupil]~~ shall not attend school until ~~[restored]~~ reinstated by the local board or chartered public school board of trustees.

III-a. Before expelling a pupil under this section the local school board or chartered public school board of trustees shall consider each of the following factors:

- (a) The pupil's age.*
- (b) The pupil's disciplinary history.*
- (c) Whether the pupil is a student with a disability.*
- (d) The seriousness of the violation or behavior committed by the pupil.*
- (e) Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph XI.*
- (f) Whether a lesser intervention would properly address the violation or behavior committed by the pupil.*

III-b. Any expulsion shall be subject to review *by the pupil's school board of attendance or the board of trustees of the chartered public school's board that issued the expulsion* if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board *or board of trustees* to the state board of education *at any time while the expulsion remains in effect*. *All appeals of final action by the state board of education shall be in accordance with RSA 541.*

III-c. Any expulsion shall be valid throughout the school districts of the state. *However, upon application by the pupil, any school district or chartered public school may choose to admit an expelled pupil at the school district or chartered public school's sole discretion. The decision by a chartered public school or superintendent to accept a pupil under this paragraph shall not be binding upon any other school district or chartered public school until the pupil is reinstated by the pupil's local school board or chartered public school board of trustees.*

[HH.] IV. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. *Nothing in this section shall be construed to prevent the local school district or chartered public school that expelled the student from providing educational services to such student in an alternative setting.*

[IV] V. *School districts and chartered public schools shall make educational assignments available to the suspended pupil during periods of suspension. Except as provided in paragraphs II and IV, a school district or chartered public school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended in excess of 20 cumulative days within any school year. The alternative educational services shall be designed to enable a pupil to advance from grade to grade. Any time a pupil is suspended more than 10 school days in any school year, upon the pupil's return to school the school district shall conduct a functional behavior assessment and develop an intervention plan designed to address and reduce occurrences of the pupil's problematic behaviors. No pupil shall be penalized academically solely by virtue of missing class due to suspension.* ~~[The local school board shall adopt a policy which allows the superintendent or chief administering officer to modify the expulsion requirements set forth in paragraphs II and III on a case by case basis.]~~

V. Any pupil expelled by a local school board under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in another school district in New Hampshire for the period of such expulsion. Nothing in this section shall be construed to prevent the local school district that expelled the student from providing educational services to such students in an alternative setting.]

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion. *If the out-of-state expulsion is for an indefinite period of time, such pupil or the pupil's parent or guardian shall have the right to petition the pupil's local school board for enrollment upon establishing residency. If the pupil is denied enrollment, the pupil's expulsion shall be subject to review pursuant to paragraph III-b.*

VII. *The local school board or chartered public school shall adopt a policy which allows the superintendent or charter public school director to modify the expulsion and enrollment requirements under paragraphs V and VI on a case by case basis.*

[VH] **VIII. For purposes of paragraphs I, II, [and] III, *and IV* school board may be either the school board or a subcommittee of the board duly authorized by the school board.**

IX. *Nothing in this section shall prevent the superintendent of the pupil's local school district or chartered public school director from reinstating a suspended or expelled pupil.*

X. *The provisions of this section shall be construed in a manner consistent with RSA 186-C.*

XI. *School boards and chartered public schools shall establish policies on school discipline that contain a system of supports and consequences designed to correct student misconduct and promote behavior within acceptable norms. Such policies shall:*

(a) *Include a graduated set of age appropriate responses to misconduct that may include, but are not limited to, parent conferences, counseling, peer mediation, instruction in conflict resolution and anger management, parent counseling and training, community service, rearranging class schedules, restriction from extra curricular activities, detention, in-school supports and consequences, out-of-school suspension, and expulsion.*

(b) *Set forth standards for short term suspensions up to 5 days, short term suspensions up to 10 days, long term suspensions up to 20 days, and expulsion. Such standards shall make reference to the nature and degree of disruption caused to the school environment, the threat to the health and safety of pupils and school personnel, and the isolated or repeated nature of incidents forming the basis of disciplinary action.*

XII. *Each school district and chartered public school shall make its policy on school discipline:*

(a) *Available to parents at the beginning of each school year;*

(b) *Publicly available on the district, school administrative unit, or chartered public school website and in the student handbook; and*

(c) *Available to parents via a manner designed to ensure parental notification if the school district, school administrative unit, or chartered public school does not maintain a website and/or student handbook.*

2020-0004s

AMENDED ANALYSIS

This bill modifies the policy for discipline and expulsions from school.

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

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

February 6, 2020

2020-0540s

06/01

Floor Amendment to SB 302-FN

Amend the bill by replacing section 1 with the following:

1 Suspension and Expulsion of Pupils. Amend RSA 193:13 to read as follows:

193:13 Suspension and Expulsion of Pupils.

I.(a) [The] **A superintendent or [chief administering officer] *chartered public school director*, or a representative designated in writing by the superintendent *or chartered public school director*, [is au-**

~~thorized to]~~ **may** suspend pupils from school for a period not to exceed 10 **consecutive** school days for: ~~[gross misconduct or for neglect or refusal to conform to the reasonable rules of the school and shall make educational assignments available to the suspended pupil during the period of suspension]~~

(1) Behavior that is detrimental to the health, safety, or welfare of pupils or school personnel; or

(2) Repeated and willful disregard of the reasonable rules of the school that is not remediated through imposition of the district's graduated sanctions under paragraph X.

(b) The school board or **chartered public school board of trustees**, or a representative designated in writing ~~[of the school board is authorized]~~ **may**, following a hearing, ~~[to continue]~~ **extend** the suspension of a pupil ~~[for a period in excess of]~~ **up to 10 additional consecutive** school days **for an act that constitutes an act of theft, destruction, or violence as defined in RSA 193-D; bullying pursuant to school district policy when the pupil has not responded to targeted interventions and poses an ongoing threat to the safety or welfare of another student; or possession of a firearm, BB gun, or paintball gun.** The school board's or board of trustees' designee may be the superintendent or any other individual, but may not be the individual who suspended the pupil for the first 10 days under subparagraph (a). Any suspension shall be valid throughout the school districts of the state, subject to modification by the superintendent of the school district **or chartered public school** in which the pupil seeks to enroll.

(c) Extension of the suspension of a pupil up to 10 additional consecutive school days under subparagraph (b) shall not apply to the possession of a firearm, BB gun, or paintball gun that is lawfully stored inside a locked vehicle on school property, or that is for an activity approved and authorized by the school board or chartered public school board of trustees and the school board or chartered public school board of trustees adopts appropriate safeguards to ensure student safety.

(d) Any suspension in excess of 10 school days imposed under subparagraph (b) by any person other than the school board or board of trustees is appealable to the school board or board of trustees, provided that the superintendent, **school board, or board of trustees** received such appeal in writing within 10 days after the issuance of the decision being appealed. The school board **or board of trustees** shall hold a hearing on the appeal, but shall have discretion to hear evidence or to rely upon the record of a hearing conducted under subparagraph (b). The suspension under subparagraph (b) shall be enforced while that appeal is pending, unless the school board **or board of trustees** stays the suspension while the appeal is pending.

II. Any pupil may be expelled from school by the local school board **or board of trustees** **for an act that poses an ongoing threat to the safety of students or school personnel and that constitutes:** ~~[gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school, or for an act of theft, destruction, or violence as defined in RSA 193-D:1, or for possession of a pellet or BB gun, rifle, or paint ball gun,]~~

(a) A repeated act under subparagraph I(b);

(b) Any act of physical or sexual assault that would be a felony if committed by an adult;

(c) Any act of violence pursuant to RSA 651:5, XIII;

(d) Criminal threatening pursuant to RSA 631:4, II(a); or

(e) Possession of a firearm, provided that expulsion shall not apply to the possession of a firearm that is lawfully stored inside a locked vehicle on school property, or that is for an activity approved and authorized by the school board or chartered public school board of trustees and the school board or chartered public school board of trustees adopts appropriate safeguards to ensure student safety.

III. **A pupil who has been expelled** ~~[and the pupil]~~ shall not attend school until ~~[restored]~~ **reinstated** by the local board **or chartered public school board of trustees**.

III-a. **Before expelling a pupil under this section the local school board or chartered public school board of trustees shall consider each of the following factors:**

(a) The pupil's age.

(b) The pupil's disciplinary history.

(c) Whether the pupil is a student with a disability.

(d) The seriousness of the violation or behavior committed by the pupil.

(e) Whether the school district or chartered public school has implemented positive behavioral interventions under paragraph XI.

(f) Whether a lesser intervention would properly address the violation or behavior committed by the pupil.

III-b. Any expulsion shall be subject to review *by the pupil's school board of attendance or the board of trustees of the chartered public school's board that issued the expulsion* if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such expulsion by the local board *or board of trustees* to the state board of education *at any time while the expulsion remains in effect. All appeals of final action by the state board of education shall be in accordance with RSA 541.*

III-c. Any expulsion shall be valid throughout the school districts of the state. *However, upon application by the pupil, any school district or chartered public school may choose to admit an expelled pupil at the school district or chartered public school's sole discretion. The decision by a chartered public school or superintendent to accept a pupil under this paragraph shall not be binding upon any other school district or chartered public school until the pupil is reinstated by the pupil's local school board or chartered public school board of trustees.*

[HH] **IV.** Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months. *Nothing in this section shall be construed to prevent the local school district or chartered public school that expelled the student from providing educational services to such student in an alternative setting.*

[IV] **V.** *School districts and chartered public schools shall make educational assignments available to the suspended pupil during periods of suspension. Except as provided in paragraphs II and IV, a school district or chartered public school shall provide alternative educational services to a suspended pupil whenever the pupil is suspended in excess of 20 cumulative days within any school year. The alternative educational services shall be designed to enable a pupil to advance from grade to grade. Any time a pupil is suspended more than 10 school days in any school year, upon the pupil's return to school the school district shall conduct a functional behavior assessment and develop an intervention plan designed to address and reduce occurrences of the pupil's problematic behaviors. No pupil shall be penalized academically solely by virtue of missing class due to suspension.* [The local school board shall adopt a policy which allows the superintendent or chief administering officer to modify the expulsion requirements set forth in paragraphs II and III on a case-by-case basis.]

V. Any pupil expelled by a local school board under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in another school district in New Hampshire for the period of such expulsion. Nothing in this section shall be construed to prevent the local school district that expelled the student from providing educational services to such students in an alternative setting.]

VI. A pupil expelled from school in another state under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in a school district in New Hampshire for the period of such expulsion. *If the out-of-state expulsion is for an indefinite period of time, such pupil or the pupil's parent or guardian shall have the right to petition the pupil's local school board for enrollment upon establishing residency. If the pupil is denied enrollment, the pupil's expulsion shall be subject to review pursuant to paragraph III-b.*

VII. *The local school board or chartered public school shall adopt a policy which allows the superintendent or charter public school director to modify the expulsion and enrollment requirements under paragraphs V and VI on a case by case basis.*

[VH] **VIII.** For purposes of paragraphs I, II, [and] III, *and IV* school board may be either the school board or a subcommittee of the board duly authorized by the school board.

IX. *Nothing in this section shall prevent the superintendent of the pupil's local school district or chartered public school director from reinstating a suspended or expelled pupil.*

X. *The provisions of this section shall be construed in a manner consistent with RSA 186-C.*

XI. School boards and chartered public schools shall establish policies on school discipline that contain a system of supports and consequences designed to correct student misconduct and promote behavior within acceptable norms. Such policies shall:

(a) Include a graduated set of age appropriate responses to misconduct that may include, but are not limited to, parent conferences, counseling, peer mediation, instruction in conflict resolution and anger management, parent counseling and training, community service, rearranging class schedules, restriction from extra curricular activities, detention, in-school supports and consequences, out-of-school suspension, and expulsion.

(b) Set forth standards for short term suspensions up to 5 days, short term suspensions up to 10 days, long term suspensions up to 20 days, and expulsion. Such standards shall make reference to the nature and degree of disruption caused to the school environment, the threat to the health and safety of pupils and school personnel, and the isolated or repeated nature of incidents forming the basis of disciplinary action.

XII. Each school district and chartered public school shall make its policy on school discipline:

(a) Available to parents at the beginning of each school year;

(b) Publicly available on the district, school administrative unit, or chartered public school website and in the student handbook; and

(c) Available to parents via a manner designed to ensure parental notification if the school district, school administrative unit, or chartered public school does not maintain a website and/or student handbook.

2020-0540s

AMENDED ANALYSIS

This bill modifies the discipline policy for pupil suspensions and expulsions from school.

Recess. Out of recess.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

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

The following Senators voted No: Watters, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

The following Senators were excused: Hennessey.

Roll Call, Yeas: 10 - Nays: 13. Failed.

INTRODUCTION OF GUESTS

Senator Rosenwald introduced her husband, Peter Klementowicz.

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 628-FN, relative to the authority of the department of environmental services for emergency action at hazardous dams.

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

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

February 6, 2020

2020-0539s

08/10

Floor Amendment to SB 628-FN

Amend RSA 482:12-a as inserted by section 1 of the bill by replacing it with the following:

482:12-a Emergency Actions. If during any flood warning issued by the National Weather Service for an area containing a significant or high hazard dam, the condition of such significant or high hazard dam becomes so dangerous to the safety of life or property in the opinion of the department as not to permit sufficient time for issuance of an order in the manner provided by RSA 482:12, the department may immediately take such action as may be essential to provide for emergency protection to such life or property. Prior to exercising such emergency authority, the department shall have exhausted all administrative remedies with the affected dam owner. The owner or owners of such a dam shall be strictly liable for all costs incurred by the state in performing an emergency action under this section. The attorney general may institute an action in superior court for the county in which the dam is located against the owner or owners of the dam for all costs incurred by the state. Costs recovered under this section shall be deposited into the dam maintenance fund established pursuant to RSA 482:55. This section shall not apply to any dams under the jurisdiction of the Federal Energy Regulatory Commission.

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

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

INTRODUCTION OF LEGISLATION

Senator Feltes offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be introduced, and shall be by this resolution read a first and second time by the therein listed title and ordered to be considered at the present time. Adopted.

First and Second Reading

20-3086

SJR 1, prohibiting the implementation of certain rules of the board of education. (Kahn, Dist 10; Fuller Clark, Dist 21; Watters, Dist 4; Luneau, Merr. 10;)

Senator Kahn moved Ought to Pass.

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

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

The following Senators voted Yes: Starr, Giuda, Watters, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Feltes, Cavanaugh, D'Allesandro, Fuller Clark, Morgan, Sherman, Soucy.

The following Senators voted No: Bradley, Gray, French, Ward, Carson, Reagan, Birdsell, Morse.

The following Senators were excused: Hennessey.

Roll Call, Yeas: 15 - Nays: 8. Adopted, bill ordered to Third Reading.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Feltes 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 Cavanaugh: SB 651

Senator Soucy: SB 651

ANNOUNCEMENTS

PRESIDENT SOUCY: I did want to make one announcement. I know that people were very busy this week, but I wanted to let you know we are observing Senate Break. Having said that, the next two weeks are going to be very busy. We currently have in committee 225 bills, with 19 additional bills coming. We also have, of those, 90 FN bills, some of the additional 19 are FN bills as well, and I would just point out that Thursday March 5th, is our deadline to act on Fiscal Note bills. To the extent that those bills haven't been heard yet, I would just implore committee chairs to get those scheduled, and just ask everyone to prepare for a busy couple weeks, so that we can observe our break, and when we get back expect a long session.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: A point of personal privilege, Madam President. I'll be brief because I realize it's been a long day. Two nights ago, in Manchester, New Hampshire, three young police officers responded to a call. This call was, you know, a family situation. All three police officers were attacked and were stabbed. One stabbed in his head, he was taken care of and was released from the hospital. The other two received very serious, very serious injuries. One boy had his lung punctured, it had to be restored. He'll have to go some further surgery. The young woman, her lung was damaged, and she was in bad shape. I visited the officers yesterday; I think Senator Cavanaugh visited the officers yesterday. I have to tell you this in looking at them, my grandchildren are older than these two police officers that I saw, and it was heartbreaking for me to see this young woman. Those of us that have you know, daughters, had to be maybe 24 years old possibly. Totally traumatized, totally traumatized. And a group was surrounding her and so forth, but my point is this. Listen, I've said this on numerous occasions, and we're all concerned about, there's a real cultural shift in our society. This cultural shift takes these public servants and puts their lives at risk on a daily basis, on a daily basis. They go into homes when they called on to try to address a complaint, and to perform a service and they risk their lives. Now, very, very fortunately, no guns were involved in this situation. The perpetrator had a knife and went after the officers. Domestic violence is pervasive in our society. This was a response to a domestic violence claim.

But, as I saw both of these young people, I said to myself who would want this job? Who's going to take these jobs in the future when every time you respond to a call, every time, you're putting your life at risk? These young people did it in Manchester, and Manchester should be really complimented. The Chief did a great job, they did a great job, but I don't want to say great job. I'd like to say nothing happened, and our societies got to change. We've got to change, where these things don't happen on a daily occurrence. We got a lot of better things to do. We have a lot more positive things to happen, and I think the big thing largely, you can never lose hope. And these distractions, and these incidents cause that, and it's just much, much, too much for me to take to be honest with you. I walk in and I see the father-in-law of the young boy whose wife is like eight months pregnant. She's sitting in her chair, he's got a tube in him because he's draining because of the work they did on his lung, and the father-in-law is a kid, he's not a kid, he's a man that I coached forty years ago, and I'd seen this happening and it's really devastating to me. So, I ask all of us to think about this and these public servants deserve a lot from us. But, the most important thing we can do is try to make life better, I'll tell you we got to work at it. Thank you, Madam 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

SB 302-FN, relative to suspension and expulsion of pupils.

SB 420, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

SB 428, relative to notifications to the rivers coordinator of state agency actions affecting rivers.

SB 449, permitting tastings by distilleries at farmers markets.

SB 466, relative to the patient's bill of rights.

SB 506, establishing a commission to study workplace safety in health care settings.

SB 517, relative to the public information and permitting functions of the office of the commissioner in the department of environmental services.

SB 541, relative to the child abuse and neglect central registry.

SB 542, relative to membership on the professional standards board.

SB 545, establishing a committee to study the safety of residents and employees in long-term care facilities.

SB 548, relative to protections under the use of cannabis for therapeutic purposes program.

SB 612, relative to road skill examinations for applicants licensed in foreign jurisdictions.

SB 613, relative to access to crash data.

SB 628-FN, relative to the authority of the department of environmental services for emergency action at hazardous dams.

SB 642-FN, relative to the administration of epinephrine.

SB 646-FN, relative to Medicare supplemental insurance.

SB 653-FN, relative to remedies for the sale of counterfeit motor vehicle airbags.

SB 654, relative to the prohibition against displaying a revoked or suspended driver's license or permit and authorizing participation in state to state driver information and driver license data verification programs.

SB 658, relative to the adoption of federal requirements for motor carriers.

SB 674-FN, relative to the special fund for domestic violence programs, the public health services special fund, and the mosquito control fund.

SB 703-FN, relative to the use of cannabis for therapeutic purposes program.

SB 716-FN, relative to Medicaid coverage for child health and development.

SB 736-FN, relative to the supreme court reporter and reports.

SB 737-FN, requiring a penalty assessment on violation-level offenses.

SJR 1, prohibiting the implementation of certain rules of the board of education.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Feltes 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.