

March 15, 2018  
No. 13A

# STATE OF NEW HAMPSHIRE

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)



Second Year of the 165<sup>th</sup> Session of the  
New Hampshire General Court

## SENATE CALENDAR ADDENDUM

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**THE SENATE WILL MEET IN SESSION ON  
WEDNESDAY, MARCH 21, 2018 AT 2:00 P.M. AND  
THURSDAY, MARCH 22, 2018 AT 10:00 A.M.**

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## **REGULAR CALENDAR REPORTS**

### **ENERGY AND NATURAL RESOURCES**

**SB 453**, relative to requirements and criteria for a competitive grant program for drinking water protection.  
Ought to Pass with Amendment, Vote 3-0.  
Senator Fuller Clark for the committee.

### **FINANCE**

**SB 388**, relative to dispensary locations for therapeutic cannabis.  
Ought to Pass, Vote 4-2.  
Senator Reagan for the committee.

**SB 541-FN-A**, establishing a fund to reimburse costs associated with firefighters who have cancer.  
Ought to Pass with Amendment, Vote 4-2.  
Senator Daniels for the committee.

**SB 564-FN-A**, relative to a business tax exemption and a workforce development program for regenerative manufacturing businesses.  
Ought to Pass with Amendment, Vote 5-1.  
Senator D'Allesandro for the committee.

**SB 569-FN**, relative to animal cruelty and establishing a commission to study certain language applicable to the transfer of animals.  
Ought to Pass with Amendment, Vote 4-2.  
Senator Feltes for the committee.

**SB 577**, requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.  
Inexpedient to Legislate, Vote 3-3.  
Senator Daniels for the committee.

**SB 582-FN**, authorizing an assessment to determine appropriate caseload and workload standards for the division for children, youth and families; establishing additional child protection services positions in the division for children, youth and families; relative to foster care and adoption programs and services; and making appropriations therefor.  
Ought to Pass with Amendment, Vote 6-0.  
Senator Reagan for the committee.

**SB 590-FN-A**, making a supplemental appropriation to the state loan repayment program and relative to emergency involuntary admissions, the child protection act, and the developmental disabilities wait list and making appropriations therefor.  
Ought to Pass, Vote 6-0.  
Senator Feltes for the committee.

**SB 592-FN-A**, relative to the child welfare system.  
Ought to Pass with Amendment, Vote 6-0.  
Senator Reagan for the committee.

### **JUDICIARY**

**CACR 22**, relating to rights for crime victims. Providing that crime victims shall be afforded constitutional rights.  
Ought to Pass with Amendment, Vote 4-1.  
Senator Carson for the committee.

# AMENDMENTS

Senate Judiciary  
March 20, 2018  
2018-1146s  
06/04

## Amendment to CACR 22

Amend the resolution by replacing all after the resolving clause with the following:

I. That the first part of the constitution be amended by inserting after article 14 the following new article:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2018.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2018 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2018 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting after article 14 a new article to read as follows:

[Art.] 14-a [Protection for Victims.] A victim of crime includes any person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. A victim shall have the right to be treated with fairness and respect for the victim's safety, dignity, and privacy, and upon request: to reasonable and timely notice of, and to be present at all court proceedings, including post-conviction proceedings, on the same basis as the accused; to proceedings free from unreasonable delay and a prompt conclusion of the case; to reasonable protection from the accused throughout the criminal justice process; to refuse an interview or deposition request made by the accused; to confer with the attorney for the State about the disposition of the case; to be heard at any proceedings involving the release, plea, sentencing, or parole of the accused; to reasonable notice of the release or escape of the accused; to full and timely restitution; and to be informed of all rights under this article. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim. The victim, the victim's attorney or other lawful representative, or the attorney for the government upon request of the victim may assert in any trial or appellate court, or before any other authority, with jurisdiction over the case, and have enforced, the rights enumerated in this section and any other right afforded to the victim by law. The court or other authority with jurisdiction shall act promptly on such a request. This section does not create any cause of action for compensation or damages against the State, any political subdivision of the State, any officer, employee, or agent of the State or of any of its political subdivisions, or any officer or employee of the court."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the

ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words “Questions Relating to Constitutional Amendments proposed by the 2018 General Court” shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

Energy and Natural Resources  
March 20, 2018  
2018-1140s  
08/03

#### Amendment to SB 453

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 New Hampshire Drinking Water and Groundwater Advisory Commission Established. Amend RSA 485-F:4, I(g) to read as follows:

(g) The director of economic development, department of [~~resources~~] **business** and economic [~~development~~] **affairs**, or designee.

4 New Hampshire Drinking Water and Groundwater Advisory Commission Established. Amend RSA 485-F:4, VII(a)(5) to read as follows:

(5) The project provides funding through cost-sharing grants to municipalities, municipally-owned water utilities, and **privately owned** water utilities [~~regulated by the public utilities commission~~] **that are public water systems as defined in RSA 485:1-a, XV** for the design, construction, and extension of public water systems, and the establishment and expansion of wellhead protection areas where they provide the most cost effective method for providing safe and clean drinking water.

Senate Finance  
March 20, 2018  
2018-1156s  
08/04

#### Amendment to SB 541-FN-A

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

AN ACT establishing a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer.

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

1 New Section; Commission to Study the Funding and Operations of the Presumption Under Workers' Compensation Requiring the Reimbursement of Costs Associated with Firefighters who Have Cancer. Amend RSA 281-A by inserting after section 17 the following new section:

281-A:17-a Commission Established.

I.(a) There is established a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer. The members of the commission shall be as follows:

- (1) One member of the senate, appointed by the president of the senate.
- (2) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (3) The labor commissioner, or designee.
- (4) The commissioner of safety, or designee.
- (5) The insurance commissioner, or designee.
- (6) A representative of the New Hampshire Municipal Association, appointed by the association.
- (7) A representative of the New Hampshire Association of Counties appointed by the association.
- (8) A fire chief, appointed by the New Hampshire Association of Fire Chiefs.
- (9) A representative of the Professional Fire Fighters of New Hampshire appointed by that organization.

(10) A representative of the New Hampshire Public Risk Management Exchange, appointed by that organization.

(11) An attorney practicing in the field of workers' compensation defense, appointed by the governor.

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

II.(a) The commissions shall study:

(1) The costs that have been incurred to date under RSA 281-A:17.

(2) How to conclusively determine that the cause of cancer is occupationally related.

(3) Reasonable methods and practices to screen out non-occupationally related cancers, that are a result of, including, but not limited to; other employment, genetics, and life style choices made before, during, and after service.

(4) The annual costs to provide physicals and the additional workers' compensation coverage.

(5) An appropriate, stable, and long-term funding mechanism.

(6) Any other issues applicable to the subject matter of RSA 281-A:17.

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

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

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

2 Repeal. RSA 281-A:17-a, relative to a commission to study the funding and operations of the presumption under workers' compensation requiring the reimbursement of costs associated with firefighters who have cancer, is repealed.

3 Effective Date.

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

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

2018-1156s

#### AMENDED ANALYSIS

This bill establishes a commission to study the funding and operations of the presumption under workers' compensation requiring reimbursement of costs associated with firefighters who have cancer.

Senate Finance

March 20, 2018

2018-1158s

08/10

#### Amendment to SB 564-FN-A

Amend RSA 77-A:5-c, I and II as inserted by section 6 of the bill by replacing them with the following:

I. Business organizations shall file an election with the commissioner to be a qualified regenerative manufacturing company with respect to any taxable period on a form prescribed by the commissioner at any time on or before the fifteenth day of the third month immediately following the end of such taxable period. Such an election shall be effective for the taxable period of the qualified regenerative manufacturing company for which it is made and for all succeeding taxable periods until such election is terminated as provided in this section.

II. The election to be a qualified regenerative manufacturing company shall expire for taxable periods beginning after December 31, 2027. No subsequent election may be made after the expiration of an election, with respect to either the business organization or the active regenerative manufacturing business conducted by such business organization or any successor business organization.

Amend the bill by replacing section 8 with the following:

8 Applicability. The provisions of sections 2 through 6 of this act shall apply for taxable periods beginning after December 31, 2017.

Senate Finance  
 March 20, 2018  
 2018-1157s  
 08/05

#### Amendment to SB 569-FN

Amend RSA 437:1, III as inserted by section 2 of the bill by replacing it with the following:

III. "Breeding female" means an unspayed female dog, 24 months of age or older kept or maintained for the purpose of breeding and selling the dog's offspring. An unspayed female dog that is bred prior to reaching 24 months of age shall be considered a breeding female.

Senate Finance  
 March 20, 2018  
 2018-1154s  
 04/05

#### Amendment to SB 582-FN

Amend the bill by replacing section 5 with the following:

5 Department of Health and Human Services; Appropriation; Foster Care and Adoption Programs and Services. The sum of \$1,100,000 for the fiscal year ending June 30, 2019, is hereby appropriated to the department of health and human services for the purpose of funding foster care and adoption programs, rate increases, and services pursuant to RSA 170-G:3. This appropriation is in addition to any other funds appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by deleting section 6 and renumbering the original section 7 to read as 6.

2018-1154s

#### AMENDED ANALYSIS

This bill:

I. Directs the department of health and human services to conduct an assessment to determine appropriate caseload and workload standards for child protection staff and makes an appropriation for such purpose.

II. Makes appropriations to the department of health and human services for additional child protection staff, and for foster care and adoption programs, rate increases, and services.

Senate Finance  
 March 20, 2018  
 2018-1153s  
 04/05

#### Amendment to SB 592-FN-A

Amend the bill by replacing section 5 with the following:

5 Department of Health and Human Services; Supplemental Appropriation.

I. The sum of \$445,160, for the biennium ending June 30, 2019, is hereby appropriated to the department of health and human services for the purpose of funding the following positions, as either state employee or contract positions within the department:

(a) Eight child protective services workers, who shall be designated resource workers.

(b) Two licensed alcohol and drug counselors, who shall contract with the department.

II. The appropriation in paragraph I shall be in addition to any other funds appropriated to the department for the biennium ending June 30, 2019. The governor is authorized to draw a warrant for such amount from any money in the treasury not otherwise appropriated.