

LEGISLATIVE COMMITTEE MINUTES

# **SB256**

Bill as  
Introduced

SB 256-FN - AS INTRODUCED

2019 SESSION

19-0922  
10/05

SENATE BILL        **256-FN**

AN ACT            relative to emergency generators in certain senior housing.

SPONSORS:        Sen. Morgan, Dist 23; Sen. Cavanaugh, Dist 16; Sen. Fuller Clark, Dist 21

COMMITTEE:      Executive Departments and Administration

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ANALYSIS

This bill requires that senior housing receiving any state, county, or federal funding be equipped with emergency power generator service in a common area.

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Explanation:     Matter added to current law appears in ***bold italics***.  
                      Matter removed from current law appears [~~in brackets and struckthrough~~].  
                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to emergency generators in certain senior housing.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       1 New Section; Senior Housing; Emergency Power Generator. Amend RSA 161-M by inserting  
2 after section 4 the following new section:

3       161-M:4-a Emergency Power Generator. Any facility as defined in RSA 161-M:2 which receives  
4 any state, county, or federal funding for services to its residents shall install and maintain at least  
5 one emergency power generator capable of providing a minimum of 48 hours of sufficient electrical  
6 power to a designated and accessible common area in the facility for use in heating, cooling, water,  
7 lighting, communications, mobility equipment, and medical equipment.

8       2 Effective Date. This act shall take effect 60 days after its passage.

**SB 256-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to emergency generators in certain senior housing.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	Indeterminable	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**COUNTY:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	Indeterminable	Indeterminable	Indeterminable	Indeterminable

**METHODOLOGY:**

This bill requires that senior housing receiving public funding be equipped with emergency power generator service in a common area. The Department of Health and Human Services states the bill will have no impact on Department revenue or expenditures.

Because of its location in RSA 161, which references penalties found in RSA 358-A:6, this bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2020	FY 2021
Violation Level Offense	\$51	\$52
Class B Misdemeanor	\$53	\$54
Class A Misdemeanor	\$76	\$77
Routine Criminal Felony Case	\$481	\$486
Appeals	Varies	Varies

It should be noted that average case cost estimates for FY 2020 and FY 2021 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Felony	\$825/Case	\$825/Case
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Felony	\$60/Hour up to \$4,100	\$60/Hour up to \$4,100
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2018 Average Cost of Incarcerating an Individual	\$40,615	\$40,615
FY 2018 Annual Marginal Cost of a General Population Inmate	\$4,620	\$4,620
FY 2018 Average Cost of Supervising an Individual on Parole/Probation	\$571	\$571
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

**AGENCIES CONTACTED:**

Department of Health and Human Services, Judicial Branch, Judicial Council, Department of Corrections, and New Hampshire Association of Counties

# Committee Minutes

## SENATE CALENDAR NOTICE

### Executive Departments and Administration

Sen Sharon Carson, Chair  
 Sen Kevin Cavanaugh, Vice Chair  
 Sen Cindy Rosenwald, Member  
 Sen Shannon Chandley, Member  
 Sen John Reagan, Member

Date: January 30, 2019

### HEARINGS

Wednesday	02/06/2019
(Day)	(Date)
Executive Departments and Administration	LOB 101                      9:00 a.m.
(Name of Committee)	(Place)                      (Time)
9:00 a.m. <b>SB 232-FN</b>	adopting the model psychology interjurisdictional compact.
9:20 a.m. <b>SB 233</b>	relative to the classification of certain state employee positions.
9:30 a.m. <b>SB 255-FN</b>	relative to dementia training for direct care staff in residential facilities and community-based settings.
9:45 a.m. <b>SB 256-FN</b>	relative to emergency generators in certain senior housing.
10:00 a.m. <b>SB 257-FN</b>	prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.
10:20 a.m. <b>SB 273-FN</b>	relative to the regulation of nursing assistants by the board of nursing.
10:45 a.m. <b>SB 288-FN</b>	relative to privatization contracts by state agencies.

### EXECUTIVE SESSION MAY FOLLOW

**Sponsors:**

**SB 232-FN**

Sen. Reagan

**SB 233**

Sen. Reagan

Rep. Roy

**SB 255-FN**

Sen. Feltes

Rep. M. Murray

**SB 256-FN**

Sen. Morgan

**SB 257-FN**

Sen. Sherman

Sen. Fuller Clark

**SB 273-FN**

Sen. Kahn

Sen. D'Allesandro

Sen. Bradley

Sen. Cavanaugh

Sen. Rosenwald

Sen. Kahn

Sen. Watters

Rep. P. Schmidt

Rep. Cushing

Sen. Fuller Clark

Sen. Hennessey

Sen. Cavanaugh

Sen. Reagan

Rep. McGuire

Rep. Long

Sen. Levesque

Rep. Goley

Sen. Ward



Rep. McGuire  
**SB 288-FN**  
Sen. Cavanaugh

Sen. Kahn

Jennifer Horgan 271-2609

Sharon M Carson  
Chairman

**Senate Executive Departments and Administration  
Committee**

*Jennifer Horgan 271-2609*

**SB 256-FN**, relative to emergency generators in certain senior housing.

**Hearing Date:** February 6, 2019

**Time Opened:** 10:50 a.m.

**Time Closed:** 10:59 a.m.

**Members of the Committee Present:** Senators Carson, Cavanaugh, Rosenwald, Chandley and Reagan

**Members of the Committee Absent :** None

**Bill Analysis:** This bill requires that senior housing receiving any state, county, or federal funding be equipped with emergency power generator service in a common area.

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**Sponsors:**

Sen. Morgan

Sen. Cavanaugh

Sen. Fuller Clark

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**Who supports the bill:** Senator Morgan; Senator Fuller Clark

**Who opposes the bill:** No one

**Summary of testimony presented in support:**

**Senator Morgan**

- This is a small but impactful bill.
- A constituent shared a concern that there are senior housing facilities that have no ability to have heat on, power medical equipment, or allow individuals to charge their cellphones if they lose power.
- This bill will require that any facility that accepts state or federal funds for senior housing have the capability to provide at least 48 hours of generator power for a common area that residents can access.
- Senator Carson asked how these facilities will pay for these generators.
  - Thinks that if these facilities are accepting state funds it is reasonable to require they have the capability of paying for an emergency generator. Does not think it is an overwhelming burden to ensure these people have access to heat and emergency power.
- Senator Carson pointed out that many of these facilities get grants and they may not be able to use those funds for a generator. It does become a 28-A issue, where if the state mandates something, the state must pay. Supports the

concept, as these storms can knock out the power for even week. Also raised the concern that there is no definition for senior housing in the bill. Would be willing to work on the bill.

- Would be happy to consider an amendment in terms of the funding and definitions and to work on the bill.

**Summary of testimony presented in opposition:**

None

jch

Date Hearing Report completed: February 8, 2019

# Speakers



# Voting Sheets

# Senate Executive Departments and Administration Committee EXECUTIVE SESSION

Bill # SB256

Hearing date: \_\_\_\_\_

Executive session date: \_\_\_\_\_

Motion of: Re-refer

VOTE: 5-0

<u>Made by</u> Carson <input type="checkbox"/>	<u>Seconded</u> Carson <input type="checkbox"/>	<u>Reported</u> Carson <input type="checkbox"/>
<u>Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input checked="" type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>
Chandley <input checked="" type="checkbox"/>	Chandley <input type="checkbox"/>	Chandley <input type="checkbox"/>
Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>

Motion of: Consent

VOTE: 5-0

<u>Made by</u> Carson <input type="checkbox"/>	<u>Seconded</u> Carson <input type="checkbox"/>	<u>Reported</u> Carson <input type="checkbox"/>
<u>Senator:</u> Cavanaugh <input checked="" type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>
Chandley <input type="checkbox"/>	Chandley <input checked="" type="checkbox"/>	Chandley <input type="checkbox"/>
Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Carson, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cavanaugh, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Chandley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Amendments: \_\_\_\_\_

Notes: \_\_\_\_\_

# Senate Executive Departments and Administration Committee

## EXECUTIVE SESSION

Bill # SB256

Hearing date: \_\_\_\_\_

Executive session date: \_\_\_\_\_

Motion of: ITL \_\_\_\_\_

VOTE: \_\_\_\_\_

<u>Made by</u> Carson <input type="checkbox"/>	<u>Seconded</u> Carson <input type="checkbox"/>	<u>Reported</u> Carson <input type="checkbox"/>
<u>Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>
Chandley <input type="checkbox"/>	Chandley <input type="checkbox"/>	Chandley <input type="checkbox"/>
Reagan <input checked="" type="checkbox"/>	Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>

Motion of: \_\_\_\_\_

VOTE: \_\_\_\_\_

<u>Made by</u> Carson <input type="checkbox"/>	<u>Seconded</u> Carson <input type="checkbox"/>	<u>Reported</u> Carson <input type="checkbox"/>
<u>Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>
Chandley <input type="checkbox"/>	Chandley <input type="checkbox"/>	Chandley <input type="checkbox"/>
Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Carson, Chairman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cavanaugh, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Chandley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Amendments: \_\_\_\_\_

Notes: \_\_\_\_\_



**Senate Executive Departments and  
Administration Committee**  
EXECUTIVE SESSION RECORD  
2019-2020 Session

Bill # SB 256 - FN

Hearing date: 2/6/19

Executive Session date: 12/17/19

Motion of: Interim Study Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Chandley

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Wednesday, March 6, 2019

THE COMMITTEE ON Executive Departments and Administration

to which was referred **SB 256-FN**

AN ACT

relative to emergency generators in certain senior  
housing.

Having considered the same, the committee recommends that the Bill

**BE RE-REFERRED TO COMMITTEE**

**BY A VOTE OF: 5-0**

Senator Kevin Cavanaugh  
For the Committee

This bill would require that senior housing receiving any state, county, or federal funding be equipped with emergency power generator service in a common area. The sponsor of the bill has requested more time to work on this matter with the stakeholders, and therefore the ED&A Committee asks for support for the Re-Refer motion.

Jennifer Horgan 271-2609

FOR THE CONSENT CALENDAR

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**SB 256-FN**, relative to emergency generators in certain senior housing.

Re-refer to Committee, Vote 5-0.

Senator Kevin Cavanaugh for the committee.

This bill would require that senior housing receiving any state, county, or federal funding be equipped with emergency power generator service in a common area. The sponsor of the bill has requested more time to work on this matter with the stakeholders, and therefore the ED&A Committee asks for support for the Re-Refer motion.

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Thursday, December 19, 2019

THE COMMITTEE ON Executive Departments and Administration

to which was referred **SB 256-FN**

**AN ACT** relative to emergency generators in certain senior housing.

Having considered the same, the committee recommends that the Bill

**BE REFERRED TO INTERIM STUDY**

**BY A VOTE OF: 5-0**

Senator Shannon Chandley  
For the Committee

This bill would require certain senior housing facilities to have and maintain emergency generators. While the intent of the bill is completely reasonable, the Committee heard that current regulation may be sufficient. In order to avoid redundancy, the Committee recommends Interim Study to conduct additional research.

Cameron Lapine 271-3091

## General Court of New Hampshire - Bill Status System

**Docket of SB256**

Docket Abbreviations

**Bill Title:** relative to emergency generators in certain senior housing.*Official Docket of SB256.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/25/2019	S	<b>Introduced</b> 01/03/2019 and Referred to Executive Departments and Administration; <b>SJ 4</b>
1/30/2019	S	<b>Hearing:</b> 02/06/2019, Room 101, LOB, 09:45 am; <b>SC 9</b>
3/6/2019	S	Committee Report: Rereferred to Committee, 03/14/2019; Vote 5-0; CC; <b>SC 13</b>
3/14/2019	S	Rereferred to Committee, MA, VV; 03/14/2019; <b>SJ 8</b>
12/19/2019	S	Committee Report: Referred to Interim Study, 01/08/2020; Vote 5-0; CC; <b>SC 47</b>
1/8/2020	S	Refer to Interim Study, MA, VV; 01/08/2020; <b>SJ 1</b>

NH House

NH Senate

# Other Referrals



## Senate Inventory Checklist for Archives

Bill Number: SB 256

Senate Committee: ED1A

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

\_\_\_ - amendment # \_\_\_\_\_      \_\_\_ - amendment # \_\_\_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

\_\_\_ as amended by the senate      \_\_\_ as amended by the house

\_\_\_ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office \_\_\_\_\_