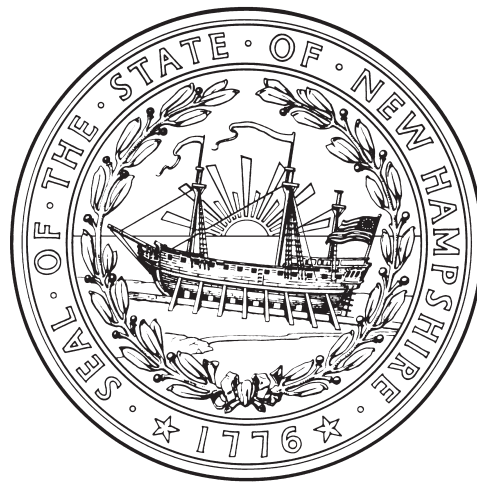


**March 5, 2020
Nos. 4-5**

STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us



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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – FEBRUARY 13, 2020 SESSION
COMMENCEMENT – MARCH 5, 2020 SESSION**

SENATE JOURNAL 4 *(continued)* February 13, 2020

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 1113-FN, relative to workers' compensation for heart and lung disease in firefighters.
HB 1123, relative to reporting a collision between a cat and a motor vehicle.
HB 1135, naming a portion of route 49 in honor of Specialist Marc P. Decoteau.
HB 1142-FN, allowing the New Hampshire Masons to issue decals for motor vehicle plates.
HB 1168, commemorating the first labor strike in the United States by women.
HB 1284-FN, relative to organizations authorized to issue decals for multi-use decal number plates.
HB 1288, relative to the form of a candidate's name on the official ballot in nonpartisan town elections.
HB 1304-FN, requiring workers' compensation to cover prophylactic treatment for critical exposure.
HB 1523, authorizing the American Radio Relay League to issue decals for multi-use plates.
HB 1544, relative to the department of employment security job training program.
HB 1605-FN, requiring children under the age of 2 years be restrained in a motor vehicle.
HB 1700-FN, relative to the licensure of nonresident aliens temporarily residing in New Hampshire.
HB 1714, relative to ratification of amendments to the state building code and state fire code.

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 1101-FN, imposing a waiting period between the purchase and delivery of a firearm.
HB 1106, relative to noncompete agreements for certain mental health professionals.
HB 1128, adding deaf or hard of hearing to the medical conditions that may be indicated on a driver's license or nondriver's identification.
HB 1141-FN, establishing the crime of unsolicited disclosure of an intimate image.
HB 1161-FN, relative to electronic filings of meals and rooms tax returns and interest on payments of state taxes.
HB 1180, relative to certain assets in a divorce proceeding.
HB 1182, establishing a commission to study road usage by non-traditional motor vehicles.
HB 1185, (New Title) establishing a committee to study forms of apprenticeship programs currently in place in New Hampshire.
HB 1222, adding a member to the aviation users advisory board.
HB 1230, relative to credit for reinsurance.
HB 1237-FN, (New Title) establishing a committee to study the requirements of reporting by utility companies of information required for valuation of certain utility property for purposes of RSA 72.
HB 1246, relative to reporting of health care associated infections.
HB 1259, relative to the rulemaking authority of the department of information technology.
HB 1264, extending the commission on the seacoast cancer cluster investigation.
HB 1271-FN, relative to 911 immunity relative to possession of drugs.
HB 1281-FN, (New Title) requiring insurance coverage for epinephrine auto-injectors.
HB 1293, relative to the city of Manchester employees' contributory retirement system.
HB 1298, adding the New Hampshire Motorcyclists' Rights Organization to the traffic safety commission.
HB 1324, exempting rentals of shared facilities from requirements under the real estate practice act.
HB 1348, relative to guardianship by grandparents.
HB 1351, relative to immunity from arrest or prosecution for certain alcoholic beverage violations for a person under 21 years of age who reports a situation involving risk of alcohol overdose.
HB 1355, establishing a committee to study energy efficiency programs.
HB 1357, relative to the distribution of campaign materials inside a polling place.
HB 1363, relative to motorist service signs on limited access highways.
HB 1371, proclaiming March 2 Reading in New Hampshire Day.
HB 1375, relative to cancellations of commercial insurance policies.

HB 1377, (New Title) making a technical correction and a clarification in the law governing death benefits for emergency medical technicians and rescue squad members.

HB 1378, establishing a committee to study oversight authority and timelines for processing and retaining sexual assault evidence collection kits.

HB 1393, relative to the election of Grafton county commissioners.

HB 1406, (New Title) relative to the property tax exemptions for solar and wind-powered energy systems.

HB 1409, relative to the use of special license plates.

HB 1416, authorizing certification for the microblading of eyebrows.

HB 1420, relative to the use of force at New Hampshire national guard facilities.

HB 1431, relative to motorcycle auxiliary lamping.

HB 1442, relative to the Gunstock area commission and ski resort.

HB 1453, establishing a commission to study the implementation of enhanced automation of traffic lights.

HB 1458, allowing for mailing of driver's license suspension notices by first class mail.

HB 1555-FN-LOCAL, (New Title) establishing a committee to study increasing wages, educational opportunities, and the corresponding impact on recidivism among prisoners incarcerated in a state correctional facility who work at or under the supervision of such facility

HB 1561-FN, allowing a county to exempt its chief administrative officer from compulsory participation in the retirement system.

HB 1569-FN, requiring the department of environmental services to maintain a public registry of where certain fire suppressants have been used.

HB 1598-FN, relative to prosecutions for interference with freedom.

HB 1611-FN, relative to incarceration under a suspended sentence.

HB 1641-FN, reducing the criminal penalty for certain controlled drugs.

HB 1656-FN, relative to an act granting immunity from prosecution for prostitution for reporting a sexual assault.

HB 1660-FN, establishing a protective order for vulnerable adults.

HB 1679-FN-A, (New Title) relative to meals on wheels.

HB 1706, establishing a committee to study the solid waste practices of state agencies.

HB 1707-FN, expanding the family-centered early supports and services (FCESS) program to children under the age of 3 who are born substance-exposed.

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 269-FN-A, making an appropriation to the department of natural and cultural resources to perform an ecological integrity assessment.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 558, extending the reporting date of the commission to study school funding.

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 1379-FN, requiring a background check for commercial firearms sales.

HB 1454, relative to credit for alternative, extended learning, and work-based programs.

HB 1625-FN, reducing the penalty for certain first offense drug possession charges.

HB 1648-FN, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

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

20-3124

CACR 20, relating to the retirement of judges. Providing that the retirement age of judges be increased. (Soucy, Dist 18; Hennessey, Dist 5; Bradley, Dist 3; Berch, Ches. 1; Gordon, Graf. 9; Judiciary)

20-3120

SB 748, repealing certain inactive dedicated funds. (Giuda, Dist 2; Dietsch, Dist 9; Major, Rock. 14; Almy, Graf. 13; Lovejoy, Rock. 36; Finance)

20-3127

SB 749, relative to non-covered services under dental insurance plans. (Rosenwald, Dist 13; Bradley, Dist 3; Soucy, Dist 18; Van Houten, Hills. 45; Indruk, Hills. 34; Commerce)

20-3134

SB 750-FN-A, providing for premium-free insurance to persons who donate a kidney. (Fuller Clark, Dist 21; Hennessey, Dist 5; Bradley, Dist 3; Levesque, Dist 12; Commerce)

20-3133

SB 751, relative to addresses used by domestic violence victims to register to vote. (Fuller Clark, Dist 21; Hennessey, Dist 5; Chandley, Dist 11; Dietsch, Dist 9; Bradley, Dist 3; Kahn, Dist 10; M. Smith, Straf. 6; Cushing, Rock. 21; Komi, Hills. 43; Election Law and Municipal Affairs)

20-3117

SB 752, relative to the authority of the department of administrative services, division of personnel. (D'Allesandro, Dist 20; Bradley, Dist 3; Executive Departments and Administration)

20-3125

SB 753, renaming a wing in the New Hampshire veterans' home. (Bradley, Dist 3; D'Allesandro, Dist 20; Rosenwald, Dist 13; Gray, Dist 6; Morse, Dist 22; Carson, Dist 14; Ward, Dist 8; Giuda, Dist 2; Watters, Dist 4; Morgan, Dist 23; Sherman, Dist 24; Chandley, Dist 11; Levesque, Dist 12; Fuller Clark, Dist 21; Birdsell, Dist 19; Baldasaro, Rock. 5; Klee, Hills. 30; Lundgren, Rock. 5; Hinch, Hills. 21; Massimilla, Graf. 1; Executive Departments and Administration)

20-3129

SB 754-FN, establishing a dental benefit under the state Medicaid program. (Rosenwald, Dist 13; Bradley, Dist 3; Sherman, Dist 24; Soucy, Dist 18; Giuda, Dist 2; Danielson, Hills. 7; Nordgren, Graf. 12; Bernet, Hills. 4; Marsh, Carr. 8; Campion, Graf. 12; Health and Human Services)

20-3119

SB 755, relative to superior court judgments in actions against the state. (Hennessey, Dist 5; M. Smith, Straf. 6; Judiciary)

20-3132

SB 756-FN-LOCAL, relative to insurance coverage for emergency volunteers. (Fuller Clark, Dist 21; Woods, Merr. 23; Commerce)

20-3128

SB 757, relative to the local option for operation of sports book retail locations. (Rosenwald, Dist 13; Levesque, Dist 12; Cote, Hills. 31; O'Brien, Hills. 36; Bergeron, Hills. 29; Election Law and Municipal Affairs)

20-3136

SB 758-FN, relative to banning kratom. (Feldes, Dist 15; Fuller Clark, Dist 21; Hennessey, Dist 5; Dietsch, Dist 9; Kahn, Dist 10; Health and Human Services)

20-3123

SB 759-FN, relative to employers provision of reasonable accommodations for pregnant employees. (Bradley, Dist 3; Gray, Dist 6; Carson, Dist 14; Ward, Dist 8; Starr, Dist 1; Giuda, Dist 2; Rosenwald, Dist 13; Hennessey, Dist 5; Dietsch, Dist 9; Levesque, Dist 12; Chandley, Dist 11; Kahn, Dist 10; Hennessey, Graf. 1; DeSimone, Rock. 14; Marsh, Carr. 8; Commerce)

20-3126

SB 760-FN, relative to criminal background checks for school bus drivers. (Cavanaugh, Dist 16; Soucy, Dist 18; Vallone, Rock. 9; Commerce)

20-3130

SB 761-FN, relative to accountability of the community college system of New Hampshire. (Feltes, Dist 15; Reagan, Dist 17; Finance)

HB 1660-FN, establishing a protective order for vulnerable adults. (Judiciary)

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 558, extending the reporting date of the commission to study school funding.

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 5

March 5, 2020

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

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

To begin our prayer, let us remember that today is the 250th anniversary of the Boston Massacre.

Dear God, help us to act justly, so we are never unlawful. Help us to love mercy, so that we are always kind. And help us to walk humbly with you, so that we do not manufacture some foolish arrogance that would keep us from being human in a needy time. Give an insight into the New Hampshire State Senate today, that they may do the work you have called them to do with justice, mercy and humility, always seeking the higher good that will allow the people of New Hampshire to flourish in their endeavors. Let our work be here, be worthy of the great public figures and the patriots who have shed their blood, who have come before us. Let us have the humility of Washington and Lincoln. Let us share their patriotic love of our fellow citizens, that our state and country may continue to be a beacon of mercy and justice and humility. Let us set to do our business with malice toward none, with charity for all, with firmness in the right as God gives us to see the right. Amen.

Senator Watters led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Senator Watters introduced Dover Youth to Youth, and their advisor Dana Mitchell, visiting in the gallery.

INTRODUCTION OF PAGES

Senator Sherman introduced Francis Powell, and Sam Borne, from Portsmouth High School, serving as Senate Pages for the day.

INTRODUCTION OF GUESTS

Senator Cavanaugh introduced Emily Ahern, from Manchester, visiting in the gallery.

CONSENT CALENDAR REPORTS REMOVED

HEALTH AND HUMAN SERVICES

SB 522, by Senator Sherman

FN REPORT FOR MARCH 5, 2020

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Madam President. On the Consent Calendar, Senate Bill 618-FN we had waived, but we will now take it to Finance. Other than that, the report is correct.

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:

COMMERCE

SB 453-FN, establishing an insurance regulatory sandbox program to temporarily test insurance technology products and services.

SB 577-FN, relative to self-service storage insurance.

SB 621-FN, relative to second-tier beverages.

SB 709-FN, relative to the definition of controlled drug analog.

SB 710-FN, establishing a homeowners' association act.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 630-FN, relative to removing names from the voter checklist.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 636-FN, authorizing the commissioner of safety to appoint security officers at department facilities.

HEALTH AND HUMAN SERVICES

SB 600-FN-L, requiring medication-assisted treatment for substance use disorders for prisoners incarcerated in a county correctional facility.

SB 671-FN, relative to nursing home standards.

JUDICIARY

SB 524-FN, relative to immunity from arrest or prosecution for prostitution for seeking medical assistance for reporting certain crimes.

TRANSPORTATION

SB 655-FN-L, relative to removal of exit ramp tolls on the Everett turnpike in Merrimack.

SB 656-FN-L, relative to including business impacts in department of transportation engineering and design plans.

SB 657-FN, authorizing the issuance of breast cancer awareness license plates.

SB 681-FN, relative to excessive vehicle weight.

SB 723-FN-L, relative to winter highway maintenance exemptions.

SB 724-FN, relative to removal of abandoned or disabled vehicles by towing.

REGULAR CALENDAR:

ENERGY AND NATURAL RESOURCES

SB 627-FN, establishing a dock registration procedure.

SB 712-FN, establishing a surcharge on certain saltwater licenses and establishing a fund for derelict fishing gear and coastal cleanup.

SB 713-FN, relative to the municipal winter maintenance certification program.

SB 728-FN, establishing the coastal program administered by the department of environmental services.

JUDICIARY

SB 678-FN, relative to the penalty for escape.

SB 706-FN, relative to appeals under New Hampshire's Child Protection Act.

SB 719-FN, relative to lost or stolen firearms.

SB 720-FN, relative to adult protective services.

SB 721-FN-A, relative to court review of planning board decisions and making an appropriation therefor.

SB 735-FN, repealing the housing appeals board.

SB 743-FN, relative to enhanced penalties based on prior convictions for driving under the influence of drugs or liquor.

TRANSPORTATION

SB 707-FN, relative to including projects in the ten year transportation improvement plan.

SB 738-FN, relative to suspension or revocation of motor carrier licenses for default, noncompliance, or non-payment of fine.

Senator D'Allesandro 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 618-FN, requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 696-FN-A, establishing the office of the right-to-know ombudsman and making an appropriation therefor.

HEALTH AND HUMAN SERVICES

SB 715-FN, relative to cost controls in long-term care.

SB 717-FN-L, relative to reimbursement to cities and towns from the state of New Hampshire.

REGULAR CALENDAR:

ENERGY AND NATURAL RESOURCES

SB 493-FN-A, relative to register of deeds fees used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation and to review the LCHIP surcharge.

HEALTH AND HUMAN SERVICES

SB 676-FN, relative to the controlled drug prescription health and safety program.

SB 697-FN, allowing qualifying patients to access all the alternative treatment centers under the use of cannabis for therapeutic purposes law.

JUDICIARY

SB 650-FN, relative to the payment of costs for services other than counsel for indigent parties.

Senator D'Allesandro 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

SB 513-FN, relative to vehicle repair standards.

EDUCATION AND WORKFORCE DEVELOPMENT

SB 711-FN-L, relative to child sexual abuse prevention education and training.

SB 727-FN-L, relative to Holocaust and genocide studies legislation.

HEALTH AND HUMAN SERVICES

SB 700-FN, adding autism to qualifying conditions for the use of cannabis for therapeutic purposes law.

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 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 416, relative to domestic insurance company investments.

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

This bill was filed at the request of the Liberty Mutual Group. It will allow domestic insurance companies to engage in replication investments. Replication combines a bond and a contract together. Through replication, a company could enter into a counterparty agreement with a third party. An example of an agreement could be that a floating interest bond is converted into a fixed interest bond. There are more than 30 states that permit this investment practice. The committee adopted an amendment that replaced "article" with "section" on page 4, line 37.

Commerce

February 20, 2020

2020-0784s

11/05

Amendment to SB 416

Amend RSA 402:28, I(n)(14)(A) as inserted by section 1 of the bill by replacing it with the following:

(A) Means a derivative transaction that is intended to replicate the performance of one or more assets that an insurer is authorized to acquire under this section.

SB 452, making certain technical changes to the insurance laws.
Ought to Pass, Vote 5-0. Senator French for the committee.

This bill was filed at the request of the Insurance Department. It would make five minor technical changes to existing insurance law. First, it would amend RSA 402:29 by renumbering the paragraphs due to an oversight in 2016. Second, it would ensure consistency in the application of administrative fines, which under RSA 400-A:15 prohibit fines in excess of \$2,500. Third, it would clarify that fire insurance is only applicable to buildings. Fourth, the word “from” in RSA 417:4, IX(b)(10) is removed because it’s a grammatical error. Finally, RSA 420-N:10 is repealed because there’s an existing federal health advisory board established by the Affordable Care Act.

SB 453-FN, establishing an insurance regulatory sandbox program to temporarily test insurance technology products and services.

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

This bill was at the request of the insurance department. It would have established a program where entities could create and test innovative insurance technology products and services. The committee felt this bill was innovative, but it required further study. The committee also recommended observing the outcomes in the states that have recently enacted similar programs.

SB 479, establishing a committee to study the regulation of food trucks.
Ought to Pass with Amendment, Vote 5-0. Senator French for the committee.

This bill establishes a committee to study state and municipal food truck regulations. The purpose is to help streamline regulations to reduce barriers for food truck vendors. At the public hearing, the committee heard that there are 15 self-inspecting towns and cities in NH. Those municipalities require vendors to apply for duplicate permits that can cost upwards of \$250. The committee amended the senatorial membership to one.

Commerce
February 20, 2020
2020-0786s
08/05

Amendment to SB 479

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.

SB 556, relative to violence in schools.
Ought to Pass with Amendment, Vote 5-0. Senator Morgan for the committee.

Currently, there’s not enough data available on violence in public schools. This bill would create greater transparency and encourage more reporting. Reporting would be required under two existing statutes, which are related to workers’ compensation and safe school zones. Also, this bill requires every school district to create joint loss committees, which are responsible for creating safety plans and protocols. The committee adopted two amendments to the bill. First, if a group witnesses an act of violence, only one person is required to report it. That report must be signed off by at least one other person. Second, there was a minor language change by removing “against” on page 2, line 23 and inserting “or” on page 2, line 24.

Commerce
February 26, 2020
2020-0913s
06/08

Amendment to SB 556

Amend RSA 193-D:4, I(e) as inserted by section 4 of the bill by replacing it with the following:

(e) All public schools shall provide an annual incident report to their local school boards. The report shall include all incidents of violence involving students, employees, volunteers, or visitors.

(f) When an act of violence is observed by a group of people, one member of the group may report the act and identify the additional observers, provided a second observer also signs the report.

SB 577-FN, relative to self-service storage insurance.

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

This bill would provide consumers with the option to purchase insurance coverage for their self-service storage unit. Half of renters are in a form of transition, so they may not have homeowners' or rental insurance. The committee adopted an amendment, which made several changes. First, the length of insurance coverage offered doesn't have to be for a full year. Second, in order to obtain a license to sell insurance, a self-storage unit owner must file an application and pay an initial and renewal fee. The initial fee is \$500 for owners that have more than 10 locations or \$100 for those with 10 or fewer locations. The renewal fee is \$250 and \$100, respectively. Also, the expiration date for licenses was changed to May 31st every two years. Third, at the request of the Insurance Department, RSA 402-O:7 and RSA 402-O:8 were repealed. Finally, consumer protection is governed under RSA 417:4, which is the unfair trade practices statute, instead of being covered under the Consumer Protection Act.

Commerce

February 20, 2020

2020-0781s

01/04

Amendment to SB 577-FN

Amend RSA 402-O:3, II as inserted by section 1 of the bill by replacing it with the following:

II. Self-service storage insurance may be offered on a month-to-month or other periodic basis under an individual policy or a group or master commercial inland marine policy.

Amend RSA 402-O:6, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Initial licenses issued pursuant to this chapter shall expire on the second May 31 from the date of issue. Renewed licenses shall be effective for 2 years, expiring on May 31.

V. Each owner licensed under this chapter shall pay a fee as determined by the commissioner provided that the fee shall not exceed \$500 for an initial self-service storage insurance license and \$250 for each license renewal. However, for an owner who sells self-service storage insurance at 10 or fewer locations in the state the fee shall not exceed \$100 for an initial license and for each renewal of a license.

VI. A self-service storage insurance license which lapses may, within 24 months from the due date of the renewal, be reinstated with a penalty in the amount of double the unpaid renewal fee for any renewal received after the due date pursuant to paragraph IV.

Amend RSA 402-O:7 and RSA 402-O:8 as inserted by section 1 of the bill by replacing them with the following:

402-O:7 Consumer Protection. Failure to comply with this chapter shall constitute an unfair insurance trade practice under RSA 417:4.

SB 578, changing the requirement a member of the sponsoring charitable organization to be present during certain games of chance.

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

Currently, sponsoring charitable organizations must have a member on-site at least once per day during the contract period for certain games of chance. This puts a burden on small charitable organizations whose members have full-time jobs and those that may not be geographically close. This bill will loosen requirements, so that an organization's member must be on-site at least once within a contract period. Senator Sherman stated that contract periods typically run for about 4 days.

SB 579, relative to e-delivery of insurance documents and commercial lines renewal notices.

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

This bill permits consumers who have automobile, property or liability, or commercial insurances to have cancellation or nonrenewable notices delivered to them electronically. The electronic delivery of these documents must be made at least 60 days in advance. Additionally, this bill requires that a notice be sent if a consumer's commercial insurance has a premium increase of more than 25%. This notice allows consumers to compare prices if they decide they no longer want to stay with their insurer. This bill also establishes procedures and standards for all electronic deliveries of documents and notices.

SB 618-FN, requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

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

This bill ensures that all employees are provided with reasonable break periods of no less than 30 minutes every 3 hours. It also requires businesses with more than 6 employees to provide a sufficient nursing space. These spaces don't have to be permanent and businesses can share spaces if they're near one another. Each fiscal year, a tax credit of up to \$5,000 will be available to any small business that pays the BET tax, so they can create nursing spaces. The committee amended the bill to address some technical concerns, such as allowing unused tax credits out of the \$250,000 allocated to be brought over to the next fiscal year. The amendment also clarifies that the tax credit provision is administered by the commissioner of the department of revenue.

Commerce
February 20, 2020
2020-0780s
04/10

Amendment to SB 618-FN

Amend RSA 275:81 as inserted by section 1 of the bill by replacing it with the following:

275:81 Reasonable Break Period.

I. Every employer shall provide reasonable break periods to employees who need to express milk for a child for a period of one year from the date of birth of the child. Nothing in this section shall preclude an employer from providing reasonable break periods to express milk in excess of this requirement.

II. Nothing under this subdivision shall preclude an employee from taking a reasonable break period contemporaneously with break or meal periods already provided to the employee by the employer.

III. An employer shall not require an employee to make up time related to use of unpaid reasonable break periods.

Amend the section heading in RSA 275:84 as inserted by section 1 of the bill by replacing it with the following:

275:84 Tax Credit for Employers of Nursing Employees.

Amend RSA 275:84, III as inserted by section 1 of the bill by replacing it with the following:

III. The aggregate of all tax credits shall not exceed \$250,000 in any state fiscal year, except that any amount less than \$250,000 that is not awarded in such fiscal year may be awarded in the next fiscal year. In the case in which the aggregate tax credits claimed during the state fiscal year exceed the amount available, each employer shall receive a tax credit for the proportional share of the maximum aggregate tax credit amount.

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Business Profits Tax; Credits; Nursing Employees Tax Credit. Amend RSA 77-A:5 by inserting after paragraph XVI the following new paragraph:

XVII. The unused portion of any tax credit awarded by the commissioner as computed in RSA 275:84.

2020-0780s

AMENDED ANALYSIS

This bill requires certain employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours. The bill also provides for a nursing employers tax credit against the business profits tax and the business enterprise tax for expenses incurred by an employer to make sufficient space available for nursing employees.

SB 621-FN, relative to second-tier beverages.

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

As amended, this bill would allow single-serve specialty beverages to be sold by retail stores, beverage vendors, wholesale distributors, manufacturers, on premises licensees, and on-premise cocktail lounge licensees. Single-service specialty beverages are defined as not exceeding 16 ounces and having an alcohol volume between 6 and 8 percent. It would also levy a 5 percent fee on the wholesale price per case of any specialty beverage sold or transferred for retail or public sale by wholesale distributors or beverage

manufacturer licensees, which should hold harmless the finances of the Liquor Commission. The amendment incorporates input from both industry stakeholders and the liquor commission. The committee felt it was necessary to define specialty beverages because their popularity and sales have grown.

Commerce
February 20, 2020
2020-0788s
08/04

Amendment to SB 621-FN

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

AN ACT relative to specialty beverages.

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

1 Definitions; Beverage Vendor. Amend RSA 175:1, X to read as follows:

X. "Beverage vendor" means an individual, partnership, limited liability company, or corporation, including any subsidiaries thereof, which sells beverages **or specialty beverages** to wholesale distributors.

2 New Paragraph; Definition; Single Serve. Amend RSA 175:1 by inserting after paragraph LXII the following new paragraph:

LXII-a. "Single serve" means a specialty beverage container that does not exceed 16 ounces.

3 Definition; Beverage. 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 or any specialty cider greater than 8 percent and not to exceed 12 percent alcohol by volume at 60 degrees Fahrenheit. ***A beverage shall not be considered a product classified by the commission as a domestic wine as defined in RSA 175:1, LXVII, or a table wine as defined in RSA 175:1, LXIX, or a fortified wine as defined in RSA 175:1, LXVIII, or a liquor as defined in RSA 175:1, XLII.***

4 New Paragraph; Definition; Specialty Beverage. Amend RSA 175:1 by inserting after paragraph LXIV-aa the following new paragraph:

LXIV-aaa. "Specialty beverage" means any wine based product or liquor based product with other liquids added for human consumption having a combined alcoholic content of not less than 6 percent alcohol by volume and not more than 8 percent alcohol by volume at 60 degrees Fahrenheit and sold in single serve ready to drink containers that shall not exceed 16 ounces. The commission may approve any specialty beverage. A specialty beverage shall not be considered a product classified by the commission as a domestic wine as defined in RSA 175:1, LXVII, a table wine as defined in RSA 175:1, LXIX, a fortified wine as defined in RSA 175:1, LXVIII, or a liquor as defined in RSA 175:1, XLII.

5 Wholesale Distributor License; Specialty Beverages Added. Amend RSA 178:16, I to read as follows:

I. Wholesale distributor licenses shall authorize the licensees to sell beverages in barrels, bottles, or other closed containers **and specialty beverages in single serve containers** to licensees for resale or to the general public. A wholesale distributor shall provide to an on-premises or off-premises licensee any obtainable beverage, **specialty beverage**, beer, specialty beer, or cider. Requested products shall be priced subject to special order terms as agreed by all parties. The holder of a wholesale distributor license shall maintain a regular place of business in this state.

6 New Paragraph; Wholesale Distributor License; Specialty Beverages Added. Amend RSA 178:16 by inserting after paragraph V the following new paragraph:

VI. Nothing in this chapter shall preclude or prevent a licensed liquor and wine representative, liquor vendor, or wine vendor from selling specialty beverages to the state nor place any limitations or restrictions on the commission from distributing and selling specialty beverages.

7 Additional Fees; Specialty Beverages Added. Amend RSA 178:26, I to read as follows:

I. In addition to the annual license fees provided in this chapter, a fee of \$.30 for each gallon of beverage sold or transferred for retail sale or to the public shall be required for licenses issued to wholesale distributors, beverage manufacturers, and brew pubs; provided, however, that if beverage container mandatory deposit legislation is enacted, such fee shall be \$.18 per gallon as of the effective date of such legislation. **A fee of 5 percent of the wholesale price per case of any specialty beverage sold or transferred for retail sale or to the public shall be required for licenses issued to wholesale distributors or beverage manufacturers.** For failure to pay any part of the fees provided or under this section when due, 10 percent of such fees shall be added and collected by the commission from the licensee.

8 Beverage Vendor License; Specialty Beverages Added. Amend RSA 178:15, I to read as follows:

I. The holder of a beverage vendor license may sell beverages **or specialty beverages** to New Hampshire wholesale distributor licensees.

9 Beverage Manufacturer License; Specialty Beverages Added. Amend RSA 178:12, I to read as follows:

I. Beverage manufacturer licenses shall authorize the licensee to manufacture beverages **and specialty beverages** within the state and to sell the beverages manufactured to wholesale distributors.

10 Combination License; Specialty Beverages Added. Amend RSA 178:18, I to read as follows:

I. Off-premises licenses shall be issued only for grocery and drug stores not holding on-premises licenses. Such licenses shall authorize the licensees to sell fortified wine, table wine, [and] beverages, **and specialty beverages** for consumption only off the premises designated in the licenses and not to other licensees for resale. Such sale shall be made only in the immediate container in which the beverage, **specialty beverage**, wine, or fortified wine was received by the off-premises combination licensee; except that in the case of the holder of a wholesale distributor license, beverages **and specialty beverages** may be sold only in such barrels, bottles, or other containers as the commission may by rule prescribe. Off-premises licenses may also authorize the licensee to sell tobacco products or e-cigarettes. There shall be no restriction on the number of combination licenses held by any person. The license shall authorize the licensee to transport and deliver beverages, **specialty beverages**, tobacco products, e-cigarettes, and table or fortified wines ordered from and sold by the licensee in vehicles operated under the licensee's control or an employee's control.

11 On-premises Beverage and Wine Licenses; Specialty Beverages. Amend RSA 178:20 to read as follows:

178:20 On-Premises Beverage and Wine Licenses.

I. The commission may issue a license to any of the types of businesses specified in paragraph II of this section in any town which has voted to accept the provisions of RSA 663:5, I(b) and (c). The license issued shall entitle the licensee to serve beverages, **specialty beverages**, and wines and similar vinous liquors or fruit juices containing at least 1/2 percent and not over 24 percent alcohol by volume at 60 degrees Fahrenheit, by the glass or other suitable container, and by the bottle if the cap or cork is removed, for consumption on the premises designated by the commission.

II. The commission may authorize bed and breakfasts with suitable cooking and dining areas, dining cars, vessels serving food, restaurants, and outlets of the New Hampshire Fair Association who are members in good standing to serve beverages, **specialty beverages**, and wines in any areas approved by the commission at such times as food is available. New Hampshire Fair Association outlets shall not be subject to reduced fees as provided by RSA 178:29.

III. No beverages, **specialty beverages**, or liquor shall be consumed in the licensed areas except those that are sold by the licensee.

IV. No beverages, **specialty beverages**, or liquor shall be removed from the licensed premises by patrons, except as provided by RSA 179:27-a.

V. Notwithstanding the fact that the town of Errol has voted or votes in any referendum to prohibit the sale of liquor and beverages, a license as provided in paragraph I to sell beverages, **specialty beverages**, and wines by the glass or by the bottle, if the cork is drawn, to customers, may be issued to any full service restaurant in said town but only if the restaurant is open and does business at least 10 months of every calendar year and if said restaurant shall meet all other requirements of this section.

12 On-Premises Beverage and Liquor Licenses; Specialty Beverages Added. Amend RSA 178:21 to read as follows:

178:21 On-Premises Beverage and Liquor Licenses.

I.(a) The commission may issue a license to any of the types of businesses specified in paragraph II of this section in any town which has voted to accept the provisions of RSA 663:5, I(b), (c), and (d). The license shall entitle the licensee to serve beverages **or specialty beverages** containing at least 1/2 percent and not more than [6] 8 percent alcohol by volume at 60 degrees Fahrenheit by the glass or other suitable container and by the bottle with the cork or cap removed; liquor containing more than 6 percent alcohol by volume at 60 degrees Fahrenheit, by the glass or other suitable container; and wines, by the glass, by the bottle with the cork or cap removed; or other suitable container, under rules adopted by the commission.

(b) No beverage, **specialty beverage**, or liquor shall be consumed on the premises except that which is sold by the licensee.

(c) No beverage, **specialty beverage**, or liquor shall be removed from the licensed premises by patrons, except as provided by RSA 179:27-a.

II. The commission may authorize establishments, as they are defined in RSA 175:1, having full service restaurants to sell beverages, **specialty beverages**, and liquor at such time as food is available.

(a)(1) Licenses for Full Service Restaurants. The commission may issue a license to any full service restaurant. Such license shall entitle the licensee to sell beverages, **specialty beverages**, and liquor at tables in the approved dining rooms of the restaurant with or without meals when the restaurant kitchen is in operation and meals are being actively promoted and served in that dining room. The dining room shall not, however, be used as a substitute for lounge operations. Licenses shall be granted only to restaurants approved by the commission and which show the commission on forms, filed with the license application, covering the 12 most recent calendar months prior to filing, that at least 50 percent of the gross sales of any such licensee is in food. Restaurants with annual food sales of at least \$75,000 shall be exempt from the 50 percent requirement. The commission shall at least annually review each license, and application for renewal, on the conditions stated in this paragraph.

(2) The dining room shall be open for business at least 5 days a week for evening meals, unless the commission has granted an exemption.

(3) Private groups contracting for function rooms may also be served beverages and liquor without food.

(4) Notwithstanding the fact that the towns of Newington, New Hampton, and Landaff have voted or vote in any referendum to prohibit the sale of liquor and beverages, a license to sell beverages **or specialty beverages** by the glass or other suitable container or by the bottle with cap removed; wines or fortified wines by the bottle with cap removed; wines or fortified wines by the bottle, if the cork is drawn, or liquor by the glass or the suitable container to customers with meals at tables only, may be issued to any full service restaurant in the towns of Newington, New Hampton, and Landaff, but only if the restaurant is open and does business at least 10 months of every calendar year and if said restaurant shall meet all other requirements of this section.

(5) Except as provided in this paragraph, no beverages, **specialty beverages**, or liquor shall be consumed in the licensed areas except those that are sold by the licensee. With the permission of the commission, a licensee may charge a fee for consumption of privately owned table wine stored on the premises and consumed with the purchase of a full-course meal.

(b)(1) Hotel Full Service Restaurant. The commission may issue a license to any hotel in any town. Notwithstanding the fact that the town where the hotel is located has voted not to approve the sale of beverages **and specialty beverages** in said town, the license issued to a hotel shall entitle the licensee to:

(A) Sell beverages, **specialty beverages**, and liquor by the glass or other suitable container and wine by the bottle, if the cork is drawn, or by other suitable container to guests in the dining room or in the rooms of guests.

(B) Sell beverages, **specialty beverages**, liquor, and wine by the bottle which shall be delivered to the rooms of guests, provided that such sales are not made below the cost of such beverages and liquor.

(C) Include a specified quantity of complimentary beverages, **specialty beverages**, and liquor as part of a contract for the hosting of a convention or offer a specified quantity of complimentary beverages, **specialty beverages**, or liquor in soliciting such conventions. As used in this paragraph "convention" means an assembly of persons participating in a business, political, professional, or other organizational gathering.

Notwithstanding RSA 175:4 or any rules adopted under that section, hotels may advertise and offer package deals to resident guests, which include complimentary drinks, provided such offers shall be limited to persons of legal drinking age.

(D) Sell beverages, **specialty beverages**, and liquor in bottles or containers not exceeding one liter capacity, which shall be stored under lock and key in a cabinet or miniature refrigerated bar in hotel rooms and which shall be available only to hotel room guests who are of legal drinking age.

(2) The dining room shall be open for business at least 5 days a week for evening meals, unless the commission has granted an exception.

(3) Hotels may serve beverages, **specialty beverages**, and liquor in the dining room without meals provided the hotel kitchen is in operation and meals are being actively promoted and served in the dining room. The dining room may not be used as a substitute for lounge operations.

(c) Bed and Breakfasts. The commission may issue a license to any bed and breakfast which has at least 4 rentable rooms and a dining area capable of seating the total number of registered guests and shall entitle the licensee to:

(1) Sell liquor, ~~and~~ beverages, **and specialty beverages** to registered guests in any approved area or in the rooms of guests.

(2) Sell liquor, ~~and~~ beverages, **and specialty beverages** by the bottle which shall be delivered to the rooms of registered guests, provided that the charge for such liquor and beverages is not below cost.

(d) Dining Cars. The commission may issue a license to any railroad or car corporation, or designee, operating any dining cars in which food is served within this state, authorizing the holder of the license to sell in such cars liquor, ~~and~~ beverages, **and specialty beverages** to be consumed in such cars. Such license shall be good throughout the state in both license and non-license territory, and only one such license shall be required for all cars operated in the state by the same owner.

(e) Vessels. The commission may issue a special license to the owner or operator of a passenger vessel operating out of any port of the state. Such license shall allow the sale of liquor with food or beverages **or specialty beverages** in any area of the vessel approved by the commission.

13 On-Premises Cocktail Lounge Licenses; Specialty Beverages Added. Amend RSA 178:22 to read as follows:

178:22 On-Premises Cocktail Lounge Licenses.

I. The commission may issue a license to the types of businesses listed in RSA 178:22, V in any town which has voted to accept the provisions of RSA 663:5, I(b), (c), and (d). The license issued shall entitle the licensee to serve beverages, **or specialty beverages** by the glass, by the bottle with cap removed or in any other suitable container, wines by the glass, by the bottle with the cork or cap removed or in any other suitable container, or liquor by the glass or other suitable container.

II. No person under the age of 18 shall be in the cocktail lounge unless accompanied by a parent, legal guardian, or adult spouse.

III. Except as provided in this paragraph, no beverages, **specialty beverages**, or liquor shall be consumed in the licensed areas except those that are sold by the licensee. With the permission of the commission, a licensee may charge a fee for consumption of privately owned table wine stored on the premises and consumed with the purchase of a full-course meal.

IV. No beverages, **specialty beverages**, or liquor may be removed from the licensed premises by patrons, except as provided by RSA 179:27-a.

V. The commission may authorize the following types of businesses as they are defined in RSA 175:1 to sell beverages, **specialty beverages**, and liquor in cocktail lounges:

(a) Airports. The commission may issue a cocktail lounge license to any operator of an airport or designee. Such cocktail lounge license shall allow the licensee to serve liquor, **specialty beverages**, and beverages in such rooms as may be designated by the commission. Food and coffee shall be available without requiring a minimum or cover charge.

(b) [Repealed.]

(c) Ballrooms.

(1) The commission may issue a cocktail lounge license to any ballroom which has seating accommodations for at least 500 patrons. The cocktail lounge license shall allow the licensee to sell liquor, **specialty beverages**, and beverages to patrons but only at such times as “live entertainment,” as defined in RSA 175:1, is being provided by the licensee.

(2) Any ballroom may open its facilities to the public for functions of a limited duration during which time liquor, **specialty beverages**, and beverages shall not be available to patrons and during which time all liquor, ~~and~~ beverages, **and specialty beverages** shall either be removed from the area open to the public or locked and inaccessible to persons other than employees approved by the commission. Any licensee of a ballroom may so open the facilities upon notice in writing to the commission at least 5 business days prior to the function. If the facility is open for special functions at which time liquor, ~~and~~ beverages, **and specialty beverages** are not available to patrons, the commission shall not impose any conditions as to who may attend such functions or whether or not live entertainment is provided so long as local fire and building code requirements are met.

(3) Any licensee of a ballroom may receive a supplemental license from the commission to close all or part of the ballroom facilities to the public for special social functions at which only bona fide members of a social club or organization or persons who have been invited to a family social function shall be admitted. The commission shall issue such a license to allow the licensee to sell liquor, ~~or~~ beverages, **or specialty beverages** to persons attending such social functions if the licensee applies for one at least 5 business days prior to the function and pays a fee for each such function. If only part of the ballroom facilities are used for such a function, the licensee may operate the remaining facilities under his license issued under subparagraph (c)(1).

(d) [Repealed.]

(e) Caterers, On- and Off-Site.

(1)(A) The commission may issue a cocktail lounge license to any caterer with on-site permanent kitchen facilities and permanent dining facilities capable of seating 100 persons or more. Such license shall allow the licensee to serve liquor, ~~and~~ beverages, **and specialty beverages** with or without meals to members of a private party in any room of such on-site catering facility designated by the commission. For the purposes of this paragraph, persons under the age of 18 shall be allowed in rooms where beverages, **specialty beverages**, and liquor are served without a parent or guardian present. Such lounge license may allow the licensee to serve liquor, ~~and~~ beverages, **and specialty beverages** on the premises of any public building approved by the commission. Licenses shall be granted only to such caterers as the commission, at its discretion, shall approve and then only to such caterers as shall show the commission on forms and under rules adopted by the commission that at least 50 percent of their combined food and liquor and beverage sales shall fall within the category of food. Caterers with annual food sales of \$100,000 or more shall be exempt from the 50 percent requirement. Caterers shall notify the commission not less than 5 days in advance of a function specifying date and time of the scheduled function. Notwithstanding any other provision of law, a caterer, with the approval of the commission, may subcontract for the cooking, preparing or serving of food pursuant to the caterer's liquor license. The commission shall adopt rules in accordance with RSA 541-A to carry out the provisions of this subparagraph. New premises or locations shall be approved by the commission 10 days before the scheduled events.

(B) The commission may issue a supplemental license to an on-site caterer licensed to sell beverages, **specialty beverages**, and liquor with food to the public on dates approved by the commission when no private function is being catered under RSA 178:22, V(e)(1)(A), unless such premises which have been approved by the commission are capable of being physically separated between public and private functions. The supplemental license may be issued to the applicant for 18, 36, or 52 events per license year. The fee charged for such license shall be \$5 for 18, 36, or 52 events. A person issued a supplemental license under this subparagraph shall meet all requirements of RSA 178:22, I-IV. The caterer shall request the commission's approval at least 5 days before any scheduled event to be serviced by a supplemental license. The commission may suspend or revoke the caterer's supplemental license without affecting any other license issued for the premises.

(2) The commission may issue a license to any person operating an off-site catering service or any person holding a full service restaurant license, hotel full service restaurant, brew pub, or convention center license to conduct an off-site catering business on the premises of other licensed establishments or the premises of any public building approved by the commission. For the purposes of this paragraph, persons under the age of 18 shall be allowed in rooms where liquor, ~~and~~ beverages, **and specialty beverages** are sold. A license issued under the provisions of this paragraph shall allow the licensee to serve liquor, ~~and~~ beverages, **and**

specialty beverages with or without meals to members of a private party contracting for such service. Such caterers shall notify the commission not less than 5 days in advance of a function specifying the date, time, and location of the scheduled function. New premises and locations shall be approved by the commission at least 10 days before the scheduled event.

(3) For the purposes of subparagraph (e):

(A) "Private group" means an assembly of persons gathered for a designated social or business occasion, present by invitation or reservation and shall in no way be construed to mean the general public.

(B) "Public building" means any building maintained and available for any person, group, or organization, which may include retail business establishments, when they are not open to the public; licensed premises, provided there is a physical, unmovable barrier between the licensed business and the catered area; and tents, gazebos, or other defined outdoor areas, provided 2 separate toilet facilities are located in the immediate vicinity. A public building shall not be construed to mean a private residence.

(4) Premises restrictions:

(A) The holder of a caterer's on- or off-site license shall ensure, at every function, that all state laws are complied with and that any entertainment provided shall be approved by the commission.

(B) On-site caterers and off-site caterers shall file, between January 15 and February 15 of each year, a certificate form with the commission covering food and beverage, **specialty beverage**, and liquor sales for the previous calendar year. All catered sales shall be noted on the certificate form which shall be furnished by the commission.

(f) College Clubs. A college or university club may be entitled to a license for the sale of beverages, **specialty beverages**, and liquor to members and guests in a room or rooms approved by the commission.

(g) Military Club. An operator or designee of a military club may be entitled to a license for the sale of liquor, ~~and~~ beverages, **and specialty beverages** to members and guests in a room or rooms approved by the commission.

(h) Veterans' Clubs, Private Clubs, and Social Clubs.

(1) The commission may issue cocktail lounge licenses to private, social, or veterans' clubs incorporated under the laws of the state and which may be affiliated with any national fraternal organization, for the sale of liquor, ~~and~~ beverages, **and specialty beverages** to members and guests in a room or rooms approved by the commission. A licensee under this subparagraph shall sell for convenience and for a reasonable profit to be determined by the commission. Each licensee shall make a sworn report to the commission for each month on or before the fifteenth of the following month, in such form as the commission may require, showing the income from liquor and beverages sold and the expenses properly chargeable to the business for the month. The cost of the cocktail lounge license shall be considered an expense chargeable to the business. Veterans clubs which qualify as "club-veterans" under RSA 175:1, XXII shall be exempt from the requirements of subparagraphs V(h)(6)-(8), V(h)(9)(B)-(C), and V(h)(10)-(12).

(2) No person under the age of 18 shall be in any room where liquor, ~~and~~ beverages, **and specialty beverages** are sold, except persons under the age of 18 shall be allowed in rentable rooms approved by the commission when beverages, **specialty beverages**, and liquor are served without a parent or guardian present at such times the club is using a supplemental license.

(3) The commission may issue to a club licensed under subparagraph (h)(1) a supplemental license to set up a separate bar facility to serve liquor, ~~and~~ beverages, **and specialty beverages** to private groups in a rental hall approved by the commission. This supplemental license shall allow the club to hold up to 18 events, 36 events, or 52 events for the fees established in RSA 178:29, I. The club shall be responsible for compliance with this title and any rules adopted under it. The club shall notify the commission at least 5 days before any scheduled event which shall be serviced by such bar facility. The commission may suspend the use of any bar facility without affecting the status of any other license in effect on the club premises.

(4) Clubs may allow private groups to bring in or sell their own liquor, ~~and~~ beverages, **and specialty beverages** in approved rental facilities provided there is a complete separation between the club area and the rental area.

(5) Every member of a club, affiliated with a national fraternal organization and licensed under subparagraph (h), shall be entitled to canteen privileges at every club with which his or her club is affiliated

in this state. Such canteen privileges shall include the right to bring guests to affiliated clubs, providing the member has on his or her person, and displays upon request, a current membership card of the national fraternal organization. A veterans' club licensed under subparagraph V(h) is authorized to permit, if approved by a majority of the members, the members of one or more nationally-recognized veterans nonprofit groups to exercise canteen privileges as if the members of the approved group or groups are members of the club.

(6) No licensee corporation shall enter into a contract with any person to provide services, equipment, or any other thing of value if that person is also a director, officer, or employee of the licensee corporation.

(7) No licensee corporation shall permit a person, either elected or appointed, to hold multiple corporate offices or permit an officer to hold the position of director.

(8) No licensee corporation shall permit a director or officer of the club to be an employee of the licensee corporation.

(9) All clubs shall annually provide written documentation to the commission which shall include:

(A) A certificate from the secretary of state which shall demonstrate that the nonprofit corporation holding a license under this subparagraph is registered and in good standing with the secretary of state;

(B) Minutes of all membership meetings, meetings held by officers and directors, and any special meetings;

(C) Copies of all contracts entered into between the licensee corporation and any director, officer, or manager of the licensee corporation, as well as any provider of services to the club.

(10) For the purposes of subparagraph (h):

(A) "Minutes" means detailed written memoranda of a transaction, proceedings, or club operations.

(B) "Contract" means any oral or written agreement between the licensee corporation and any other person, to do or not do a particular thing. The definition of a contract for the purposes of this section shall not be limited by its enforceability.

(11) No director, officer, or employee of a licensee corporation shall engage in any undertaking that shall place the personal interests of a person ahead of the interests of the membership of the club.

(12) Violations of subparagraph (11) of this subparagraph shall be investigated by the enforcement division of the liquor commission and directed to the department of justice for examination of issues unrelated to this title.

(i) Convention Centers. The commission may issue a cocktail lounge license to any convention center. Such license shall allow the licensee to sell liquor, ~~and~~ beverages, **and specialty beverages** in rooms approved by the commission, to persons within the convention center. Liquor, ~~and~~ beverages, **and specialty beverages** shall be sold with meals in the public dining rooms. Persons under 18 years of age shall be accompanied by a parent, legal guardian, or adult spouse when in convention rooms where liquor, ~~or~~ beverages, **or specialty beverages** are being sold. Patrons of any age may be allowed in the dining rooms.

(j) [Repealed.]

(k) Hotel. The commission may issue a cocktail lounge license to any hotel holding a hotel full service restaurant license issued under RSA 178:21, II(b)(1) to serve liquor and beverages in any room of a hotel designated by the commission. No cocktail lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate before the dining room opens for meals, except if breakfast and noon meals are not offered, the lounge may operate 2 hours before the dining room opens for the evening meal. The commission may extend the cocktail lounge license to include the use of a dining area in the restaurant of the hotel after such area has been closed for serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor, ~~and~~ beverages, **and specialty beverages** need not be served with meals. The commission may grant, regulate, suspend, or revoke a cocktail lounge license without affecting any other license granted to a hotel.

(l) One Day Licenses for Voluntary Nonprofit Organizations.

(1) Notwithstanding the provisions of RSA 178:2, I, the commission may issue a limited license to any responsible individual representing a voluntary nonprofit group or organization approved by the commission. Such license shall authorize the licensee to sell, on premises approved by the commission, beverages, **specialty beverages**, and liquor on the approved premises.

(2) No license shall be issued under subparagraph (1)(1) unless the organization's representative obtains:

(A) Official approval of the chief of the local fire department as to the safety of the premises.

(B) Official approval of the local health department concerning sanitary accommodations.

(C) Official approval of the chief of police as to accessibility of the premises. Written statements from such officials shall accompany the application for the license. Such application shall be filed with the commission 15 days before the date on which the license is needed.

(3) No person under the age of 18 shall be allowed in those areas where liquor and beverages are served, unless accompanied by a parent, legal guardian, or adult spouse. The selectmen of the town in which such licenses are held may, at their discretion, assign police officers to the premises where liquor, ~~or~~ beverages, **or specialty beverages** are being served.

(4) No license shall be issued under subparagraph (1)(1) for premises holding other licenses issued by the commission except rental facilities on licensed club premises approved by the commission. Notwithstanding any other provision of law, the commission or its investigators may suspend without warning any license issued under subparagraph (1)(1) if, in their opinion, such sale of liquor, ~~and~~ beverages, **specialty beverages** is contrary to the public interest.

(m) Performing Arts Facility. The commission may issue a cocktail lounge license to any nonprofit performing arts facility which seats more than 50 persons. The commission shall determine by rule whether a facility is a nonprofit performing arts facility. The cocktail lounge license shall allow the licensee to sell liquor, ~~and~~ beverages, **and specialty beverages** to patrons in any rooms designated by the commission.

(n) Race Tracks.

(1) The commission may issue to any operator of a race track or designee a cocktail lounge license which shall allow the licensee to serve liquor, ~~and~~ beverages, **and specialty beverages** to patrons in such rooms or areas as are located within the confines of the track and are approved by the commission and only during the hours set by the commission. Liquor, ~~and~~ beverages, **and specialty beverages** sold by a licensee under this subparagraph need not be consumed with meals, provided that suitable food services, approved by the commission, are available for patrons. A licensee under this subparagraph may sell beverages, **specialty beverages**, and liquor on dates other than those on which races take place.

(2) Notwithstanding the requirements of RSA 178:22, II and V, a commercial motor vehicle race-track facility with a paved course of at least 1/4 mile may elect to have an exception to the cocktail lounge definition of RSA 175:1, XXIII and requirements under RSA 178:22, V(n)(1) to sell beverages **and specialty beverages** only, from commission-approved beverage service facilities located in areas approved by the commission within the commercial motor vehicle racetrack facility and allow patrons to carry beverages **and specialty beverages**, not exceeding 2 containers at any time as approved by the commissioner, to approved grandstand seating, other seating accommodations, or areas approved for alcoholic beverage consumption by the commission under such rules as the commission may adopt pursuant to RSA 541-A.

(3) Notwithstanding paragraph III, a commercial motor vehicle racetrack licensed under this section may allow patrons to carry beverages **and specialty beverages** into the facility for on-premises consumption with approval of the commission.

(o) [Repealed.]

(p) Rail Cars. The commission may issue a cocktail lounge license to any railroad or rail car corporation, or their designees, operating rail cars authorizing the licensee to sell liquor, ~~and~~ beverages, **and specialty beverages** in such cars to be consumed in such cars. The license shall be good throughout the state in both license and non-license territory, and only one license shall be required for all cars operated on the same line by the same owner.

(q) Full Service Restaurants. The commission may issue a cocktail lounge license to any full service restaurant holding a full service restaurant license under RSA 178:21, II(a)(1), to serve liquor, ~~and~~ beverages, **and specialty beverages** in any room of the restaurant designated by the commission. The cocktail lounge shall be operated in conjunction with the dining rooms. No cocktail lounge shall be operated on days that the dining room is closed. No cocktail lounge shall operate before the dining room opens for meals, except if breakfast and noon meals are not offered, the cocktail lounge may operate 3 hours before the dining room

opens for the evening meals. Liquor, [and] beverages, **and specialty beverages** served in such room need not be consumed with meals. The commission may extend the cocktail lounge license to include the use of a dining area in the restaurant, after such area has been closed for serving meals, but not before 9:00 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor, [and] beverages, **and specialty beverages** need not be served with meals. Licenses shall be granted only to such restaurants as the commission, at its discretion, shall approve and then only to such restaurants as shall demonstrate to the commission, in the manner prescribed by the commission, that at least 50 percent of the combined restaurant and lounge and lounge sales shall fall within the category of food. Restaurants with annual food sales of at least \$75,000 shall be exempt from the 50 percent requirement, and the commission shall prorate the annual food sale requirements for seasonal restaurants. The commission may grant, regulate, suspend, or revoke a cocktail lounge license without affecting any other license granted to such restaurant.

(r) [Repealed.]

(s) Vessels.

(1)(A) Watercraft. The commission may issue a cocktail lounge license to any owner or operator of a passenger vessel operating out of any port of the state. Such license shall allow the sale of liquor, [and] beverage, **and specialty beverages** in any area of the vessel approved by the commission.

(B) Any licensee may open its vessel to school groups, youth organizations, or other gatherings of persons under the age of 18 years, for functions of a limited duration during which time all liquor, [and] beverages, **and specialty beverages** shall not be made available to patrons and during which time all liquor, [and] beverages, **and specialty beverages** shall either be removed from the vessel or be locked and unaccessible to persons other than employees approved by the commission. Any licensee who opens its vessel to groups under age 18 shall give written notice to the commission of such function at least 5 business days prior to the function. The provisions of RSA 178:22, II shall not apply during these functions.

(2) [Repealed.]

(t) [Repealed.]

(u) Sports/Entertainment Complex.

(1) The commission may issue a cocktail lounge license to the owner of a sports/entertainment complex, or any operator or designee contracting with the owner of the complex. Such license shall allow the sale or service of liquor, [and] beverage, **and specialty beverages** in any clearly defined areas approved by the commission. Liquor, [and beverage] **beverages, and specialty beverages** shall be sold only at such times as a fee is charged for admission to an event at the sports/entertainment complex. Liquor and beverage shall not be sold or consumed in stadium or skybox seating at any interscholastic event. The provisions of RSA 178:22, II shall not apply to this license.

(2) The commission may issue to any sports/entertainment complex licensed under subparagraph (u)(1) a supplemental license to set up a separate bar facility to serve liquor, [and] beverages, **and specialty beverages** to private groups in any area approved by the commission. The supplemental license shall allow the sports/entertainment complex to hold up to 9 events, 18 events, 36 events, and 52 events for the fees established in RSA 178:29, I. The sports/entertainment complex shall be responsible for compliance with this title and any rules adopted under it. The sports/entertainment complex shall notify the commission at least 5 days before any scheduled event which shall be serviced by such bar facility. The commission may suspend the use of any bar facility without affecting the status of any license in effect on the sports/entertainment complex premises.

(v) Sports Recreation Facility. The commission may issue a cocktail lounge license to any operator of a sport recreation facility or its designee. The license shall allow the licensee to serve liquor, [and] beverages, **and specialty beverages** to patrons in designated drinking areas as approved by the commission.

14 Effective Date. This act shall take effect July 1, 2020.

2020-0788s

AMENDED ANALYSIS

This bill:

I. Defines specialty beverage and single serve.

II. Allows the sale of specialty beverages by beverage vendors, whole sale distributors, beverage manufacturers, grocery and drug stores, on premises licensees, and on premise cocktail lounge licenses.

III. Assesses a fee on cases of specialty beverages.

SB 664, relative to life insurance.

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

This bill was filed at the request of the insurance department. Some provisions of the life insurance statute are from the 1850s; thus, the intent is to modernize rather than make substantive changes to the existing statute. Many provisions were changed to use gender neutral language or repealed altogether because they're covered in other insurance statutes.

SB 709-FN, relative to the definition of controlled drug analog.

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

Drug analogues are chemical substances that mimic the effects of a controlled drug. Spice, bath salts, and K2 are examples of drug analogues. Some variants of these chemical substances may be on the state or federally controlled drug schedule; however, new variants continue to be created. Currently, law enforcement is unable to successfully arrest individuals for possessing these new variants. This bill provides law enforcement and prosecutors with the authority to combat the growing chemical substance misuse problem. More specifically, this bill defines what a drug analog is; it only requires that a laboratory study show that an analog reacts with similar receptors in the body as a controlled drug; and it prohibits the sale or possession of synthetic urine or urine additives.

SB 710-FN, establishing a homeowners' association act.

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

Currently, there are no statutes in New Hampshire governing homeowners' associations. This bill sought to address that issue by establishing regulations ranging from governing documents to dispute procedures. Based on Senator Fuller Clark's recommendation, the committee felt that the comprehensive nature of this bill required ongoing discussions to continue between the effected stakeholders to avoid unintended consequences.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 456, relative to the use of capital reserve funds.

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

This bill as amended will permit capital reserve funds of counties, towns, districts and water departments to be used for financing the cost of leases of equipment. It is enabling legislation that will alleviate the burden that municipalities take on when they have to purchase a piece of needed equipment. These funds will provide the needed assets to lease equipment which lessens the need for additional taxpayer dollars.

Election Law and Municipal Affairs

February 19, 2020

2020-0758s

06/10

Amendment to SB 456

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

1 Capital Reserve Funds; Expenditures; Lease/Purchase Agreements. Amend RSA 35:15, III to read as follows:

III.(a) Notwithstanding the prohibition of debt retirement fund establishment in RSA 33:2, capital reserve funds may be used for multiple payments under a financing agreement for the purpose for which the capital reserve was established, **including a lease/purchase agreement**. ~~[If the financing agreement is a lease/purchase agreement the following shall apply:-~~

~~(1) The lease/purchase agreement does not contain an "escape clause" or "non-appropriation clause"; and~~

~~(2) The lease/purchase agreement has been ratified by the legislative body by a vote by ballot of 2/3 of all the voters present and voting at an annual or special meeting.]~~

(b) If agents have been named according to RSA 35:15, then no further vote is required to disburse funds following the initial vote which ratified the financing agreement.

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

SB 460, relative to enforcement of zoning violations.

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

This bill will allow municipalities to attach a lien against certain real estate after a cease and desist order has been issued by the municipality but before a district court judge enters a judgment on the case. This is an effort to discourage bad actors from failing to comply with issues on their property and to save the municipalities the time and money it takes to bring the case to court.

SB 561, relative to the appointment of town clerks.

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

This bill would have allowed town clerks to be appointed rather than elected. In the New Hampshire Constitution, it states that the role of the town clerk is an elected position. Having the clerk elected provides important checks and balances within the municipality and protects against the governing body obstructing the independence of the clerks role to the people.

SB 562, relative to a property tax relief program for repairs and updates of affordable older homes.

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

This bill as amended will allow municipalities to adopt a program for tax relief for repairs and updates of affordable older homes under the community revitalization tax relief program. The benefits to this program will be the improvement to neighborhoods previously in disrepair and the addition of affordable homes to the housing market that otherwise might not be available.

Election Law and Municipal Affairs

February 19, 2020

2020-0777s

10/04

Amendment to SB 562

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

AN ACT relative to a property tax relief program for qualifying residential property in a designated residential property revitalization zone.

Amend RSA 79-E:2, II(b)(2) as inserted by section 2 of the bill by replacing it with the following:

(2) An owner-occupied residential property with not more than 4 units located in a residential property revitalization zone designated under RSA 79-E:4-b and which is at least 40 years old and has a total assessed valuation that is below the mean assessed value for residential properties in the city or town.

Amend the bill by replacing section 3 with the following:

3 New Section; Community Revitalization Tax Relief Incentive; Residential Property Revitalization Zones.

Amend RSA 79-E by inserting after section 4-a the following new section:

79-E:4-b Residential Property Revitalization Zones.

I. A city or town may adopt the provisions of this section by vote of its legislative body, according to the procedures described in RSA 79-E:3, to establish tax relief for the owners of owner-occupied residential property with not more than 4 units which is at least 40 years old and has a total assessed valuation that is below the mean assessed value for residential properties in the city or town who significantly improve the quality, condition, and/or use of an existing residential structure in a designated residential property revitalization zone.

II. The governing body of a municipality shall designate the area of a residential property revitalization zone in which the tax relief for qualifying structures shall apply. Municipalities may further establish criteria for the public benefits, goals, and measures that will determine the eligibility of qualifying structures for tax relief located within a designated residential property revitalization zone.

III. Municipalities may grant tax relief to the qualifying structure and property as described in RSA 79-E:4 for the period of tax relief under RSA 79-E:5, provided that no property may be granted tax relief under this chapter more than once in a 20 year period.

2020-0777s

AMENDED ANALYSIS

This bill allows municipalities to adopt a program for tax relief for qualifying residential property in a designated residential property revitalization zone designated under the community revitalization tax relief program.

SB 630-FN, relative to removing names from the voter checklist.

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

This bill as amended clarifies the circumstances under which the supervisors of the checklist may remove a person from the checklist without sending notice by mail. Currently, confirmation letters are being sent out to those voters who may not live in town any longer even when the election officials were given notice that the voter has moved. This legislation provides an efficient way to keep the checklist accurate while not sending letters unnecessarily.

Election Law and Municipal Affairs

February 19, 2020

2020-0763s

05/10

Amendment to SB 630-FN

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

1 Voters and Checklists; Request to Correct the Checklist. Amend RSA 654:36-a to read as follows:

654:36-a Request to Correct the Checklist.

I. A supervisor of the checklist, the town or city clerk, or any other person, may submit a request for correction of the checklist to the supervisors of the checklist or to the town or city clerk based upon evidence that a person listed on the checklist is not qualified as a voter in the town or ward. ***Such a request may be submitted in person, in writing, by telephone, by email, or by any other means.*** The clerk shall forward requests for correction of the checklist ***along with any supporting documentation*** to the supervisors of the checklist. At the next session of the supervisors, they shall examine the requests and determine whether or not it is more likely than not that the person's qualifications are in doubt.

II. If the supervisors of the checklist determine that it is more likely than not that the person's qualifications are in doubt, they shall send a notice to the person and afford the person at least 30 days to provide proof of his or her qualifications. If the person fails to respond to the 30-day notice or responds but fails to provide proof that establishes that it is more likely than not that the person is qualified to vote in the town or ward, the person's name shall be removed from the checklist. The supervisors of the checklist shall retain a copy of the notice in accordance with RSA 33-A:3-a.

III. When the supervisors determine that any of the following evidence, received from a reliable source, establishes that it is more likely than not that the voter is no longer a qualified voter in the town or ward, they may remove the voter from the checklist and shall not be required to send the notice described in paragraph II, provided that the supervisors shall file and preserve a copy of the evidence with the voter's voter registration form:

(a) A publicly published obituary, including an obituary published on a funeral home website;

(b) A statement signed by a family member of the voter confirming the voter has died; or

(c) A statement signed by a family member who is a registered voter in the town or city confirming that the voter has permanently moved away from the town or city.

2 Removing Names from the Checklist; Notice Required. Amend RSA 654:44, II to read as follows:

II. The provisions of this section do not apply to the removal of the names of persons for whom the supervisors have received a report of transfer or death as provided in RSA 654:36~~[-654:37, or]~~ ***through RSA 654:37-a***, nor to the removal of names during the period for verification of the checklist as provided in RSA 654:38 or 654:39, nor to the removal of names of persons for whom they have received a notice from a duly authorized board of registration from a community outside New Hampshire stating that a person whose name is on the checklist of the town or ward in New Hampshire has registered to vote outside New Hampshire.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 412, establishing a commission to study issues relating to corrections officers.

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

This bill establishes a commission to study issues related to corrections officers. New Hampshire is facing a crisis of Corrections Officers (COs) in the state. There are not enough COs to effectively manage the work asked of them. SB 412 will look at the issues facing COs and recommend solutions. The Committee Amendment ensures that all voices have a seat at the table, as well as charging the commission to look at the issues of mental health in the Department of Corrections.

Senate Executive Departments and Administration

February 4, 2020

2020-0474s

04/11

Amendment to SB 412

Amend RSA 622:58-b, I as inserted by section 1 of the bill by inserting after subparagraph (e) the following new subparagraph:

(f) Two corrections officers, appointed by the SEA/SEIU, local 1984.

Amend RSA 622:58-b, III as inserted by section 1 of the bill by inserting after subparagraph (e) the following new subparagraphs:

(f) The status of peer support services available to corrections officers and whether additional services are needed.

(g) Mental health issues experienced by corrections officers.

Amend RSA 622:58-b, V-VI as inserted by section 1 of the bill by replacing them with the following:

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. Five members of the commission shall constitute a quorum.

VI. The commission shall submit an interim report of its findings and any recommendations for proposed legislation no later than November 1, 2020, and a final report no later than November 1, 2021, 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.

Amend section 3 of the bill by replacing paragraph I with the following:

I. Section 2 of this act shall take effect November 1, 2021.

SB 433, establishing October 2020 as eczema awareness month.

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

This bill establishes October 2020 as eczema awareness month. 31.6 million Americans suffer from eczema. Eczema is more than just a patch of dry skin; in serious cases, eczema can be a socially and physically debilitating illness. SB 433 will establish a month to recognize those with eczema and to raise awareness for how serious the illness is.

SB 464, establishing a committee to study the release of state land for the northern section of the Conway bypass. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This bill establishes a committee to study the release of state land for the northern section of the Conway bypass. The Governor's Advisory Commission on Intermodal Transportation has recommended that the northern section of the Conway Bypass be removed from the Ten-Year Highway Plan. SB 464 was a placeholder bill to push the Department of Transportation and the town of Conway towards an agreement. SB 464 is no longer necessary.

SB 501, relative to the Honor and Remember Flag.

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

This bill adopts the national Honor and Remember Flag as a symbol recognizing and honoring fallen members of the armed forces from New Hampshire. The Honor and Remember Flag is an important symbol to spread knowledge and awareness of the sacrifices made by Gold Star families of this state.

The Honor and Remember Flag does not diminish or replace the great symbolic importance of the American flag but, instead, provides an avenue to specifically acknowledge those who gave their lives in service to our country.

SB 503, relative to the task force on work and family.

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

This bill amends the membership, duties, and quorum of the task force on work and family. The task force has done very important work over its lifespan. SB 503 will extend the task force, as well as update both its membership and duties to reflect the changes in society over the last several years. The task force was unable to meet last year due to the fact that it was not possible to obtain a quorum. SB 503 will address that problem and enable the task force to get back to work.

SB 544, relative to the filing of administrative rules by state agencies.

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

This bill makes various changes to the filing process for administrative rules under RSA 541-A and is a request of the Joint Legislative Committee on Administrative Rules. SB 544 will improve efficiency in the filing of administrative rules and improve clarity in the filing process. While the committee did hear some testimony in opposition from various state agencies, the committee felt that the changes were necessary to improve the rules process.

SB 564, proclaiming August 31 as International Overdose Awareness Day.

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

This bill as introduced would establish August 31st as International Overdose Awareness Day. The committee amendment establishes, instead, Overdose Awareness Day. Thousands of New Hampshire citizens have died from drug overdoses. Thousands more have suffered from the affects of the opioid crisis. SB 564 ensures that our state recognizes the trauma, loss and pain caused by injury and death resulting from overdose. Moreover, such recognition should provide impetus to our continued fight to end the crisis.

Senate Executive Departments and Administration

February 19, 2020

2020-0768s

05/08

Amendment to SB 564

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

AN ACT proclaiming August 31 as Overdose Awareness Day.

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

1 New Section; Observances Proclaimed by Governor; Overdose Awareness Day. Amend RSA 4 by inserting after section 13-aa the following new section:

4:13-bb Overdose Awareness Day. The governor shall annually issue a proclamation calling for the proper observance of August 31 as Overdose Awareness Day, a day to honor and remember those who have died or suffered a permanent injury as a result of an overdose, to raise awareness of the epidemic, and to reduce the stigma associated with addiction, overdoses, and overdose fatalities.

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

2020-0768s

AMENDED ANALYSIS

This bill establishes August 31 as Overdose Awareness Day.

SB 566, relative to information submitted to the department of business and economic affairs regarding recruitment.

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

This bill exempts certain information submitted to the department of business and economic affairs from the provisions of RSA 91-A. The Department has run into problems recently with the businesses it negotiates with being unwilling to share certain sensitive information over fears that it would not be protected in a right-to-know request. This could potentially disclose sensitive business information to their competitors. SB 566 will protect that type of information from being released, in order to better facilitate negotiations between the state and prospective partner businesses.

SB 568, establishing an oversight committee to the office of professional licensure and certification. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This bill establishes a permanent statutory oversight committee to promote efficiency and effectiveness in professional licensing and certification administered by the office of professional licensure and certification (OPLC). While the Committee acknowledges that OPLC faces several challenges, the Committee does not feel that a statutory oversight committee is the best avenue to work through those changes. The Committee feels that the Executive Departments and Administration Committee is the best body to continue to provide oversight for OPLC.

SB 592, relative to the Pease development authority board of directors. Ought to Pass, Vote 5-0. Senator Rosenwald for the committee.

This bill repeals the change to the quorum for the Pease Development Authority Board of Directors that was made inadvertently last year in HB 243 (2019, 256) as the bill was amended during the committee process. SB 592 ensures that the quorum, which has worked well, remains as specified prior to last year's change.

SB 593, relative to prohibiting unlicensed persons from using titles or descriptions of services for the practice of medicine.

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

This bill prohibits the use of titles and descriptions of services of a physician licensed by the Board of Medicine by unlicensed persons. The New Hampshire Supreme Court is hearing a case relating to this issue and the committee did not feel it was appropriate to legislate a matter pending before the courts.

SB 594, relative to certification requirements for speech pathologists.

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

This bill provides that licensed speech-language pathologists are exempt from the certification requirements for speech-language specialists. This bill changes statute so that people who are licensed by a board to be speech-language pathologists do not need to also be certified as speech-language specialists. The Committee Amendment reduces further redundancies and makes the entire process more efficient for physical therapists and occupational therapy assistants.

Senate Executive Departments and Administration

February 12, 2020

2020-0628s

06/10

Amendment to SB 594

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

AN ACT relative to certification requirements for speech pathologists and relative to the use of ultrasound or electrical physical agent modalities by occupational therapists.

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

2 Occupational Therapists; Rulemaking. Amend RSA 326-C:7 to read as follows:

326-C:7 Rulemaking. The board shall adopt rules pursuant to RSA 541-A specifying:

I. ~~[The physical agent modalities which may be applied as an adjunct to, or in preparation for, engagement in purposeful activities and occupations;]~~

II. ~~The eligibility requirements to be met by licensees seeking a certificate authorizing the application of physical agent modalities;~~

III. ~~The documentation required by the board for the issuance of a certificate authorizing a licensee to apply physical agent modalities;~~

IV. ~~The requirements for supervision of licensed occupational therapy assistants by licensed occupational therapists; and~~

V. ~~II. The use and supervision of non-licensed persons providing supportive services to licensed occupational therapists or occupational therapy assistants.~~

3 Occupational Therapists; Physical Agent Modalities RSA 326-C:8 is repealed and reenacted to read as follows:

326-C:8 Physical Agent Modalities.

I. An occupational therapist who is licensed under this chapter and who has been trained may utilize occupational therapy techniques involving ultrasound or electrical physical agent modality devices. The application of ultrasound and electrical physical agent modality devices shall be limited to the shoulder, arm, elbow, forearm, wrist, or hand to restore and enhance upper extremity function.

II. An occupational therapy assistant who is licensed under this chapter may apply ultrasound or electrical physical agent modality devices if he or she:

(a) Works under the direct supervision of a qualified occupational therapist who is licensed under this chapter;

(b) Has been trained to utilize occupational therapy techniques involving ultrasound or electrical agent modality devices; and

(c) Limits the application of ultrasound and electrical physical agent modality devices to the shoulder, arm, elbow, forearm, wrist, or hand to restore and enhance upper extremity function.

2020-0628s

AMENDED ANALYSIS

This bill provides that licensed speech-language pathologists are exempt from the certification requirements for speech-language specialists. This bill also limits the use of ultrasound and electrical physical agent modalities by occupational therapists and occupational therapy assistants.

SB 596, relative to hearings of the New Hampshire board of nursing.
Inexpedient to Legislate, Vote 5-0. Senator Cavanaugh for the committee.

This bill allows the public members on the New Hampshire board of nursing to preside at hearings of the board. The Committee heard testimony that nurses would not feel comfortable if a public member, one who was not a nurse, was presiding over their hearing. Nurses work in difficult and complex situations and having an intimate understanding of the situation is important to presiding over the board of nursing.

SB 632, relative to enforcement of the state building code by municipalities and the state fire marshal.
Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill permits a municipality that has a local enforcement mechanism for the state building code to request that the State Fire Marshal issue the building permit for a project that requires the specialized knowledge of the Fire Marshal or due to staffing limitations of the municipality. There are some smaller towns in the state where the local code officer is not knowledgeable enough to approve large-scale commercial building projects. SB 632 would allow the State Fire Marshal to step in and assist towns in those cases or when a town is otherwise unable to perform an inspection. The committee amendment clarifies that the costs of the State Fire Marshal performing an inspection would be borne by the applicant, not the state.

Senate Executive Departments and Administration
February 19, 2020
2020-0767s
05/04

Amendment to SB 632

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

1 State Building Code; Enforcement by Fire Marshal and Local Municipalities. Amend RSA 155-A:2, IV to read as follows:

IV. Except for buildings owned by the state, the community college system of New Hampshire, or the university system, the issuance of permits and certificates of occupancy pursuant to the state building code is expressly reserved for counties, towns, cities, and village districts. The state fire marshal shall issue permits, ~~and~~ conduct inspections, **and issue certificates of occupancy** for buildings owned by the state, the community college system of New Hampshire, and the university system. Nothing in this section shall prohibit the state fire marshal from contracting with or authorizing a local enforcement agency or other qualified third party for these services, **provided the fees for such services are paid for by the applicant. Any municipality that has adopted an enforcement mechanism under RSA 674:51 alternatively may**

request the services of the state fire marshal under the state building permit system, including issuance of permits, conducting inspections, and issuance of certificates of occupancy, for buildings or projects owned by the counties, town, cities, or village districts, if a project requires specialized knowledge of the fire marshal or due to staffing limitations of the municipality. Nothing in this section shall require the state fire marshal to accept a project under the state building permit system when requested by a municipality.

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

2020-0767s

AMENDED ANALYSIS

This bill permits a municipality that has a local enforcement mechanism for the state building code to request that the state fire marshal issue the building permit, conduct the inspection, and issue the certificate of occupancy, for a project that requires the specialized knowledge of the fire marshal or due to staffing limitations of the municipality.

SB 636-FN, authorizing the commissioner of safety to appoint security officers at department facilities. Ought to Pass with Amendment, Vote 5-0. Senator Cavanaugh for the committee.

This bill authorizes the commissioner of safety to appoint security officers to protect department of safety facilities and employees and is a request of the department of safety. The Department already employs an officer to maintain the peace and deescalate tense situations at department facilities. SB 636-FN would allow that officer to detain individuals who cause a disturbance. The Committee amendment defines what qualifies as a disturbance and also limits the amount of time that someone could be detained for at two hours.

Senate Executive Departments and Administration
February 12, 2020
2020-0627s
05/04

Amendment to SB 636-FN

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Department of Safety; Duties of Commissioner; Authority to Appoint Security Officers. Amend RSA 21-P:4 by inserting after paragraph XVI the following new paragraph:

XVII.(a) Have discretion to grant to security officers assigned to protect one or more department facilities and grounds such powers as the commissioner deems necessary to quell disturbances, including the power to detain, for up to 2 hours, persons who are creating a disturbance or whom they have reasonable grounds to believe have committed any offense under the laws of the state. In this paragraph, a "disturbance" means behavior or actions that disrupt the orderly conduct of business in a department facility, including bitter exchanges, vulgarities, or abusive, offensive, or insulting comments that impede the orderly disposition of an administrative due process hearing, and any acts of violence or intimidation.

(b) A security officer who has detained a person shall, as soon as practicable, surrender the person to a state trooper, deputy sheriff, or local police officer having jurisdiction in the geographical area where the detention occurred. Any detention shall be accomplished in a reasonable manner and shall not exceed 2 hours.

(c) Each security officer employed on or after the effective date of this paragraph shall be required to pass a criminal history check, a background investigation, and a psychological evaluation approved by the commissioner, a physical examination by a licensed physician at the department's expense, and an initial training program approved by the commissioner and annual refresher training. The security officer shall serve a one-year term, at the pleasure of the commissioner, and shall be issued such equipment and weapons as the commissioner designates, subsequent to formal training in their usage and periodic retraining. The security officer shall serve in business attire with a suitable badge or other identification or in a distinctive uniform, as determined by the commissioner.

(d) A security officer shall submit a written report regarding any detention, use of physical force, or taking into custody of any person to the commissioner, or the commissioner's designee, and to the division of state police. The division of state police shall be responsible for any court prosecution arising from such incident.

Amend RSA 21-P:7-d, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Security officers shall not be required to meet all of the physical, training and educational requirements of RSA 106-L:6, but may attend and participate in training programs at the police standards and training council and, upon successfully completing such programs, shall receive the same academic credits or certifications as other peace officers attending such programs.

SB 696-FN-A, establishing the office of the right-to-know ombudsman and making an appropriation therefor. Ought to Pass with Amendment, Vote 5-0. Senator Chandley for the committee.

This bill establishes the office of the right-to-know ombudsman. The bill also creates an avenue to resolve right-to-know complaints outside the judicial process. The committee amendment clarifies the requirements to serve as the right-to-know ombudsman.

Senate Executive Departments and Administration
February 4, 2020
2020-0481s
01/04

Amendment to SB 696-FN-A

Amend RSA 91-A:7-a, III as inserted by section 3 of the bill by replacing it with the following:

III. Be experienced with and knowledgeable of the provisions of this chapter and all New Hampshire laws regarding right-to-know.

HEALTH AND HUMAN SERVICES

SB 570, relative to the reimbursement of costs of training nursing assistants.
Ought to Pass with Amendment, Vote 5-0. Senator Chandley for the committee.

This bill as amended requires the Department of Health and Human Services to enter into rule-making to address the reimbursement of the costs of training nursing assistants employed in nursing facilities to those nursing facilities if they are the entity that has incurred the cost of training. It would, thus, enable nursing homes, licensed in the state of the New Hampshire, to use federal dollars to pay for the training. It is believed that this measure will aid in recruitment of nursing assistants and help ease the labor shortage faced by the providing facilities.

Health and Human Services
February 19, 2020
2020-0774s
10/04

Amendment to SB 570

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

2 Health Facility Licensing; Costs of Training for Nurse Assistants; State Plan Amendment. The commissioner of the department of health and human services shall amend, as deemed necessary, the Title XIX Medicaid state amendment to the federal Centers for Medicare and Medicaid Services to implement the provisions of this act for the purpose of providing reimbursement, to the maximum extent possible, for the cost of training for assistants to nurses in facilities licensed under RSA 151:2 for approved programs under RSA 326-B.

3 Health Facility Licensing; Costs of Training for Nurse Assistants. Amend RSA 151:9, I(k) to read as follows:

(k) Procedures for reviewing documentation of the mandatory completion of, *and reimbursement for*, a state approved program under RSA 326-B for assistants to nurses in facilities licensed under RSA 151:2[; ~~who may not assume the responsibility of the position of an assistant to nurses prior to completion of the appropriate course required by this chapter~~] *in accordance with the Title XIX Medicaid state plan*.

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

2020-0774s

AMENDED ANALYSIS

This bill requires the commissioner of health and human services to amend the state Medicaid plan amendment and adopt rules for reimbursement of the costs of training nursing assistants.

SB 598, adding physician assistants to the law governing advance directives.
Ought to Pass with Amendment, Vote 5-0. Senator Sherman for the committee.

This bill as amended adds Physician Assistants to the statute governing advance directives. As defined in the bill, a “Physician Assistant” or “PA” means a Physician Assistant licensed in good standing to practice in the state of New Hampshire per RSA 328-D. The committee amendment adds “PA” to sections XX, III, and IV in the bill.

Health and Human Services
February 21, 2020
2020-0813s
01/06

Amendment to SB 598

Amend RSA 137-J:2, XX as inserted by section 3 of the bill by replacing it with the following:

XX. “Qualified patient” means a patient who has executed an advance directive in accordance with this chapter and who has been certified in writing by the attending physician, **PA**, or APRN to lack the capacity to make health care decisions.

Amend RSA 137-J:26, III as inserted by section 16 of the bill by replacing it with the following:

III. An agent may consent to a do not resuscitate order for a person who lacks the capacity to make health care decisions if the advance directive signed by the principal grants such authority. A do not resuscitate order written by the attending physician, **PA**, or APRN for such a person with the consent of the agent is valid and shall be respected by health care providers and residential care providers.

Amend RSA 137-J:37, IV as inserted by section 22 of the bill by replacing it with the following:

IV. Nothing in this chapter shall be construed to require a physician, **PA**, or APRN to treat a patient who the physician, **PA**, or APRN reasonably believes lacks health care decision-making capacity and for whom no guardian, agent, or surrogate has been appointed.

SB 600-FN-L, requiring medication-assisted treatment for substance use disorders for prisoners incarcerated in a county correctional facility.

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

This bill as amended will require medication-assisted treatment for substance use disorders for prisoners incarcerated in a county correctional facility. The Committee amendment changes the effective date of the bill to July 1st, 2021.

Health and Human Services
February 19, 2020
2020-0770s
04/06

Amendment to SB 600-FN-LOCAL

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

1 County Department of Corrections; Superintendent Duties. Amend RSA 30-B:4, V to read as follows:

V. The superintendent shall provide each prisoner in ~~[his or her]~~ **the superintendent’s** custody with necessary sustenance, clothing, bedding, shelter, and medical care ***including screening for and provision of medication-assisted treatment for substance use disorders where medically appropriate and regardless of whether the prisoner was receiving medication-assisted treatment prior to incarceration. “Medication-assisted treatment” means treatment approved by the Food and Drug Administration for treatment of substance use disorders, which may include, but not be limited to, naltrexone, buprenorphine, methadone, or other compounds.***

2 Effective Date. This act shall take effect July 1, 2021.

SB 671-FN, relative to nursing home standards.

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

This bill declares that New Hampshire residents requiring nursing home care shall not be placed in out-of-state facilities which do not meet the requirements of New Hampshire law. New Hampshire lacks the authority to regulate and enforce standards in an out of state facility. Therefore, the Health and Human Services Committee found this bill to be unable to implement.

SB 715-FN, relative to cost controls in long-term care.

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

This bill as amended clarifies the cost controls for long-term care services. It removes the cost cap on Home and Community Based Care in the long-term care waiver for New Hampshire residents who are on the Choices for Independence waiver. The committee amendment changes the effective date to January 1, 2021.

Health and Human Services

February 19, 2020

2020-0773s

01/04

Amendment to SB 715-FN

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect January 1, 2021.

SB 717-FN-L, relative to reimbursement to cities and towns from the state of New Hampshire.

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

This bill suspends certain supports and reimbursements from the state to cities and towns. Current statute requires that the Department of Health and Human Services reimburse municipalities the amount of their assistance to an individual under RSA 167 up to \$100,000. During the last budget, the legislature did not appropriate funding to the Department of Health and Human Services for the purpose of reimbursing municipalities. This bill would suspend the Department's requirement only for the biennium.

JUDICIARY

SB 524-FN, relative to immunity from arrest or prosecution for prostitution for seeking medical assistance for reporting certain crimes.

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

This bill provides immunity from prosecution for prostitution for a person reporting to law enforcement that such person or another person is the victim of a sexual assault, incest, or assault. The Committee amended the bill to ensure the language does not conflict with federal protections provided in the Violence Against Women Act.

Senate Judiciary

February 18, 2020

2020-0724s

04/05

Amendment to SB 524-FN

Amend RSA 645:2, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. It shall be a defense to a violation of this section that a person reports being the victim of a sexual assault as defined in RSA 632-A:2, 632-A:3, or 632-A:4, incest under RSA 639:2, or assault under RSA 631:1 through RSA 631:2-b. A person who reports being the victim of such an offense shall not be arrested, prosecuted, or convicted for a violation of this section if the evidence for the charge was gained as a proximate result of the person's reporting. Any victim seeking medical treatment following a sexual assault shall be afforded all options of care outlined in the New Hampshire attorney general's sexual assault medical forensic exam protocol without making a report to or cooperating with law enforcement.

TRANSPORTATION

SB 614, exempting the department of transportation from the notice requirement for lessors of real or personal property owned by the state or its political subdivisions.

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

As amended by the committee, this bill requires the Department of Transportation to provide assessing officials, in municipalities where the Department leases property to others, with copies of such leases by April of 2021 and annually thereafter. The committee amendment is the result of a compromise reached by the Department and the New Hampshire Municipal Association to address concerns with the original language. It will enable municipalities to comply with their statutory obligation to assess taxes when appropriate and won't overburden the Department administratively.

Senate Transportation
February 19, 2020
2020-0741s
06/08

Amendment to SB 614

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

1 Real Estate and Personal Property Tax Exemption. Amend RSA 72:23, I(b)(1)(B) to read as follows:

(B) Annually, on or before April 15, 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 provide written notice and a copy of the lease or other agreement to the assessing officials of the municipality in which the property is located. ***This subparagraph does not apply to the department of transportation.***

(C) On or before April 15, 2021, the department of transportation shall provide to the assessing officials of the municipality in which leased property is located a copy of any lease in effect as of January 1, 2021. Thereafter on an annual basis, on or before April 15, the department of transportation shall provide to the assessing officials of the municipality in which leased property is located a copy of any new or renewed lease in effect. Such lease filing with municipal assessing officials shall not include permits, licenses, or non-lease agreements.

2 Effective Date. This act shall take effect January 1, 2021.

2020-0741s

AMENDED ANALYSIS

This bill requires the department of transportation to provide assessing officials, in municipalities where the department leases property to others, with copies of such leases by April, 2021 and annually thereafter.

This bill is a request of the department of transportation.

SB 655-FN-L, relative to removal of exit ramp tolls on the Everett turnpike in Merrimack.
Interim Study, Vote 5-0. Senator Levesque for the committee.

This bill would eliminate the northbound and southbound ramp tolls for exits 10 and 11 on the F.E. Everett Turnpike in Merrimack. The elimination of the exit 10 toll would result in a \$1.3 million revenue loss and would cost \$500,000 to actually remove the toll plazas. This loss of revenue would negatively impact the Turnpike fund and the Department of Transportation's bond rating. While a toll is no longer collected at exit 11, in order to remove the toll plazas, administration building, fill in the tunnel and reconfigure the ramps to a single lane, the Department of Transportation estimates the cost would be \$1.8 million. They recommend the majority of this work associated with exit 11 be done as part of the turnpike widening project slated for 2023 and be submitted through the Ten Year Plan.

Senator Chandley is in opposition to the motion of Interim Study.

SB 656-FN-L, relative to including business impacts in department of transportation engineering and design plans.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

As amended by the committee, the intent of this legislation is to help businesses impacted by various state construction projects by requiring the Department of Transportation to include in its engineering and design, how to mitigate effects on entry, access and parking for the business. The committee heard compelling testimony about a small country store in Sullivan that was severely impacted by a bridge project that blocked access to the store, resulting in significant revenue loss. With consideration given to these factors, the hope is that negative impacts can be minimized going forward.

Senate Transportation
February 19, 2020
2020-0743s
08/06

Amendment to SB 656-FN-LOCAL

Amend RSA 228:31-c as inserted by section 1 of the bill by replacing it with the following:

228:31-c Business Impacts; Department of Transportation. For projects exceeding \$5 million, the department of transportation shall include in its engineering and design how to mitigate effects on entry, access, or parking.

SB 657-FN, authorizing the issuance of breast cancer awareness license plates.
Inexpedient to Legislate, Vote 5-0. Senator Hennessey for the committee.

This bill called for the issuance of a new license plate for breast cancer awareness. Due to the costs of developing and issuing new license plates, which are estimated at over \$300,000, the legislature developed the decal program a number of years ago, which enables certain non-profit organizations to seek legislative authority to issue decals emblematic of their organizations for decal license plates. Given that there is already a decal available that supports the New Hampshire Breast Cancer Coalition as well as the costs associated with issuing a new plate type, the committee recommends that the bill is inexpedient to legislate.

SB 681-FN, relative to excessive vehicle weight.
Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

Following the deadly motorcycle crash in Randolph, the Department of Safety took a comprehensive look at our laws to see how they could improve safety on New Hampshire roads. This legislation was requested as result of that review. Subsequent to the hearing on this legislation, the Department determined that they already have a sufficient hearing process in place that will enable them to go after those who violate weight restrictions and therefore, this bill is not needed.

SB 723-FN-L, relative to winter highway maintenance exemptions.
Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

Due to complications with federal funding, this bill would actually result in a significant funding decrease to the Highway Fund and therefore, the Department of Safety has asked that the bill be found inexpedient to legislate.

SB 724-FN, relative to removal of abandoned or disabled vehicles by towing.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

The committee amendment replaces the bill in its entirety and was worked on by the tow industry and the state police. It authorizes the Division of State Police to develop a rotating list of qualified tow services within each geographical troop. The State Police will rotate through this list when in need of tow services based on certain criteria outlined in the bill. In order to ensure the safety of the public, each tow business shall provide as part of its application to be on the tow list, a list of all tow truck operator personnel, including full name, current address, date and place of birth, driver's license number and type, any restrictions, license expiration date and social security number.

Senate Transportation
February 19, 2020
2020-0756s
04/06

Amendment to SB 724-FN

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

1 New Section; Abandoned Vehicles; Use of Tow List Required. Amend RSA 262 by inserting after section 31 the following new section:

262:31-a Use of Tow List Required. In the event the state police in the interest of public safety and pursuant to applicable statutes and rules, including but not limited to clearing roads and entrances of disabled or abandoned vehicles, seeks to tow any vehicle, the tow company responsible for removal and storage shall be chosen from a tow list in accordance with RSA 106-B:26 through RSA 106-B:34.

2 New Subdivision; Removal of Abandoned Vehicles by State Police. Amend RSA 106-B by inserting after section 25 the following new subdivision:

Removal of Abandoned Vehicles by State Police

106-B:26 Applicability.

I. This subdivision shall apply to the enforcement of provisions of the motor vehicle laws by the state police, including clearing roads and entrances of stolen, unregistered, illegally parked, disabled or abandoned vehicles, vehicles involved in accidents or crimes or other situations, regarding the removal, storage, and release of such vehicles towed and transported by wreckers, towing, and emergency road service organizations in a fair and equitable manner, upon request of the division of state police:

- (a) In response to requests from owners or custodians of vehicles that have encountered mechanical problems that rendered them inoperable or unsafe to be driven;
- (b) In response to requests from a state trooper when a vehicle has been abandoned on private property without consent of the property owner;
- (c) When a vehicle is found obstructing the passage of vehicles from a public street or highway onto the driveway of such private property or public building;
- (d) When a vehicle was involved in a traffic accident or crime or its driver is incapacitated or under arrest, or is without a valid driver's license;
- (e) When a vehicle is interfering with snow removal or highway maintenance;
- (f) When a vehicle has been left unattended within a state-owned park and ride facility for a period greater than 21 days; or
- (g) When a vehicle is without proper registration or apparently unsafe to be driven.

II. Nothing in this subdivision shall restrict the authority of town and city law enforcement agencies to enforce relevant state statutes, to enact local bylaws or ordinances not in conflict with any state law or administrative rule regarding the clearance of disabled, abandoned, illegally parked, unregistered, or stolen vehicles or vehicles involved in crimes or collisions in areas where the local police have sole or shared jurisdiction with state police, or to enter into contractual agreements with tow companies for the removal of vehicles at the request of local authorities.

106-B:27 State Police; Use of Tow List.

I. In the event the division of state police seeks to tow or remove any vehicle pursuant to applicable laws and rules, whenever practicable the tow company responsible for such towing or removal shall be chosen from a tow list in accordance with this subdivision.

II. To facilitate the timely and effective towing and removal of vehicles pursuant to this subdivision, the division of state police is authorized to develop and maintain a rotating list of qualified tow services within each geographical troop. Where long distances could cause unreasonably long wrecker response times, the director of state police or designee may authorize a separate rotation list by county or group of municipalities within a troop. The director from time to time may enlarge or shrink an area if necessary, to ensure an adequate number of qualified tow businesses to handle the call workload and travel distances involved, and shall review the lists periodically to ensure that needs are being met. The list may be further segmented to distinguish between heavy and light/medium duty wreckers, recovery vehicles, rollback carriers and other specialized equipment.

III. Rotation lists shall include notations identifying tow businesses that maintain heavy duty wreckers, heavy duty recovery vehicles, and recovery vehicles, and whenever there is a specific, identified need for one of those vehicles it shall be summoned from the rotating list in the order in which it appears. Nothing herein shall prevent a tow business on a tow list from responding to a call with a larger, heavier, or more sophisticatedly equipped vehicle where only a lighter wrecker is required, provided the tow business does not exceed its normal charge for a lighter duty wrecker.

IV. The director of state police with the approval of the commissioner of safety may adopt rules pursuant to RSA 541-A consistent with relevant provisions of this subdivision setting forth minimum qualifications of tow companies and their employees to participate in the state police tow list, including qualifications, training, and minimum standards for equipment, response times, storage and release of towed vehicles and their contents, and criminal history and motor vehicle record checks of tow truck drivers.

V. State troopers handling an incident shall not call a tow business that, in their opinion, lacks a vehicle of sufficient size and equipment for a particular job. Under such conditions a tow business not called shall retain its position on the rotation list.

VI. Whenever a desired tow business is unable to respond to a call in a timely manner with the proper equipment, the tow business next on the rotation list shall be called.

VII. Tow businesses may also be called for service, such as for fuel, tire changes, dead battery, and removal of disabled, stolen, or abandoned vehicles according to placement on the appropriate rotation list and shall have a service vehicle suitably equipped and personnel capable of handling the assignment.

106-B:28 Definitions. In this subdivision:

I. "Heavy duty wrecker" means a wrecker intended and suitably equipped for towing vehicles in excess of 10,000 pounds gross weight, such as a tractor-trailer, large truck, or similar vehicle but excluding carriers and flatbeds, and meeting the following requirements, provided that come-a-longs, chains, or other similar devices shall not be used as substitutes for winch and cable:

- (a) A truck chassis having a minimum gross vehicle weight rating of not less than 54,500 pounds;
- (b) Tandem axles, or a cab-to-axle length of not less than 102 inches;
- (c) A combined winch capacity of not less than 50,000 pounds, as rated by the winch manufacturer;
- (d) A single winch in good operating condition with a capacity of 50,000 pounds, as rated by the winch manufacturer, or if equipped with 2 winches, a combined rating of 50,000 pounds;
- (e) A manufactured wheel-lift in good operating condition, with retracted lifting capacity of not less than 20,000 pounds, as rated by the lift manufacturer, with safety chains or a tow bar of equal capacity;
- (f) A winch cable rated as specified by the winch manufacturer, in good condition;
- (g) Light and airbrake hookups for the towed vehicle; and
- (h) Additional safety equipment as specified in this chapter and consistent with United States Department of Transportation inspection requirements.

II. "Light/Medium duty wrecker" means a wrecker intended and suitably equipped for safely towing vehicles weighing 26,000 pounds or less gross weight, including passenger cars, pickup trucks, motorcycles, small trailers, and similar vehicles, that meets the following requirements, provided that come-a-longs, chains, or other similar devices shall not serve as substitutes for a winch and cable:

- (a) A minimum gross vehicle weight rating of not less than 14,500 pounds;
- (b) Individual boom capacity of not less than 8,000 pounds, as rated by the boom manufacturer;
- (c) Individual power takeoff or hydraulic power or electric winch capacity of not less than 8,000 pounds, as rated by the manufacturer, and wire rope of a capacity and length consistent with the device manufacturer;
- (d) A manufactured wheel-lift with a retracting lifting capacity of not less than 3,500 pounds, as rated by the manufacturer, with safety chains;
- (e) Dual rear wheels;
- (f) Two chock blocks that will prevent rolling or slippage of the wrecker; and
- (g) Additional safety equipment as specified in this chapter and consistent with United States Department of Transportation inspection requirements.

III. "Recovery vehicle" means a motor vehicle consisting of a commercially available truck chassis equipped with a commercially manufactured tow body or bed and that is rated and issued a serial number by the manufacturer, designed and equipped for and used in the towing or recovery of vehicles, in good condition and capable of towing a vehicle by means of a tow bar, sling, or wheel lift, and capable of recovering a vehicle by means of a hoist, winch, or towline.

IV. "Rollback carrier" means a flatbed vehicle in good condition that meets the following requirements, provided that come-a-longs, chains, or similar devices shall not be used as substitutes for a winch and cable:

- (a) A minimum gross vehicle weight rating of at least 19,500 pounds;
- (b) A specially equipped chassis with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle;
- (c) At least one 8,000 pound winch, as rated by the winch manufacturer, with at least 50 feet of cable, as recommended by the winch manufacturer; and
- (d) Additional safety equipment as specified in this chapter and consistent with United States Department of Transportation inspection requirements.

V. "Tow business" means a person, enterprise, partnership, company, LLC, or other corporation having a registered trade name, an active New Hampshire tax identification number, an active New Hampshire

workers' compensation insurance policy or exemption papers, an active New Hampshire employment security account, and that meets all state and local legal requirements including, but not limited to, those related to payment of business related taxes, fees, and insurance coverage, and that regularly engages in the impoundment, recovery, transport, or storage of towed or abandoned vehicles, or in the disposal of abandoned vehicles.

VI. "Tow list" means a list or lists of qualified New Hampshire businesses compiled by the division of state police and used by them to dispatch wreckers and recovery and road service vehicles to tow, recover, and temporarily store a vehicle when the owner, driver, or other person responsible for the vehicle is not present or wishes to have the vehicle removed and expresses no choice or preference of a specific tow business, or when public safety requires the law enforcement official in charge at the scene to clear the vehicle from the location believing, in his or her sole opinion, the vehicle is causing a public hazard or safety issue or is stolen, unregistered, was involved in a crime, or is in violation of a statute that requires immediate removal.

VII. "Vehicle storage area" means a suitable yard or enclosed building where a qualified tow business keeps or stores towed or impounded vehicles.

VIII. "Wrecker" for purposes of this chapter and except where the context clearly indicates otherwise, means a tow truck, road service vehicle, or carrier and recovery vehicle used by tow businesses on the state police tow list.

106-B:29 Use of Tow List.

I. When a towing situation being handled by state police involves a vehicle that requires recovery, towing, or removal from the scene, the trooper in charge shall make a best effort attempt to allow the owner, operator, or other person lawfully responsible for the vehicle to contact a preferred tow business, unless doing so will delay the timely restoration of safe traffic movement, prolong a serious hazard, or compromise the preservation or collection of evidence. The preferred tow business when called shall notify state police communications of its estimated time of arrival. The trooper on scene shall determine if that time will unduly continue a hazardous condition or cause serious inconvenience for the public and, if so, state police communications shall summon the next appropriate tow business from the tow list. If there is no one on site who is the owner, operator, or other person lawfully responsible for the vehicle, and in the opinion of the trooper the vehicle presents a hazard or unreasonable delay to the public, the trooper on site shall request that state police communications contact the next appropriate tow business on the list.

II. To help ensure a timely and professional response and to promote fairness to individual towing businesses, the division of state police shall maintain a separate rotation list for each state police geographical troop area. In any case where distances involved could cause unreasonably long wrecker responses, the director of state police may authorize a separate rotational list by county or group of communities for that troop. The director may enlarge or shrink an area if necessary to provide a sufficient number of tow businesses to handle the number of calls in the area and the travel distances involved, and shall review the zones periodically to determine if needs are being met.

III. If the desired tow business is unable to respond to a call in a timely manner with the proper equipment, the tow business next in line on the rotation list will be called.

IV. Placement on the tow list shall be by order of application. Whenever a new tow business becomes authorized, it shall be placed on the bottom of the appropriate list or lists for which the director finds the tow business qualified. The director shall have authority to determine when a tow list is adequately staffed with towing businesses and may refuse to add a business to the list if he or she determines the amount and type of calls in that zone is insufficient to justify a larger list.

V. Separate rotation lists shall be maintained for each category of wrecker. When a situation requires services of a specific category of wrecker, such wrecker shall be called from the appropriate tow list unless the person responsible for the vehicle is present and has a preference for a different tow business with that category of wrecker, in which case the preferred wrecker shall be summoned if available within a reasonable response time.

VI. Nothing in this chapter shall be construed to confer any vested property rights upon a tow business to continue on the rotating list.

VII. Calling a tow company from the list does not create a contract with or obligation on the part of the state police or state police personnel to reimburse any fee or towing charge, except when towing a vehicle owned or leased by the state police or that is later forfeited to the state police, or if a court determines that the state police wrongfully authorized the tow and orders the state police to pay transportation and storage fees.

VIII. Placement on the rotation list does not guarantee a particular number of calls, an equal number of calls to every tow business on the list, nor any compensation as a consequence of not being called in accordance with the list, or when removed from the rotation list. If a towing business responds to a state police call and the call is later canceled due to the vehicle no longer being disabled, or the circumstances change such that after calling a tow company the vehicle must be stored in a manner that preserves all evidence in or on the vehicle and the tow business is not so equipped, the tow business shall go back to the top of the list.

IX. A tow business shall, upon receiving a request from the state police, use its own equipment and shall not refer a call to another tow business.

X. A tow business may terminate or temporarily suspend its designation as a service provider and be removed from the rotation list by providing prompt written notice to state police communications. In the event of unforeseen circumstances such as death, fire, bankruptcy, or loss of equipment from accident or failure, a tow business on the tow list shall timely notify the director of state police in writing of its intent to suspend its designation as a service provider. If and when it desires to return to service, such tow company shall send a new application to the director. If approved to resume operation, they shall be placed at the bottom of the rotation list.

XI. New tow businesses, when qualified and accepted, shall be placed on the bottom of the rotation list.

XII. The trooper in charge at the scene of a towing situation shall have discretionary authority to deny a request for a specific tow business whenever time is of the essence and the request will delay the restoration of safe traffic movement.

XIII. If a motorcycle is to be towed, a tow sling, wheel lift, car carrier, or other comparable device shall be used that has the capability to transport motorcycles.

XIV. The division shall not call a tow business that, in its opinion, does not have a vehicle of sufficient size and equipment for a specific job. Under these conditions, the tow business not called will remain on the top of the rotation list.

XV. A tow business shall not sell, assign, transfer, pledge, surrender, encumber, or dispose of its place on the rotation list. By applying to be placed on the list, a tow business agrees to respond to all state police calls 24 hours a day, 7 days a week. If for any reason the business cannot respond to a call, it rotates to the bottom of the list. Businesses that develop a pattern of non-response to calls may be subject to removal from the rotation list.

XVI. A tow business shall appear on the rotation list only once. The listing shall use the name of the business submitted at the time of application and a designation for any specialty in which the business is qualified. A tow business conducting business at a location shall not receive multiple listings or classifications by utilizing a different or fictitious name for trucks operating from the same location or trucks operating with the same name out of different locations within that zone.

XVII. When emergency conditions necessitate, the state police may request the services of the tow business that is best equipped to handle the emergency and can reach the scene in the shortest time, regardless of its position on the rotation list. A call made under these circumstances shall count as such business's next rotation call.

XVIII. Whenever heavy equipment or large vehicles are involved in an incident, and it is determined that the tow business next up on the rotation list lacks adequate equipment to handle the incident, the division may call a larger piece of equipment from a business on the list that can handle the situation. In such case, the tow business shall be repositioned on the rotation list accordingly. Having only one large rotation wrecker shall not justify for being called to all truck accidents.

XIX. In the event of an overturned truck, the state police shall determine at the time if the situation requires the use of only one tow business or if additional vehicles are required. The first named tow business shall determine the amount of assistance necessary to remove any public hazards. The tow business responding to the law enforcement request shall be responsible for contacting others meeting the qualifications to operate in New Hampshire and shall be the business responsible for efficient and safe handling of the recovery. Decisions made pursuant to this paragraph shall be based on the public safety concerns.

XX. At no time shall any towing vehicle exceed its manufacturer's gross vehicle weight rating or the manufacturer's rated capacity for the towing assembly or be attached to a vehicle which by its size and or weight would make towing it an unsafe movement.

106-B:30 Requirements for Placement on the Tow List.

I. Any tow business that wishes to be placed on the rotation list with appropriate designation shall make application to the director of state police.

II. The tow business shall provide as part of its application a list of all tow truck operator personnel, including full name, current address, date and place of birth, driver's license number and type, and any restrictions, license expiration date, and social security number. The application shall be updated with state police communications within 5 days of whenever a new employee is hired, or an employee leaves the employ of the business.

III. The application shall include an individual form approved by the director of state police for each tow truck operator and for the owner and manager of the business and any supervisors, listing under penalty of unsworn falsification their full name, date and place of birth, driver license number and type and any restrictions or limitations, and a listing of all motor vehicle offense convictions in this or any other state or Canadian province including type, court, and year in the preceding 5 years, and a list of any criminal convictions in this or any other state or Canadian province within the past 10 years, including type of offense, year of conviction, court, and sentence imposed, and whether the person is currently on probation or parole or has ever been a registered sex offender or subject to a domestic violence protective order. Nothing in this paragraph shall restrict the employer or state police in case of doubt from verifying the information through a record check or checks.

IV. Any criminal history of convictions involving a felony against persons or property involving fraudulent activity, aggravated assaults, sex offenses, burglary or thefts resulting in a felony conviction within the last 3 years, or a serious or repetitive motor vehicle violation history of any such individual shall be grounds for refusing to place on or removing the business from the rotation list.

V. If an operator is employed by more than one listed towing company, each company shall maintain an independent and separate driver file on such individual. When a driver, manager, or supervisor ceases employment at the business or a new such employee is hired, the company shall notify the state police director in writing within 10 days and include a copy of the application including a copy of the form described in paragraph III. It shall be the responsibility of the operator to maintain appropriate records of driving times showing full compliance with all applicable laws, rules, and regulations.

VI. In the event the ownership of a tow business changes for any reason including but not limited to the sale of the business, death, or retirement of the owner, the tow business shall reapply before the effective date of the change in ownership for approval or the tow business shall be removed from the rotation list until such time as the new owner complies with the application process.

VII. The business shall have a telephone number listed in its name and shall also have an after-hours telephone number where it can be contacted after normal business hours. The business shall be staffed Monday through Friday from at least 9 a.m. to 5 p.m. with someone who will be available for administrative matters and the release of a vehicle or other related items stored on premises. After normal business hours and on weekends or holidays a responsible person shall be on call to provide those services.

VIII. Wreckers dispatched shall arrive at the scene within 30 minutes of being called, except for cases where the travel distance, posted speeds, or traffic and weather conditions and volume of traffic make this unreasonable. For heavy duty calls the company shall respond within a maximum of 60 minutes regardless of the time of day. If the time exceeds the above limit and the tow business does not provide state police communications or the trooper in charge at the scene a valid reason for the delay within that time, a second rotation wrecker may be dispatched. If a second wrecker is requested before the arrival of the initially dispatched rotation wrecker, the initially requested wrecker shall forfeit the call and leave the incident scene. Repeated tardiness may result in suspension or removal from the rotation list.

IX. If a tow business responds to a rotation call and through no fault of its own, does not tow the vehicle, the business shall retain its position on the rotation list.

X. Towing personnel shall wear reflective clothing meeting Federal Highway Administration specifications at all times when working in or adjacent to the roadway.

XI. The tow business shall maintain a reasonably secure area for the safe storage of motor vehicles or other items stored at the request of the state police. Storage facilities shall be clearly marked as belonging to that tow business and shall have adequate lighting to illuminate the enclosed area. If a vehicle must be

stored for processing after a crime, death, or serious injury then storage facilities shall include a gated or fenced area adequate to reasonably secure the storage facility and prevent unauthorized entrance. Camera surveillance is recommended but not mandatory.

XII. A secure building that provides written proof that it meets all applicable state and local codes and which is suitably alarmed may substitute for a fenced area if the tow business provides for total inside storage.

XIII. The tow business shall provide reasonable accommodations for after-hours release of personal property in stored vehicles or other related storage once the state police releases any hold on personal or other property not affixed to the towed vehicle, and upon payment in full or mutual agreement for payment of all towing and storage fees. The towing of a vehicle at the request of law enforcement shall grant a lien to the tow business, equal to the cost of recovery and storage.

XIV. Under no circumstance may a tow business withhold wallets, purses, life essential clothing, mail, legal documents, child safety seats, eyeglasses or contact lenses, medicines, medical equipment, license plates, or house or place of business keys pending payment of fees.

XV. Any towing or recovery vehicle used by the tow business shall display lettering on both sides of the vehicle in letters that contrast in color with the background and are readily legible during daylight hours from a distance of 50 feet while the vehicle is stationary, and kept and maintained in a manner that retains such legibility, indicating the name or trade name of the wrecking service or owner thereof, the city or town and state in which the vehicle is customarily based, and the business telephone number on each front door of the truck. The identification number issued by the Federal Motor Carrier Safety Administration to the motor carrier, preceded by the letters "USDOT"; shall also be included in such lettering.

XVI. The tow business participating in the tow list shall maintain tow and hook, liability, and garage-keepers' liability insurance in an amount not less than that designated under New Hampshire law or administrative rule. This shall include a minimum coverage of \$1,000,000 in liability including garage-keeper's insurance coverage. The tow business shall also comply with all other business requirements and taxes required under state or federal law.

XVII. The tow business shall not place or imprint on its vehicles, buildings, equipment, clothing, or correspondence anything that suggests or implies an official relationship between the company and any emergency services provider or law enforcement agency. This shall extend to paint schemes, colors, shoulder patches, or decals similar in design to department of safety or state police vehicles or any name or logo implying an official connection. State police may design and issue a suitable decal to indicate that a tow vehicle's owner is on the rotating list. Termination of services or suspension, even if temporary, from the rotation list shall require any decal provided, issued, or approved by state police to be removed immediately from the tow vehicle if such vehicle will be operated on public roads.

XVIII. The tow business shall provide state police with a complete updated list of all rates for the services it performs related to the towing and storage of vehicles, on the letterhead of the business, and shall update such list when prices change. State Police shall not set the fees for these services nor use the rate schedule provided in determining placement on a rotation schedule. Price lists shall remain confidential except when determining the reasonable fee in a requested hearing conducted by the department of safety.

XIX. Whenever the owner of a towed or impounded vehicle or their agent pays a towing company for those services, the company shall provide a detailed receipt to the owner or agent for the services rendered.

XX. Motorists using a wrecker under the rotation list shall have the option of paying by cash or major debit or credit card. The tow business may inquire, prior to accepting a dispatch, as to how the motorist will be paying. The owner of a towed or impounded vehicle who believes an exorbitant or unreasonable fee was charged for towing the vehicle if such service rendered was covered by RSA 262:31 through RSA 262:40-c, may file a complaint with the commissioner of safety and request review pursuant to RSA 262:35-a. If not covered by RSA 262:31 through RSA 262:40-c, the owner or his or her agent shall be notified of his or her ability to make a complaint to the consumer protection division of the department of justice.

XXI. A tow business shall not be operated without a Federal Motor Carrier Safety Administration safety registration, an active United States Department of Transportation number, and valid New Hampshire registration.

106-B:31 Requirements to Remain on the Tow List.

I. Tow personnel shall perform a general cleanup of an accident area before leaving the scene, and remove any glass, vehicle parts, debris, or other substances dropped or spilled prior to leaving an incident scene. Vehicle fluids or hazardous substances shall not be intentionally drained or left on the road or surrounding environment. There will be no charge for normal highway cleanup of 30 minutes or less unless cleanup is a regular part of the itemized bill. If the debris field was caused by more than one vehicle all tow personnel shall share in the cleanup duties under the direction of the trooper in charge at the scene.

II. The tow business shall be responsible for securing and preserving personal property in a vehicle to be towed, unless the owner or person responsible is present and wishes to take custody of it.

III. The tow business shall employ reasonable safeguards and procedures so that all personal belongings and contents in the towed vehicle are intact and returned to the vehicle's owner or authorized agent upon release of the vehicle upon payment in full or mutual agreement for payment of fees with the exception of those essential items as provided.

IV. All personal property left in a vehicle and unclaimed shall be handled in accordance with applicable state laws.

V. No tow business shall accept a call if the employee who will be responding is under the influence of any substance that could cause impairment or has the odor of alcohol on his or her breath, nor shall a tow business employee respond in such a condition.

VI. The tow business shall maintain a log or ledger of all vehicles towed at the request of state police. It shall contain the date, time, and location of the tow, a description of the vehicle towed including the owner's name and address, vehicle identification number, registration plate number and state of registration, name of the tow vehicle operator, name and address of the person to whom the vehicle was released, and location to which the vehicle was towed. This record and any other records and equipment associated with compliance with these applicable state statutes and these rules shall be open to inspection by department of safety personnel during normal business hours and retained for the year when the record was made and one full year beyond.

VII. The owner, operator, and any employee of the tow business on the list shall comply with all applicable state and federal laws and local ordinances. In matters where conflict of laws arises the tow business shall follow the lawful direction of the law enforcement officer controlling the scene of the investigations and shall be held harmless from any conflicts.

VIII. All wrecker drivers shall have a valid driver's license for the class of vehicle they are operating. Wrecker drivers shall have a motor vehicle record free of convictions of serious motor vehicle offenses, or license revocations, or suspensions for serious motor vehicle offenses for the past 3 years.

IX. Tow companies on the tow list shall not permit any person to drive a wrecker if said person has been convicted for any felony against persons or property involving fraudulent activity, sex offenses, aggravated assaults, burglary, theft resulting in a felony conviction within the last 3 years. No tow company shall permit any person to drive a wrecker if the person is currently subject to probation, parole restrictions, or court order restricting the area the person may or may not be present in at any time.

X. Wreckers at the scene of a service call may be asked to provide minor on-site repairs, such as jump-starting a dead battery or changing a tire.

XI. Each tow vehicle shall carry at a minimum the following supplies and equipment in good working order, in addition to meeting the requirements herein for each class of vehicle that will be responding to wrecker calls:

(a) Emergency lights meeting statutory requirements, visible at 3/4 of a mile when illuminated, and visible over any vehicle being towed. Sirens are prohibited.

(b) At least one working spotlight capable of being aimed.

(c) One fire extinguisher, 5-lb. carbon monoxide or dry powder, fully charged and able to be operated.

(d) At least one heavy duty push broom and garbage container.

(e) A steering lock mechanism or capability to properly lock steering.

(f) A first aid kit.

(g) A reflectorized safety vest for each employee on the vehicle.

(h) For heavy duty vehicles and heavy-duty recovery vehicles, portable lighting equipment.

(i) Heavy duty wreckers and heavy-duty recovery vehicles shall have 10 of at least 2 of the following: reflector flare, road flare, colored LED flashing road flare. Lighter vehicles shall have at least 3 of 2 or more of the following: reflector flare, road flare, colored LED flashing road flare. Traffic cones may be substituted for one of the above on a clear day during the hours from dawn to dusk.

(j) At least one flat scoop type shovel.

(k) For heavy duty wreckers and heavy-duty recovery vehicles, necessary equipment to perform the tasks necessary for towing a vehicle.

(l) For any wreckers called to recover vehicles with air assisted brakes, the capability to provide air to the towed vehicle to facilitate brake operation.

(m) A current, valid motor vehicle registration and a current, valid state safety inspection sticker.

(n) An FCC licensed 2-way business radio or a wireless telephone.

(o) Portable lights for any vehicle being towed including taillights, stop lights, and directional signals.

(p) A minimum of 40 pounds of sand or other appropriate absorbent material designed and verified by the manufacturer to absorb hazardous waste and spills in an efficient and effective manner.

XII. The management of a towing business on the rotating list shall be primarily responsible to the division of state police to inspect and maintain an ongoing awareness of compliance with relevant rules, regulations, and laws affecting the business and to make prompt corrections of any discrepancies. Each tow business on the list shall annually, on or before January 15 of the following year, certify to the director of state police under penalty for unsworn falsification that it has conducted an internal inspection and that the business is in compliance with the provisions of this subdivision and any administrative rules adopted pursuant to it.

XIII. State troopers or other designated department of safety personnel may be assigned at the discretion of the state police director to conduct reviews from time to time of towing businesses, their records, and equipment to ensure compliance with relevant rules and laws and make a recommendation through the state police communications commander to the director as to the level of compliance and any appropriate action. Tow businesses participating in the tow list shall make, during normal business hours, their records, vehicles, facility, and equipment available for examination for such reviews by troopers or other department of safety employees. In cases of non-compliance, the state police communications commander shall recommend appropriate action to the director, which may include a verbal or written reprimand, suspension, or revocation from continued participation in the rotating list. Such action is discretionary and shall be based on the nature and seriousness of the discrepancy and any prior record of the business.

XIV. Before being removed from the rotating list for disciplinary reasons, a tow business or employee shall be served with a written notice of intent describing the reasons, and notified that it may request a hearing before the department of safety bureau of hearings prior to any such removal. A tow business that is removed from the list may contest the result of the hearing in superior court. Nothing in this subdivision shall be construed to confer any vested property rights upon a tow business or employee to remain on the state police rotating tow list.

XV. Tow vehicle owners, operators, and employees shall not be abusive, disrespectful, or use profane language when dealing with the public or officials and shall cooperate with the members of the state police.

XVI. Tow businesses shall employ only drivers who demonstrate an ability to perform required services in a safe, timely, courteous and civil manner and who satisfy all applicable state and federal laws and regulations.

XVII. The tow business shall tow disabled vehicles to any destination requested by the vehicle owner or person in charge of the vehicle after financial obligations have been finalized to the satisfaction of the tow business providing the service. The tow business may hold the vehicle for payment of services at the business location if not satisfied with payment on site.

XVIII. Access to the storage facility or yard by insurance inspectors, appraisers, attorneys and their assistants and private investigators shall be at their own risk and the tow business shall not be responsible for any injury sustained. A vehicle owner or the owner's authorized agent, upon presentation of suitable identification, may enter the yard at their own risk under supervision by the tow business to remove personal items or belongings.

XIX. A wrecker operator on the rotation list shall not offer towing services to the owner or operator of a vehicle currently under the supervision of state police unless dispatched by the rotation list or specifically hailed for service by the trooper or other law enforcement officer under emergency circumstances. Any activity done or designed for the purpose of circumventing the list shall be cause for the division to remove the business from the rotating list permanently or for a specific time determined by the division.

XX. Tow service vehicles shall not be driven at an unsafe or unreasonable speed, commit other moving motor vehicle violations or drive recklessly on the way to or from a towing service call, and may be removed from the list for such behavior.

XXI. State police shall not show any favoritism or circumvent the tow list to favor one or more businesses and shall be subject to divisional discipline for doing so.

106-B:32 Recordkeeping; Mandatory Records.

I. Each operator or business on the rotating list shall maintain a record system covering all services performed in roadside service, pulling, towing, or transporting vehicles in response to calls from the state police, which shall include the following information:

(a) The date and time of day the business was contacted and requested to the scene and the times of arrival and departure from the scene.

(b) The name of the person requesting the service.

(c) The location of the vehicle or incident.

(d) A description of the vehicle including license plate and vehicle identification number.

(e) The name and address of the owner or lessee of the vehicle, if known.

(f) The name and address, date of birth, driver license number, and licensing state or province of the driver of the vehicle, if known.

(g) The service or towing charge and other related fees.

II. All such records shall be available for inspection and copying by state troopers or agents of the department of safety during normal business hours at the place of business of the wrecker business, and shall be maintained for the current calendar year and the year immediately prior to the current calendar year.

106-B:33 Confiscated Vehicles; Impoundment. A state trooper may impound or confiscate a vehicle towed by a tow business that is on the rotation list in furtherance of law enforcement duties, such as when the vehicle is reported stolen or involved in a crime, is unsafe to be driven, or is to be processed for possible forensic evidence of a crime. In such events:

I. The vehicle may be towed to a location specified by the processing officer to facilitate evidence preservation, collection, or processing, otherwise it shall be securely stored on the premises of the towing service.

II. The towing and storage of the vehicle shall be at the expense of the state police. The wrecker business shall not release the vehicle to anyone unless and until authorized to do so by the trooper who arranged for the hold or a state police officer superior in rank to that trooper, or on an order by the court.

III. The tow business shall not allow anyone except a member of the law enforcement agency having jurisdiction or someone having written permission from the state police to enter, inspect, or touch the vehicle or any parts from the vehicle.

IV. When the vehicle is released, the tow business shall require that the person to whom the vehicle is released display a valid photo driver license or other official government photo identification, and the tow business shall keep a photocopy of such card or document.

106-B:34 Compliance Action; Disciplinary Enforcement. Participation in the state police tow list is a privilege, not a right. The director of state police is charged with the responsibility of ensuring that the towing, storage, roadside emergency service, and recovery of vehicles at the direction or request of the division of state police is accomplished consistent with state law and administrative rules and in a manner that maintains the confidence and respect of the motoring public. To accomplish this, the director may take appropriate action to uphold the integrity and efficiency of the tow list and the duties and responsibilities of businesses

participating in the list and their owners, managers, and employees. The director may take appropriate action including removal of a tow business or a tow business employee from participating in the tow list, and which may include upon satisfactory evidence of violations or deliberate noncompliance, a verbal or written warning, suspending the business or employee or both from the list for a period of one to 120 days, or removal from the list and ineligibility for restoration for up to 2 years, depending on the seriousness of the offense, any prior history of violations, and any resulting harm. Causes for such action shall include violations of the equipment and other requirements set forth in RSA 106-B:28, and the provisions of RSA 106-B:29 through 106-B:33. Disciplinary actions may be appealed to the department of safety bureau of hearings and to the superior court as provided in RSA 106-B:31, XIV.

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

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

REGULAR CALENDAR

COMMERCE

SB 450, relative to brew pubs allowing customers to bring dogs to outdoor areas.
Ought to Pass, Vote 4-1. Senator Morse for the committee.

Senator Birdsell offered a Floor Amendment.

Sen. Sherman, Dist 24
Sen. Birdsell, Dist 19
March 5, 2020
2020-1100s
08/10

Floor Amendment to SB 450

Amend RSA 466:44, III as inserted by section 1 of the bill by replacing it with the following:

III. A municipality may adopt an ordinance allowing a person holding a brew pub license under RSA 178:13 to allow dogs onto any patio at his or her place of business, if such dogs and owners access to the patio is from the exterior of the brew pub, regardless of whether food or drink are served on such patio. In this paragraph, "patio" means an open air, exterior, paved space with an entrance separate from the brew pub. Such dogs shall not be allowed in food preparation or production areas. A brew pub licensee allowing dogs shall prominently display a sign at all public entrances advising patrons that dogs are allowed on the premises. This paragraph shall not apply to service animals as defined by RSA 167-D:1, IV.

2020-1100s

AMENDED ANALYSIS

This bill allows municipalities to adopt ordinances to allow dogs in outdoor areas of brew pubs.

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 555, relative to telemedicine coverage and reimbursements.
Ought to Pass, Vote 4-1. Senator Cavanaugh for the committee.

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

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 667-L, relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees.
Inexpedient to Legislate, Vote 3-2. Senator Birdsell for the committee.

Senator Feltes moved to Lay on the Table. Adopted.

Recess. Out of recess.

ENERGY AND NATURAL RESOURCES

SB 491, relative to shoreland water quality.
Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Energy and Natural Resources
 February 5, 2020
 2020-0508s
 08/04

Amendment to SB 491

Amend the bill by replacing section 5 with the following:

5 Minimum Shoreland Protection Standards. Amend RSA 483-B:9, V(b)(2)(A) to read as follows:

~~(2)(A) [On a given lot, at least 25 percent of the woodland buffer area located between 50 feet and 150 feet from the reference line shall be maintained as natural woodland. The vegetation, exclusive of lawn, within the natural woodland shall be maintained in an unaltered state or improved with additional vegetation. Owners of lots legally developed or landscaped prior to July 1, 2008 that do not comply with this standard are encouraged to, but shall not be required to, increase the percentage of the woodland buffer area to be maintained as natural woodland. The percentage of the woodland buffer area maintained as natural woodland on nonconforming lots shall not be decreased.]~~

(i) For lots one-half acre or less within the woodland buffer, at least 25 percent of the woodland buffer area located between 50 feet and 150 feet from the reference line shall be maintained as natural woodland in an unaltered state.

(ii) For lots with greater than one-half acre within the woodland buffer, 25 percent of one-half acre of the woodland buffer area located between 50 feet and 150 feet from the reference line, exclusive of impervious surfaces, shall be maintained as natural woodland in an unaltered state, with the remaining acreage maintained as 50 percent in an unaltered state. Owners of lots legally developed or landscaped prior to July 1, 2020 shall be required to maintain 25 percent of the woodland buffer in an unaltered state.

(iii) In addition, the commissioner of the department of natural and cultural resources may order vegetation on lands or properties owned by, leased to, or otherwise under the control of the department of natural and cultural resources within the protected shoreland to be cut when overgrowth of vegetation impairs law enforcement activities and endangers public safety. If such cutting will exceed that which is allowed under this subparagraph, the commissioner of the department of natural and cultural resources shall provide written notification to the department of environmental services identifying the areas to be cut and an explanation of the need for the cutting at least 2 weeks prior to the undertaking.

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

7 Permit Required; Exemption; Cross Reference Changed. Amend the introductory paragraph of RSA 483-B:5-b, I(a) to read as follows:

(a) No person shall commence construction, excavation, or filling activities within the protected shoreland without obtaining a permit from the department to ensure compliance with this chapter. Projects which have no impact on water quality and which follow department rules shall qualify for a permit by notification. The owner may proceed with the proposed project immediately upon receipt of written notice from the department that a complete and accepted notification has been received by the department. A notification shall be complete and accepted provided it meets or exceeds all of the minimum standards under [RSA 483-B:9] **RSA 483-B**, includes a notification form signed by the owner of property, the name and address of the property owner, the address of the site on which the work will occur, the name of the jurisdictional waterbody, the tax map and lot number on which the proposed work will occur, plans clearly and accurately depicting the work to be completed relative to the reference line of the jurisdictional waterbody, photographs of the area to be impacted, and identification of those project criteria listed below that would qualify the project for a permit by notification. Such project criteria shall include:

8 New Paragraph; Permit Required; Exemption. Amend RSA 483-B:5-b by inserting after paragraph III the following new paragraph:

III-a. Applications for projects solely funded by legally recognized non-profit organizations, municipal, county, state, or federal entities shall be exempt from the permitting fees of paragraph I.

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

Senator Fuller Clark moved to Lay on the Table. Adopted.

SB 493-FN-A, relative to register of deeds fees used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation and to review the LCHIP surcharge.

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

Senator Fuller Clark offered a Floor Amendment.

Sen. Fuller Clark, Dist 21

March 3, 2020

2020-1010s

10/04

Floor Amendment to SB 493-FN-A

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

AN ACT relative to register of deeds fees and voluntary contributions used to support the land and community heritage investment program (LCHIP), and establishing a committee to study the economic impact of land conservation and to review the LCHIP surcharge.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 3 and 4, respectively:

2 New Paragraph; Land and Community Heritage Investment Program; Trust Fund. Amend RSA 227-M:7 by inserting after paragraph III the following new paragraph:

IV. In addition to the provisions of paragraph III, the authority may receive and accept for deposit in the trust fund voluntary contributions, gifts, private grants, or other donations and use such funds as provided in paragraph I to support the land and community heritage investment program.

2020-1010s

AMENDED ANALYSIS

This bill increases the fee assessed in addition to register of deeds recording fees used to support the land and community heritage investment program and allows for voluntary contributions, gifts, private grants, or other donations to be accepted for the program. The bill also establishes a committee to study the economic impact of land conservation and to review the LCHIP surcharge.

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

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

Sen. Ward, Dist 8

March 5, 2020

2020-1099s

10/08

Floor Amendment to SB 493-FN-A

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

AN ACT making an appropriation to support the land and community heritage investment program (LCHIP).

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

1 Appropriation; Land and Community Heritage Investment Program. The sum of \$250,000 for the fiscal year ending June 30, 2021 is hereby appropriated to the land and community heritage investment program for deposit in the trust fund established in RSA 227-M:7. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 2020.

2020-1099s

AMENDED ANALYSIS

This bill makes an appropriation to the land and community heritage investment program (LCHIP) for fiscal year 2021.

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 the Committee on Finance (Rule 4-5).

SB 627-FN, establishing a dock registration procedure.

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

Energy and Natural Resources

February 18, 2020

2020-0721s

08/05

Amendment to SB 627-FN

Amend RSA 482-A:3, IV-a(b)(4) as inserted by section 2 of the bill by replacing it with the following:

(4) Are not the subject of any municipal or state compliance action or pending civil action.

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 669, relative to authorization to grow industrial hemp.

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

Energy and Natural Resources

February 18, 2020

2020-0722s

08/11

Amendment to SB 669

Amend RSA 433-C:2 as inserted by section 1 of the bill by replacing it with the following:

433-C:2 Authorization. An institution of higher education, as defined in 20 U.S.C. section 1001, may grow or cultivate ***or may contract with a private party to grow or cultivate***, industrial hemp, on site or off site, for purposes of research under an agricultural pilot program or other agricultural or academic research. In addition to studying the plant's growth and cultivation, the research shall also study the economics of industrial hemp, including markets and processing. Industrial hemp grown or cultivated in accordance with this chapter shall not be considered a controlled drug or controlled substance under RSA 318-B.

2020-0722s

AMENDED ANALYSIS

This bill authorizes higher educational institutions to contract with a third party to grow or cultivate industrial hemp.

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 712-FN, establishing a surcharge on certain saltwater licenses and establishing a fund for derelict fishing gear and coastal cleanup.

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

INTRODUCTION OF GUESTS

Senator Sherman introduced our Senate Page's father Stephen Borne, visiting in the gallery.

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

SB 713-FN, relative to the municipal winter maintenance certification program.

Ought to Pass, Vote 4-0. 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 728-FN, establishing the coastal program administered by the department of environmental services.

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

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 540, repealing the emergency medical services personnel licensure interstate compact.

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

Recess. Out of recess.

Recess. Out of recess.

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

HEALTH AND HUMAN SERVICES

SB 676-FN, relative to the controlled drug prescription health and safety program.

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

Health and Human Services

February 19, 2020

2020-0776s

01/04

Amendment to SB 676-FN

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

1 Statement of Intent. The purpose and intent of this legislation is to improve the health and wellbeing of New Hampshire citizens by authorizing meaningful access by the department of health and human services to data, including identifiable patient-level data or information, from the office of professional licensure and certification, controlled drug prescription health and safety program, for public health purposes including, but not limited to, public health evaluation, coordination of health care, and for the delivery of critical services to address substance use disorders.

2 New Section; Department of Health and Human Services; Controlled Drug Prescription Health and Safety Program Information; Confidentiality. Amend RSA 126-A by inserting after section 5-e the following new section:

126-A:5-f Controlled Drug Prescription Health and Safety Program; Confidentiality.

I. In this section “office” means the office of professional licensure and certification, established in RSA 310-A.

II. Information and data obtained by the department from the office, including identifiable patient-level data or information, pursuant to RSA 318-B:34, is confidential, is not a public record or otherwise subject to disclosure under RSA 91-A, is not subject to discovery, subpoena, or other means of legal compulsion for release and shall not be shared with an agency or institution, except as provided in RSA 318-B:34, or under this section.

III. The department, in consultation with the office, may release reports for analysis and evaluation, statistical analysis, public research, public policy, and educational purposes, provided that the information and the data within the reports is aggregated or otherwise de-identified. No individual whose identifiable patient-level data or information was provided by the office to the department shall be contacted, or subject to any action, by the department, directly or indirectly, on the basis of such data or information.

IV.(a) The department shall enter into one or more reciprocal data sharing agreements with the office to share prescription drug monitoring information for public health purposes including, but not limited to, public health evaluation, coordination of health care, and for the delivery of critical services to address substance use disorders. The office shall receive any final analyses or reports made with shared data. Any proposed data sharing agreement between the office and the department shall be reviewed by the advisory council for the controlled drug prescription health and safety program, established under RSA 318-B:38, which may make recommendations to the office. The department may release studies with de-identified data, provided the release is authorized by the data sharing agreement. The data sharing agreements shall include:

- (1) The specific purpose of sharing data;
- (2) A detailed description of the data sets that will be included;
- (3) The criteria and procedures for the development of data sets;

- (4) The criteria and procedures to ensure data security and destruction; and
- (5) A proposed time frame in which the data will be used.

(b) Under no circumstances shall the data or information received by the department pursuant to this section be copied or released by the department to any other person or entity, unless the data or information is aggregated or otherwise de-identified.

3 Controlled Drug Prescription Health and Safety Program; Definitions. Amend RSA 318-B:31, IV to read as follows:

IV. "Dispenser" means a person or entity who is lawfully authorized to deliver a schedule II-IV controlled substance, **and conduct medication reconciliation**, but does not include:

(a) A licensed hospital pharmacy **under RSA 318** that dispenses less than a 48-hour supply of a schedule II-IV controlled substance from a hospital emergency department or that dispenses for administration in the hospital;

(b) A practitioner, or other authorized person who administers such a substance;

(c) A wholesale distributor of a schedule II-IV controlled substance or its analog;

(d) A prescriber who dispenses less than a 48-hour supply of a schedule II-IV controlled substance from a hospital emergency department to a patient; ~~or~~

(e) A veterinarian who dispenses less than a 48-hour supply of a schedule II-IV controlled substance to a patient; **or**

(f) A practitioner who neither prescribes nor dispenses and who is not actively working as a pharmacist within a New Hampshire licensed pharmacy licensed under RSA 318 or New Hampshire health care facility licensed under RSA 151.

4 New Paragraph; Controlled Drug Prescription Health and Safety Program Established. Amend RSA 318-B:32 by inserting after paragraph I the following new paragraph:

I-a. The office may enter into agreements or contracts to facilitate the confidential sharing of information relating to the prescribing and dispensing of schedule II-IV controlled substances, by practitioners within the state and to establish secure connections between the program and a practitioner's electronic health record keeping system. The electronic health record keeping system may allow for the query and retrieval of program information for display and retention in the patient's medical information; provided that nothing in this section shall allow the electronic health record keeping system owner or license holder to perform data queries unrelated to individuals under the practitioner's care. The electronic health record keeping system owner or license holder shall be responsible for ensuring that only authorized individuals have access to program information.

5 New Paragraph; Controlled Drug Prescription Health and Safety Program; Confidentiality. Amend RSA 318-B:34 by inserting after paragraph II the following new paragraph:

II-a. A practitioner who intends to request and use information from the program about a patient shall post a sign that can be easily viewed by the public that discloses to the public that the practitioner may access and use information contained in the program. In lieu of posting a sign, the practitioner may provide such notice in written material provided to the patient.

6 Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 318-B:35, I(a)(2) and (3) to read as follows:

(2) For reviewing information regarding prescriptions issued or dispensed by the requester; ~~or~~

(3) For the purpose of investigating the death of an individual; **or**

(4) For the purpose of administering RSA 326-B:36-a and RSA 329:13-b.

7 New Paragraphs; Controlled Drug Prescription Health and Safety Program; Confidentiality. Amend RSA 318-B:34 by inserting after paragraph III the following new paragraphs:

IV. The office may release identifiable patient-level data or information to the department of health and human services for public health purposes if the office authorizes the release of such data or information

pursuant to a data sharing agreement between the office and the department. Any such data sharing agreement shall be reviewed by the advisory council for the controlled drug prescription health and safety program established in RSA 318-B:38, which may make recommendations to the office. The department may release studies with de-identified data, provided the release is authorized by the data sharing agreement. The data sharing agreement shall include:

- (a) The specific purpose of sharing data;
- (b) A detailed description of the data sets that will be included;
- (c) The criteria and procedures for the development of data sets;
- (d) The criteria and procedures to ensure data security and destruction; and

(e) A proposed time frame in which the data will be used. Under no circumstances shall the data or information released to the department pursuant to this section be copied or released by the department to any other person or entity, unless the data or information is aggregated or otherwise de-identified.

V. The department of health and human services shall comply with RSA 318-B:32, III with respect to data or information received pursuant to paragraph IV.

8 Repeal. RSA 318-B:35, I(b)(5), relative to a practitioner or consultant retained by the office of professional licensure and certification to review certain information, is repealed.

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

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

Senator Sherman offered a Floor Amendment.

Sen. Sherman, Dist 24

Sen. Giuda, Dist 2

March 2, 2020

2020-0987s

01/06

Floor Amendment to SB 676-FN

Amend RSA 318-B:35, I(a)(4) as inserted by section 6 of the bill by replacing it with the following:

(4) For the purpose of administering RSA 318:29-a, VI, RSA 326-B:36-a, RSA 329:13-b, and other participating health professional boards.

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).

SB 697-FN, allowing qualifying patients to access all the alternative treatment centers under the use of cannabis for therapeutic purposes law.

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

Health and Human Services

February 19, 2020

2020-0771s

01/10

Amendment to SB 697-FN

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

AN ACT allowing qualifying patients to access all the alternative treatment centers under the use of cannabis for therapeutic purposes law and clarifying a provision on the limitations on the therapeutic use of cannabis.

Amend the bill by inserting after section 8 the following and renumbering the original sections 9-10 to read as 10-11, respectively:

9 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the therapeutic Use of Cannabis. Amend RSA 126-X:3, VII to read as follows:

VII. The department may revoke the registry identification card of a qualifying patient or designated caregiver for violation of rules adopted by the department or for violation of any other provision of this chapter, ***including for obtaining more than 2 ounces of cannabis in any 10-day period in violation of RSA 126-X:8, XIII(b)***, and the qualifying patient or designated caregiver shall be subject to any other penalties established in law for the violation.

2020-0771s

AMENDED ANALYSIS

This bill allows qualifying patients to access all the alternative treatment centers under the use of cannabis for therapeutic purposes law.

This bill also clarifies a provision of law regarding the limitations on the therapeutic use of cannabis.

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.

JUDICIARY

SB 469, relative to shooting ranges.

Inexpedient to Legislate, Vote 4-0. Senator French for 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 Giuda.

Recess. Out of recess.

The following Senators voted Yes: Starr, Giuda, Bradley, Watters, Hennessey, Gray, French, Ward, Dietsch, Kahn, Chandley, Levesque, Rosenwald, Carson, Feltes, Cavanaugh, Reagan, Birdsell, D'Allesandro, Fuller Clark, Morse, Morgan, Sherman, Soucy.

The following Senators voted No: (None)

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

SB 487, repealing the housing appeals board and establishing a commission to advance affordable housing in New Hampshire.

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

Without objection, Senator Birdsell moved the question. Adopted.

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

Senators Birdsell and Giuda withdrew their request for a roll call.

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

Senators Dietsch, Fuller Clark and Sherman are in opposition to the motion of Inexpedient to Legislate

SB 523, relative to the analysis of devices or instruments that produce evidence that may be admissible in court. Inexpedient to Legislate, Vote 4-0. Senator French for the committee.

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

SB 536, establishing a committee to study the housing appeals board.

Inexpedient to Legislate, Vote 3-1. Senator Hennessey for the committee.

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

Senator Morse moved Ought to Pass.

Senator Morse offered a Floor Amendment.

Sen. Morse, Dist 22
March 4, 2020
2020-1092s
10/04

Floor Amendment to SB 536

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

AN ACT requiring an annual report of the housing appeals board.

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

1 New Section; Housing Appeals Board; Annual Report. Amend RSA 679 by inserting after section 19 the following new section:

679:20 Annual Report. Beginning on July 1, 2021, the board shall submit an annual report 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, that includes:

I. A brief description of all appeals brought to the board in which the board overturned the decision of planning board or local land use board.

II. A brief description of all rulings made by the board that were then appealed to the supreme court and the final disposition of those appeals.

III. An estimate of the impact of the housing appeals board on the number of housing units approved for construction.

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

2020-1092s

AMENDED ANALYSIS

This bill requires the housing appeals board to report annually on decisions overturned, appeals made to the supreme court, and the impact of the board on housing units approved for construction.

The question is on the adoption of the Floor Amendment.

A division was requested.

Division, Yeas: 18 - Nays: 6. Adopted.

Senator Giuda moved to Lay on the Table. Failed.

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

SB 650-FN, relative to the payment of costs for services other than counsel for indigent parties. Ought to Pass with Amendment, Vote 4-0. Senator French for the committee.

Senate Judiciary
February 18, 2020
2020-0727s
04/08

Amendment to SB 650-FN

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

1 Termination of Parental Rights; Fees and Court Costs. Amend RSA 170-C:13 to read as follows:

170-C:13 Fees and Court Costs.

I. The petitioner shall pay all entry fees and court costs including costs of giving notice, costs of advertising, and court-appointed guardian ad litem fees. The court, however, may waive entry fees and court costs where payment would work a hardship on the petitioner. Where the court waives payment by the petitioner, the state, through the court system, shall pay court costs. The judicial council shall pay the cost of a CASA guardian ad litem appointed for the child or other guardian ad litem in cases arising from an underlying abuse and neglect proceeding when the state is the moving party or in cases where payment would work a

hardship on the petitioner. ***The cost of such appointment, including counsel and investigative, expert, or other services and expenses necessary to provide adequate representation, shall be paid from funds appropriated for indigent defense pursuant to RSA 604-A.***

II. The department of health and human services is exempted from paying any entry fees and court costs.

III. When appointment of counsel is made by the court pursuant to RSA 170-C:10 for a parent determined to be financially unable to employ counsel, the court shall use a financial eligibility guideline established by the office of cost containment to determine if the party is indigent. Upon determination that the party is indigent, the court may appoint counsel, subject to an order of repayment through the office of cost containment. The judicial council shall bear the financial responsibility for the payment of costs for attorneys appointed pursuant to RSA 170-C:10 in accordance with the financial eligibility guideline established by the office of cost containment. ***The cost of such appointment, including counsel and investigative, expert, or other services and expenses necessary to provide adequate representation, shall be paid from funds appropriated for indigent defense pursuant to RSA 604-A. Counsel shall petition the court for investigative, expert, or other services necessary to provide adequate representation. If the court finds that such services are necessary and that the parent is financially unable to obtain them, the court shall authorize counsel to obtain the necessary services on behalf of the parent. Services authorized under this section shall not include the payment of expenses that are the responsibility of any other agency pursuant to RSA 169-C or this chapter.***

2 Guardians and Conservators; Right to Counsel. Amend RSA 464-A:6, I to read as follows:

I. The right to legal counsel for any person for whom a temporary guardian or guardianship of the person and estate, or person, or estate, is sought shall be absolute and unconditional. If the proposed ward does not have his or her own counsel, the court shall appoint counsel for the proposed ward immediately upon the filing of a petition for guardianship of the person and estate, or the person, or estate. ***The judicial council shall pay the cost of such appointment, including counsel and investigative, expert, or other services and expenses necessary to provide adequate representation, from funds appropriated for indigent defense pursuant to RSA 604-A. Prior to obtaining investigative, expert, and other services necessary to provide adequate representation, counsel shall apply to the court and, upon finding that such services are necessary and that the person is financially unable to obtain them, the court shall authorize counsel to obtain the necessary services on behalf of the person for whom temporary guardian or guardianship of the person and estate, or person or estate, is sought.***

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 652, relative to possessing controlled drugs during a public health incident.
Ought to Pass with Amendment, Vote 4-0. Senator Levesque for the committee.

Senate Judiciary
February 19, 2020
2020-0731s
01/06

Amendment to SB 652

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

AN ACT relative to possessing controlled drugs for public health purposes.

Amend the bill by replacing section 1 with the following:

1 New Chapter; Authorization to Possess Controlled Drugs For Public Health Purposes. Amend RSA by inserting after chapter 141-J the following new chapter:

CHAPTER 141-K

AUTHORIZATION TO POSSESS CONTROLLED DRUGS FOR PUBLIC HEALTH PURPOSES

141-K:1 Authorization to Possess Controlled Drugs For Public Health Purposes.

I. In this chapter, "department" means the department of health and human services.

II. Authorized agents of the department may possess, transport, deliver, or transfer voluntarily surrendered controlled drugs or controlled drug analogs as defined in RSA 318-B:1, whether known or unknown, that may pose a threat to public health for the purpose of the investigation, laboratory testing, and regulatory oversight. Such agents shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or search, while possessing, transporting, delivering, or transferring controlled drugs or controlled drug analogs in accordance with this paragraph. Such agents shall possess department-issued employee identification at all times when in possession of such substances and shall produce the identification to state or local law enforcement officials upon request.

III. Authorized agents of the department shall package and store any controlled drugs or controlled drug analogs in a sealed leak-proof container or bag. When transporting in a motor vehicle, any such container shall be kept in a separate locked storage receptacle or compartment in the vehicle.

IV. Any information received or created under this chapter shall be confidential and not subject to disclosure pursuant to RSA 91-A.

2020-0731s

AMENDED ANALYSIS

This bill authorizes certain agents of the department of health and human services to possess controlled drugs for public health purposes.

This bill is a request of the department of health and human services.

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 678-FN, relative to the penalty for escape.

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

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

SB 706-FN, relative to appeals under New Hampshire's Child Protection Act.

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

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

SB 719-FN, relative to lost or stolen firearms.

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

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

SB 720-FN, relative to adult protective services.

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

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

SB 721-FN-A, relative to court review of planning board decisions and making an appropriation therefor.

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

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

Senator Dietsch is in opposition to the motion of Inexpedient to Legislate.

SB 735-FN, repealing the housing appeals board.

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

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

Senators Dietsch and Sherman are in opposition to the motion of Inexpedient to Legislate.

SB 743-FN, relative to enhanced penalties based on prior convictions for driving under the influence of drugs or liquor.

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

Senate Judiciary
February 18, 2020
2020-0725s
04/05

Amendment to SB 743-FN

Amend the bill by replacing section 4 with the following:

4 Extended Term of Imprisonment. Amend RSA 651:6, III(f)-(g) to read as follows:

(f) A third offense under RSA 632-A:3, life imprisonment; ~~or~~

(g) Any of the crimes listed under RSA 651:6, I(j), a minimum to be fixed by the court of not less than 90 days and a maximum of not more than one year; **or**

(h) Negligent homicide under RSA 630:3, II or aggravated driving while intoxicated under RSA 265-A:3, I(b) or II(b), the court may consider an enhanced sentence of not less than 10 years or more than 20 years where the person has once previously been convicted under RSA 265-A:2, I, RSA 265-A:3, or RSA 630:3, II, or under a reasonably equivalent offense in an out-of-state jurisdiction; or

(i) Negligent homicide under RSA 630:3, II or aggravated driving while intoxicated under RSA 265-A:3, I(b) or II(b), the court may consider an enhanced sentence of not less than 15 years or more than 30 years where the person has, on 2 or more prior occasions, been convicted under RSA 265-A:2, I, RSA 265-A:3, or RSA 630:3, II, or under a reasonably equivalent offense in an out-of-state jurisdiction.

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 414, changing the formula for the distribution of highway funds in the Woodsville fire district. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

Senate Transportation
February 19, 2020
2020-0742s
06/08

Amendment to SB 414

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

AN ACT relative to roads within the Woodsville Fire District.

Amend the bill by replacing section 1 with the following:

1 ~~[Distribution of Highway Funds in the]~~ **Town of Haverhill;** Woodsville Fire District. Amend 1887, 204:3, as amended by 1899, 196:2; 1990, 37:1; and 2009, 147:1 to read as follows:

SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to district meetings the like powers to those of moderator, clerk, and selectmen of towns. The commissioners shall have within the district all the powers of the mayor and aldermen of any city respecting ~~highways,~~ sidewalks[,] and sewers. They shall control and direct the expenditure of all moneys raised under authority of the district and by the town of Haverhill for expenditure in the district. ~~[They shall have sole authority to appoint a highway surveyor in said district, and in default of such appointment shall themselves perform the duties of that office. The surveyor or commissioners performing the duties of highway surveyor in the district shall give bond to the town to account for all money coming into their hands, and for the proper care and custody of the property of the town or district which may come into their custody or control, and shall be deemed officers of the town. Nothing in this act shall be construed to impose any distinct or special liability upon the district respecting highways within its limits.]~~ Vacancies that may occur in the office of commissioner in the district shall be filled by appointment of the remaining commissioners or commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next annual district meeting. Commissioners shall be residents

of the district. [The money appropriated for the distribution of highway funds in the district which is attributable to the town of Haverhill shall be determined by a fraction, the numerator of which shall be the assessed valuation of the properties in the district, and the denominator of which shall be the assessed valuation of the properties in the entire town of Haverhill as determined annually from the town MS-1 form. The town of Haverhill shall appropriate the percentage represented by such fraction for distribution to the highway fund in care of the Woodsville fire district commissioners.] ***The town of Haverhill shall be responsible for the care and maintenance of all town-owned roads within its boundaries, including all precincts and districts. Highway block grant funds shall be distributed in accordance with the department of transportation formula, and all other appropriations shall be as directed by warrant articles duly voted by the voters present and voting at each annual Haverhill town meeting. No later than the effective date of this act, the Woodsville fire district shall provide a financial audit, compliant with generally accepted accounting practices (GAAP), of all highway-related funds received from the town of Haverhill and all other sources including state and federal funds, from January 1, 2009 to the effective date of this act, as directed by the department of revenue administration.***

2020-0742s

AMENDED ANALYSIS

This bill deletes the authority of the Woodsville fire district over highways within the district. This bill also requires the town of Haverill to assume responsibility for the care and maintenance of town roads within the Woodsville fire district.

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

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

Sen. Watters, Dist 4

February 25, 2020

2020-0862s

06/10

Floor Amendment to SB 414

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

AN ACT relative to roads within the Woodsville Fire District.

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

1 Town of Haverhill; Woodsville Fire District. Amend 1887, 204:3, as amended by 1899, 196:2; 1990, 37:1; and 2009, 147:1 to read as follows:

SECT. 3. Said district at each annual meeting shall elect by ballot a moderator, a clerk, one auditor, a treasurer, and three commissioners. All of said officers shall be elected by a majority vote of all the voters present and voting at the annual meeting. Said officers shall exercise in relation to district meetings the like powers to those of moderator, clerk, and selectmen of towns. The commissioners shall have within the district all the powers of the mayor and aldermen of any city respecting [highways,] sidewalks[,] and sewers. They shall control and direct the expenditure of all moneys raised under authority of the district and by the town of Haverhill for expenditure in the district. ~~[They shall have sole authority to appoint a highway surveyor in said district, and in default of such appointment shall themselves perform the duties of that office. The surveyor or commissioners performing the duties of highway surveyor in the district shall give bond to the town to account for all money coming into their hands, and for the proper care and custody of the property of the town or district which may come into their custody or control, and shall be deemed officers of the town. Nothing in this act shall be construed to impose any distinct or special liability upon the district respecting highways within its limits.]~~ Vacancies that may occur in the office of commissioner in the district shall be filled by appointment of the remaining commissioners or commissioner, but any commissioner appointed to fill a vacancy shall hold office only until the next annual district meeting. Commissioners shall be residents of the district. ~~[The money appropriated for the distribution of highway funds in the district which is attributable to the town of Haverhill shall be determined by a fraction, the numerator of which shall be the assessed valuation of the properties in the district, and the denominator of which shall be the assessed valuation of the properties in the entire town of Haverhill as determined annually from the town MS-1 form. The town of Haverhill shall appropriate the percentage represented by such fraction for distribution to the highway fund in care of the Woodsville fire district commissioners.]~~ ***The town of Haverhill shall be responsible for the***

care and maintenance of all roads within its boundaries, including all precincts and districts. Highway block grant funds shall be distributed in accordance with the department of transportation formula, and all other appropriations shall be as directed by warrant articles duly voted by the voters present and voting at each annual Haverhill town meeting.

2 Financial Audit Requirement. No later than one year after the effective date of section 1 of this act, the Woodsville fire district shall provide a financial audit by a certified public accountant approved by the department of revenue administration that is compliant with generally accepted accounting practices (GAAP), of all funds received from the town of Haverhill and all other sources including state and federal funds, from January 1, 2015 to the effective date of section 1 of this act, as directed by the department of revenue administration. The department of revenue administration must approve the scope of the audit and shall receive monthly updates from the certified public accountant and the Woodsville fire district on the status of the audit while it is in progress. The results of the audit shall be published on the town of Haverhill website within 60 days of delivery by the certified public accountant to the Woodsville fire district and the department of revenue administration. The audit shall be at the expense of the Woodsville fire district. Reimbursement of any expenses related to the audit incurred by the department of revenue administration shall be in accordance with the provisions of RSA 21-J:22. The department of revenue administration may levy a fine of \$250 per day against the Woodsville fire district for every day of noncompliance with this act beyond one year from the effective date of this act. The commissioner may waive such fine at his or her discretion, subject to the good faith efforts of the Woodsville fire district to comply with all relevant laws and the provisions of this act.

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

2020-0862s

AMENDED ANALYSIS

This bill:

I. Deletes the authority of the Woodsville fire district over highways within the district.

II. Requires the town of Haverhill to assume responsibility for the care and maintenance of roads within the Woodsville fire district.

III. Requires the Woodville fire district to provide a financial audit of all funds received from the town of Haverhill.

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 446, relative to airport fees for transportation network companies.

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

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

SB 609, relative to passenger restraints.

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

Senator D'Allesandro moved to Lay on the Table. Adopted.

Senators Chandley and Dietsch are in opposition to the motion to Lay on the Table.

SB 611, relative to state vehicle inspection stations.

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

Senate Transportation

February 19, 2020

2020-0775s

08/04

Amendment to SB 611

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

AN ACT defining mobile service garages and relative to state vehicle inspection stations.

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-3 to read as 2-4, respectively:

1 New Section; Motor Vehicles; Definitions; Mobile Service Garage. Amend RSA 259 by inserting after section 56 the following new section:

259:56-a Mobile Service Garage. "Mobile service garage" shall mean a vehicle, whether motorized or non-motorized, designed specifically for the purpose of servicing motor vehicles and that:

- I. Contains an automotive lift, rated for at least 9,000 pounds, as an integral part of the vehicle.
- II. Meets all applicable hazardous waste permitting requirements of the New Hampshire department of environmental services and the New Hampshire department of transportation.
- III. Is equipped with a functioning GPS tracking device.
- IV. When in operation, has Internet connectivity.
- V. When in operation, has a minimal overall width of 12 feet and a minimal overall length of 25 feet.
- VI. When in operation, has an enclosed, unobstructed work area at least 15 feet wide and at least 20 feet long.
- VII. Is covered by an active commercial automotive insurance policy with a liability limit of at least \$1,000,000.
- VIII. Is operated by a business that:
 - (a) Is registered and in good standing with the New Hampshire secretary of state.
 - (b) Has an active general liability insurance policy with limits of at least \$1,000,000 per occurrence and at least \$2,000,000 general aggregate.
 - (c) Has an office, staffed at regular, posted hours that provides access to state inspection records and that maintains a schedule for the following 7 calendar days of times and locations for each mobile service garage under its operation that performs state inspections.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect 270 days after its passage.

2020-0775s

AMENDED ANALYSIS

This bill defines mobile service garages and allows the director of the division of motor vehicles to authorize certain mobile service garages as inspection stations.

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 707-FN, relative to including projects in the ten year transportation improvement plan.
Interim Study, Vote 4-1. Senator Ward for the committee.

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

Senator Chandley is in opposition to the motion of Interim Study.

SB 738-FN, relative to suspension or revocation of motor carrier licenses for default, noncompliance, or nonpayment of fine.

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

Senate Transportation

February 19, 2020

2020-0757s

06/05

Amendment to SB 738-FN

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

AN ACT relative to suspension or revocation of motor carrier privileges for default, noncompliance, or nonpayment of fine.

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

1 New Section; Motor Carriers; Suspension or Revocation for Default, Noncompliance, or Nonpayment of Fine. Amend RSA 266 by inserting after section 72-a the following new section:

266:72-b Suspension or Revocation for Default, Noncompliance, or Nonpayment of Fine.

I. Except as provided in paragraph III, a motor carrier's privilege to have any commercial motor vehicle driven shall be suspended or revoked, upon written order of the director, whenever such motor carrier:

(a) Defaults on an arraignment or other scheduled court appearance in connection with a charge or conviction of any offense; or

(b) Fails to pay a fine or other penalty imposed in connection with a conviction of any offense which a court has determined it is able to pay, or issues a bad check in payment of a fine or other penalty; or

(c) Fails to comply with a similar order of the director or a court on any matter within the director's or court's jurisdiction.

II. Any suspension or revocation described in paragraph I shall be effective 30 days after any default or revocation described in subparagraphs I(a)-(c).

III. If a motor carrier receives a summons in hand from a law enforcement officer, no further notification to such a motor carrier is required before the suspension of its privilege occurs as provided in subparagraph I(c). If a motor carrier receives a summons in any manner other than in hand by a law enforcement officer, the court or director, as applicable, shall notify such motor carrier by certified mail at its last known address that its privilege shall be suspended 30 days after the mailing of such notification.

IV. The department shall cause written notice to be sent to any motor carrier that defaults as otherwise provided in this section on an appearance, summons, or court order issued in this state. Any motor carrier that defaults as provided in subparagraph I(c) shall be required to produce proof of satisfaction of the default either in hand or through the court to the department.

V.(a) If such motor carrier fails to appear, pay the fine, or comply with an order within the applicable period as provided in subparagraph I(c) or paragraph III of this section, or fails to demonstrate that the motor carrier is financially unable to pay the fine or to comply with the order within the applicable period, the director shall suspend such motor carrier's privilege to have any commercial motor vehicle driven in New Hampshire effective from the applicable date for an indefinite period and mark the motor carrier's files accordingly.

(b) The director may report the names of all motor carriers whose privilege has been suspended or revoked under this section due to nonpayment to a consumer reporting agency as defined in RSA 359-B:3.

VI. Except as provided in paragraph VII, any motor carrier whose privilege has been suspended or revoked pursuant to paragraph V shall be reinstated upon:

(a) Payment to the director of a fee of \$100, which shall be in lieu of any other reinstatement fee and shall be deposited into the highway fund pursuant to RSA 260:23 and RSA 6:12, I(b)(5); and

(b) Appearance by such motor carrier, payment of its fine, or compliance with the order of the director, as applicable, or upon demonstration that such motor carrier is financially unable to pay the fine or to comply with the order. Any court which has ordered a motor carrier's privilege suspended pursuant to paragraph V shall vacate the order and so notify the director and the affected motor carrier immediately after such motor carrier has appeared or paid its fine, as applicable, or has demonstrated that it is financially unable to pay the fine or to comply with the order.

VII. No motor carrier whose privilege to have any motor vehicle driven in New Hampshire has been suspended or revoked under this section shall be reinstated before the expiration of any other period of suspension or revocation in effect.

VIII. Nothing shall prevent any motor carrier affected by this section from obtaining a prompt review or hearing, upon showing just cause, before either the court or director for appropriate relief.

IX. The provisions of this section shall be the primary sanction for motor carriers who fail to appear, pay a fine or other penalty, or comply with an order of the director or a court, but shall not exclude other provisions of law relative to sanctions for motor carriers who fail to appear, pay a fine or other penalty, or comply with an order of the director or a court.

X. Notwithstanding the provisions of RSA 541-A:30, the director may order the suspension of a motor carrier's privilege to have any motor vehicle driven in New Hampshire in their discretion, and without a hearing, whenever the director has reason to believe that the motor carrier is a hazard to the public safety as evidenced by proper evidence or information received from a law enforcement agency of misconduct; and the certificate shall not be reissued unless, upon examination or investigation, or after hearing, the director determines that the motor carrier should again be permitted to allow a commercial motor vehicle to be driven. Provided, however, that if the director revokes or suspends a motor carrier's privilege under the provisions hereof, the motor carrier, upon a written application to the department, shall be granted a hearing by the department within 15 days after the filing of the application.

XI. Any motor carrier whose privilege has been suspended or revoked pursuant to paragraph I or X, shall be subject to a fine of \$500 plus penalty assessment. A law enforcement officer may order the removal of a commercial motor vehicle driven in violation of paragraph I or X at the motor carrier's expense.

2 Effective Date. This act shall take effect January 1, 2021.

2020-0757s

AMENDED ANALYSIS

This bill provides the suspension or revocation of motor carrier privileges to have motor vehicles driven in New Hampshire for default, noncompliance, or nonpayment of fines.

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 682, relative to the sale of Lucky 7 tickets.

Interim Study, Vote 4-1. Senator D'Allesandro for the committee.

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

A division vote was requested.

Yeas: 13 - Nays: 11. Adopted.

CONSENT CALENDAR REPORTS REMOVED

PRESIDENT SOUCY: We are at the conclusion of the regular calendar and will take up the bill that was removed from the consent calendar.

Recess. Out of recess.

HEALTH AND HUMAN SERVICES

SB 522, requiring providers to get a verbal acknowledgment for an initial prescription for opioids.

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

Health and Human Services

February 19, 2020

2020-0778s

10/08

Amendment to SB 522

Amend the bill by replacing section 1 with the following:

1 Controlled Drugs Containing Opiates; Warnings Required. Amend RSA 318-B:16-a to read as follows:

318-B:16-a Controlled Drugs Containing Opiates; Warning Label **and Verbal Acknowledgment** Required.

I. Any controlled drug containing opiates dispensed by a health care provider or pharmacy shall have an orange sticker with the word "opioid" in easily legible font placed on the cap or dispenser and shall have a warning label stating "Risk of addiction and overdose." The health care provider or pharmacist shall also provide each person with a handout which shall be developed and approved by the governor's commission on alcohol and drug abuse, prevention, treatment, and recovery which shall include guidance on associated risks of opioid use and how to mitigate them.

II. Prior to an initial prescription under this section, the patient's prescribing health care provider shall receive and document a verbal acknowledgment from the patient of the risk of addiction and overdose for opioids.

III. This section shall not apply to:

(a) Pharmacists or a pharmacy that dispenses a drug containing an opioid that is administered to a patient treated in a health care facility required to be licensed under RSA 151.

(b) ***A person residing in a facility operated by the New Hampshire department of corrections or in a county correctional facility who will be administered opioid medications only by a licensed health care professional.***

IV. A patient may remove the cap sticker or warning label.

2020-0778s

AMENDED ANALYSIS

This bill requires a health care provider making an initial prescription to a patient for an opioid to receive and document a verbal acknowledgment from the patient of the risk of addiction and overdose.

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

Senator Sherman offered a Floor Amendment.

Sen. Sherman, Dist 24

February 21, 2020

2020-0779s

10/01

Floor Amendment to SB 522

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

AN ACT relative to an exception to the warning label requirement for opiates and requiring prescribers of opiates to get a verbal acknowledgment for an initial prescription.

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

1 Controlled Drugs Containing Opiates; Warning Label; Exception Added. Amend RSA 318-B:16-a to read as follows:

318-B:16-a Controlled Drugs Containing Opiates; Warning Label Required.

I. Any controlled drug containing opiates dispensed by a health care provider or pharmacy shall have an orange sticker with the word "opioid" in easily legible font placed on the cap or dispenser and shall have a warning label stating "Risk of addiction and overdose." The health care provider or pharmacist shall also provide each person with a handout which shall be developed and approved by the governor's commission on alcohol and drug abuse, prevention, treatment, and recovery which shall include guidance on associated risks of opioid use and how to mitigate them.

II. This section shall not apply to:

(a) Pharmacists or a pharmacy that dispenses a drug containing an opioid that is administered to a patient treated in a health care facility required to be licensed under RSA 151.

(b) ***Dispensing a controlled drug containing opiates to a person residing in a facility operated by the New Hampshire department of corrections or in a county correctional facility who will be administered opioid medications only by a licensed health care professional.***

III. A patient may remove the cap sticker or warning label.

2 New Section; Controlled Drug Prescription Health and Safety Program; Verbal Acknowledgment. Amend RSA 318-B by inserting after section 32 the following new section:

318-B:32-a Prescriber Verbal Acknowledgment. Prior to any initial prescription issued for a controlled drug containing opiates, the patient's prescribing practitioner shall receive and document a verbal acknowledgment from the patient of the risk of addiction and overdose for opioids. This requirement shall not apply to a prescription for a person residing in a facility operated by the New Hampshire department of corrections or in a county correctional facility who will be administered opioid medications only by a licensed health care professional.

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

2020-0779s

AMENDED ANALYSIS

This bill adds an exception for persons in a correctional facility to the warning label requirement for prescriptions for a controlled drug containing an opiate. The bill also requires a health care practitioner issuing an initial prescription to a patient for an opioid to receive and document a verbal acknowledgment from the patient of the risk of addiction and overdose.

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.

Without objection, the Clerk shall read the title of the Veto Message only. Adopted.

VETO MESSAGE

February 10, 2020

Governor's Veto Message Regarding Senate Bill 159

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on February 10th, 2020, I have vetoed Senate Bill 159, relative to net energy metering limits for customer-generators.

Senate Bill 159 is nearly identical to two bills that were vetoed and sustained in previous legislative sessions. The proponents of this bill claim to have made a compromise, when in fact it still would result in hundreds of millions of dollars in higher electric rates for our citizens. These costs would be felt most by low-income families and seniors in New Hampshire, and that is not acceptable.

I am committed to finding a true compromise. We have the opportunity to move forward with a smarter clean energy policy, done the New Hampshire way. I have worked with legislators to propose new legislation that expands access to net metering for cities, towns, and businesses and still lower their electricity bills. Let's work together and pass common ground net metering legislation to create smart clean energy opportunities for our state.

For the reasons stated above, I have vetoed Senate Bill 159.

Respectfully submitted,

Christopher T. Sununu
Governor

The question is notwithstanding the Governor's Veto, shall SB 159 become law?

A roll call is required.

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

The following Senators voted No: Starr, Giuda, Gray, Ward, Carson, Birdsell, Morse.

Roll Call, Yeas: 17 - Nays: 7. Veto overridden by necessary 2/3 vote.

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 684-FN, relative to Medicaid to schools.

Senator Kahn moved Concurrence. Adopted.

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
ANNOUNCEMENTS

(The Chair recognized Senator Sherman.)

SENATOR SHERMAN: Yes, thank you, Madam President. Just a personal privilege. This morning we were reminded that today's the 250th anniversary of the Boston Massacre, and I happen to be right in the middle of a book about that. And I am reminded of the role of John Adams in the massacre, or after the massacre, defending the British officer successfully from prosecution in spite of all the pressure, you might say constituent pressure, to not do so. He successfully had the officer acquitted with a lot of pushback from the colonists and I just thought it was a good reminder on this 250th anniversary, that sometimes in the face of an awful lot of pushback, we have to do the right thing, even though it might be difficult. So, thank you, Madam President.

PRESIDENT SOUCY: I would just let all of know that there are sixty-six bills for next week's calendar. So, I've decided in an effort to try to make Thursday a little more palatable, to have Senate session on Wednesday afternoon at 3:00, to go for a couple hours and then to commence again Thursday at 10:00 so we can get through those reports. Only twenty-three are on consent, forty-three are regular. The majority of those were 3-2 votes. So, expect some time in debate in trying to manage the day on Thursday.

LIST OF RULE 6-25'S FOR THE DAY

Senator Carson: SB 446, SB 487, SB 536, SB 735-FN

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 412, establishing a commission to study issues relating to corrections officers.

SB 414, relative to roads within the Woodsville Fire District.

SB 416, relative to domestic insurance company investments.

SB 433, establishing October 2020 as eczema awareness month.

SB 446, relative to airport fees for transportation network companies.

SB 450, relative to brew pubs allowing customers to bring dogs to outdoor areas.

SB 452, making certain technical changes to the insurance laws.

SB 456, relative to the use of capital reserve funds.

SB 460, relative to enforcement of zoning violations.

SB 479, establishing a committee to study the regulation of food trucks.

SB 501, relative to the Honor and Remember Flag.

SB 503, relative to the task force on work and family.

SB 522, relative to an exception to the warning label requirement for opiates and requiring prescribers of opiates to get a verbal acknowledgment for an initial prescription.

SB 524-FN, relative to immunity from arrest or prosecution for prostitution for seeking medical assistance for reporting certain crimes.

SB 536, requiring an annual report of the housing appeals board.

SB 540, repealing the emergency medical services personnel licensure interstate compact.

SB 544, relative to the filing of administrative rules by state agencies.

SB 555, relative to telemedicine coverage and reimbursements.

SB 556, relative to violence in schools.

SB 562, relative to a property tax relief program for qualifying residential property in a designated residential property revitalization zone.

SB 564, proclaiming August 31 as Overdose Awareness Day.

SB 566, relative to information submitted to the department of business and economic affairs regarding recruitment.

SB 570, relative to the reimbursement of costs of training nursing assistants.

SB 577-FN, relative to self-service storage insurance.

SB 578, changing the requirement a member of the sponsoring charitable organization to be present during certain games of chance.

SB 579, relative to e-delivery of insurance documents and commercial lines renewal notices.

SB 592, relative to the Pease development authority board of directors.

SB 594, relative to certification requirements for speech pathologists and relative to the use of ultrasound or electrical physical agent modalities by occupational therapists.

SB 598, adding physician assistants to the law governing advance directives.

SB 600-FN-LOCAL, requiring medication-assisted treatment for substance use disorders for prisoners incarcerated in a county correctional facility.

SB 611, defining mobile service garages and relative to state vehicle inspection stations.

SB 614, exempting the department of transportation from the notice requirement for lessors of real or personal property owned by the state or its political subdivisions.

SB 621-FN, relative to specialty beverages.

SB 627-FN, establishing a dock registration procedure.

SB 630-FN, relative to removing names from the voter checklist.

SB 632, relative to enforcement of the state building code by municipalities and the state fire marshal.

SB 636-FN, authorizing the commissioner of safety to appoint security officers at department facilities.

SB 652, relative to possessing controlled drugs for public health purposes.

SB 656-FN-LOCAL, relative to including business impacts in department of transportation engineering and design plans.

SB 664, relative to life insurance.

SB 669, relative to authorization to grow industrial hemp.

SB 678-FN, relative to the penalty for escape.

SB 706-FN, relative to appeals under New Hampshire's Child Protection Act.

SB 709-FN, relative to the definition of controlled drug analog.

SB 712-FN, establishing a surcharge on certain saltwater licenses and establishing a fund for derelict fishing gear and coastal cleanup.

SB 713-FN, relative to the municipal winter maintenance certification program.

SB 720-FN, relative to adult protective services.

SB 724-FN, relative to removal of abandoned or disabled vehicles by towing.

SB 728-FN, establishing the coastal program administered by the department of environmental services.

SB 738-FN, relative to suspension or revocation of motor carrier privileges for default, noncompliance, or nonpayment of fine.

SB 743-FN, relative to enhanced penalties based on prior convictions for driving under the influence of drugs or liquor.

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.