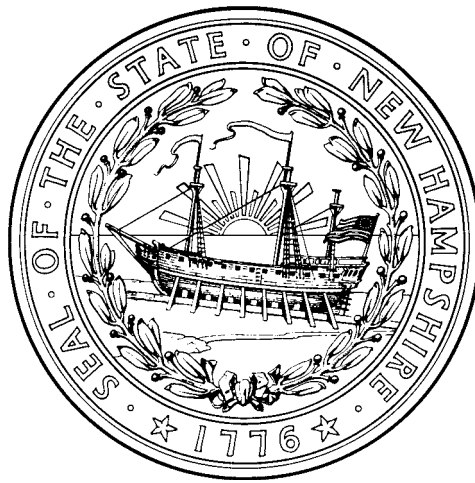


May 23, 2013  
Nos. 11-12

# **STATE OF NEW HAMPSHIRE**

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**163<sup>rd</sup> Session of the New Hampshire General Court**  
**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – MAY 2, 2013 SESSION**  
**COMMENCEMENT – MAY 23, 2013 SESSION**

# SENATE JOURNAL 11 *(continued)*

*May 2, 2013*

## HOUSE MESSAGE

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

SB 13, relative to hearings in the department of safety.

SB 18, conferring degree-granting authority to the American University of Madaba.

SB 21, making technical corrections to the International Registration Plan.

SB 22, exempting small trailers from inspection requirements; allowing qualified dealers to inspect trailers; and deleting a reference to highway enforcement officers.

SB 122-FN, establishing a commercial shrimp license.

SB 133-FN, adopting the interstate wildlife violators compact.

## HOUSE MESSAGE

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

SB 24, relative to Medicaid rates.

SB 25, relative to the treatment of medical support in child support cases.

SB 30, making technical corrections to tax laws.

SB 38, relative to pharmacy rights during an audit.

SB 45, relative to electronic prescriptions.

SB 50, relative to expiration of variances and special exceptions.

SB 58, relative to the taxation of water works or flood control land held in another town or city.

SB 64, relative to public informational meetings on dams.

SB 84, relative to road toll administration, relative to motor vehicles carrying property for hire, and relative to administration of the international registration plan.

SB 95, relative to choice of pharmacy under workers' compensation.

SB 104, establishing a commission to study the current community-based system of commodities reporting by junk or scrap metal dealers in New Hampshire.

SB 111, permitting municipalities to establish a capital reserve plan for expenditure of capital reserve funds and relative to electronic billing by municipal utilities.

SB 131-FN-L, relative to a permitting process for the removal of submerged logs from certain great ponds.

SB 147-FN, relative to prescription drugs in workers' compensation cases.

SB 166, relative to critical incident stress management and crisis intervention services.

SB 171, relative to the council for children and adolescents with chronic health conditions.

SB 172-FN-L, relative to public funds.

SB 175, relative to crossing public waters of the state for public utility purposes.

SB 194-FN, requiring the department of health and human services to implement the Medicaid family planning expansion.

## 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 114, regulating guaranteed price plans and prepaid contracts for heating oil, kerosene, or liquefied petroleum gas.

SB 152-FN-A-L, relative to video lottery and table gaming.

## 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 137-FN, relative to sibling visitation rights.

## HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

SCR 1, relative to special use permits in the White Mountain National Forest.

## HOUSE MESSAGE

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

HB 115, relative to the procedure for filling a vacancy on a cooperative school district budget committee.

HB 134, relative to contingency funds in towns.

HB 138, permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot.

HB 139, relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts.

HB 160, relative to a school district's transportation responsibility for pupils of divorced parents with joint decision making responsibility.

HB 174, prohibiting the department of safety from providing motor vehicle records for the purpose of creating or enhancing a federal identification database.

HB 177, relative to licensing requirements for homestead food and organic processor or handler certification.

HB 193, relative to registration of vehicles by residents without a permanent street address.

HB 195, relative to commercial driver learner permits.

HB 196, relative to weight of commercial vehicles with idle reduction devices.

HB 204-FN-L, relative to the removal of social security and other numbers from registry of deeds documents available on the Internet.

HB 235, allowing counties to contract for professional real estate services for the sale or lease of county property.

HB 305, establishing a committee to study the apportionment formula for cooperative school districts for towns with electric generation facilities.

HB 313, relative to the regulation of the compounding of drugs by pharmacists.

HB 327-FN, relative to payment of attorneys' fees for indigent parents in termination of parental rights cases.

HB 361, relative to worksharing.

HB 383, relative to operation of OHRVs on the traveled portion of public highways, where permitted.

HB 391-FN, establishing a committee to study options for mitigation of damages associated with highway noise.

HB 450-FN, relative to the annulment of criminal records.

HB 505, relative to the economic development advisory council.

HB 513, relative to the shoreland protection act.

HB 522, relative to duties of town treasurers.

HB 551, relative to the composition and duties of the task force on work and family.

HB 644-FN, relative to parole procedures and relative to sanctions for violations of probation.

#### HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 161, relative to school district policies on health and sex education.

#### HOUSE MESSAGE

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

HB 232, relative to the membership of the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

HB 488-FN, changing the definition of "cigarette" under the tobacco tax to match the definition of "cigarette" under the Master Settlement Agreement.

HB 556, establishing a committee to study the resolution of barriers to the use of telehealth technology in New Hampshire.

HB 574, increasing the size limitations for OHRVs operating on state-owned trails in Coos and Grafton counties.

May 16, 2013

2013-1772-EBA

06/09

#### **Enrolled Bill Amendment to SB 38**

The Committee on Enrolled Bills to which was referred SB 38

AN ACT relative to pharmacy rights during an audit.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

#### Explanation to Enrolled Bill Amendment to SB 38

This bill makes 2 grammatical corrections.

#### Enrolled Bill Amendment to SB 38

Amend RSA 318:62, VI as inserted by section 1 of the bill by replacing line 7 with the following:

actual dispensed prescriptions, with prices redacted, may be obtained from the pharmacy's wholesaler or

Amend RSA 318:62, XI as inserted by section 1 of the bill by replacing line 2 with the following:

of any month for any pharmacy that averages in excess of 600 prescriptions per week due to the high

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 15, 2013

2013-1723-EBA

03/05

#### **Enrolled Bill Amendment to SB 104**

The Committee on Enrolled Bills to which was referred SB 104

AN ACT establishing a commission to study the current community-based system of commodities reporting by junk or scrap metal dealers in New Hampshire.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 104

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to SB 104

Amend RSA 322:14, I(d) as inserted by section 1 of the bill by replacing line 1 with the following:

(d) One member from the New Hampshire Police Chiefs' Association, appointed by the speaker of the Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2013  
2013-1410-EBA  
06/03

**Enrolled Bill Amendment to SB 105**

The Committee on Enrolled Bills to which was referred SB 105

AN ACT relative to disclosure of expert testimony in civil cases and relative to the recording of depositions.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 105

This enrolled bill amendment makes 2 technical corrections.

Enrolled Bill Amendment to SB 105

Amend RSA 517:4 as inserted by section 2 of the bill by replacing lines 2 and 3 with the following :

a justice or notary, stating the day, hour, and place of taking the same, to be delivered to the adverse party, or one of them, or to be left at his *or her* abode, if either of such parties resides in this state, and

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

May 14, 2013  
2013-1680-EBA  
04/10

**Enrolled Bill Amendment to SB 111**

The Committee on Enrolled Bills to which was referred SB 111

AN ACT permitting municipalities to establish a capital reserve plan for expenditure of capital reserve funds and relative to electronic billing by municipal utilities.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 111

This enrolled bill amendment corrects the title of the bill.

Enrolled Bill Amendment to SB 111

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

AN ACT permitting municipalities to make appropriations for a term beyond one fiscal year for certain capital projects and relative to electronic billing by municipal utilities.

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

April 26, 2013  
2013-1422-EBA  
06/01

### Enrolled Bill Amendment to SB 161

The Committee on Enrolled Bills to which was referred SB 161

AN ACT relative to electronic funds transfers.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

### Explanation to Enrolled Bill Amendment to SB 161

This enrolled bill amendment corrects a reference in the bill.

### Enrolled Bill Amendment to SB 161

Amend RSA 382-A:4A-108(b) as inserted by section 1 of the bill by replacing line 2 with the following:

***defined in the Electronic Fund Transfer Act (15 U.S.C. section 1693o-1) as amended from***

Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

### REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill:

SB 2, relative to the calculation of the local tax cap.

SB 12, relative to protection and preservation of significant archeological deposits.

SB 28, relative to the department of transportation inventory fund and relative to the effective date of the transfer of the electricians' board to the joint board for licensure and certification.

SB 34, relative to the appointment of bail commissioners.

SB 52, relative to names of limited partnerships.

SB 60, relative to assisted living facilities and landlord tenant law.

SB 69, relative to superior court jurisdiction over domestic violence petitions.

SB 80, relative to expanding the community revitalization tax relief program to provide incentives for rehabilitating historic structures.

SB 81, authorizing phlebotomists to withdraw blood for alcohol concentration tests.

SB 83, relative to the controlled drug prescription health and safety program.

SB 106, relative to confidentiality in adult guardianship cases.

SB 107, relative to probate administration.

SB 127, relative to registration of certain state contracts with the department of state and repealing the information practices act.

SB 139, relative to mileage fees for sheriffs and deputy sheriffs.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

### REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill:

SB 93, relative to plumbers and mechanical contractors on state boards.

SB 105, relative to disclosure of expert testimony in civil cases and relative to the recording of depositions.

SB 161, relative to the electronic funds transfers.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

## REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill:

HB 178, relative to public employer collective bargaining agreements.

HB 184, relative to the oil discharge cleanup fund.

HB 211, relative to service of demand for rent and eviction notice.

HB 221, relative to the duty of the long range capital planning and utilization committee.

HB 359, relative to mailing of notices and determinations by the department of employment security.

HB 374, relative to electric utility investment in distributed energy resources.

HB 375, requiring certain health care organizations to report to the department of health and human services regarding implementation of New Hampshire's 10-year mental health plan.

HB 393, relative to effluent limitations with regard to nitrogen and phosphorus.

HB 432, relative to health care costs for county and state inmates.

HB 440, relative to new hire reports to the department of employment security.

HB 510, relative to backflow prevention valves.

HB 535, establishing the white potato as the state vegetable.

HB 547, establishing a commission to study permanent options for funding the veterinary diagnostic laboratory.

HB 558, relative to disclosure of information regarding charitable solicitations.

HB 607, relative to construction projects for the adjutant general's department.

HB 648, permitting current marital masters to remain in office until retirement, resignation, disability, or nonrenewal of appointment.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

## REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill:

HB 328, relative to the sale of pets.

HB 429, relative to service of writs against cities.

HB 488, changing the definition of "cigarette" under the tobacco tax to match the definition of "cigarette" under the Master Settlement Agreement.

HB 652, relative to the judicial branch information technology fund.

SB 24, relative to Medicaid rates.

SB 25, relative to the treatment of medical support in child support cases.

SB 30, making technical corrections to tax laws.

SB 45, relative to electronic prescriptions.

SB 50, relative to expiration of variances and special exceptions.

SB 58, relative to the taxation of water works or flood control land held in another town or city.

SB 64, relative to public informational meetings on dams.

SB 84, relative to road toll administration, relative to motor vehicles carrying property for hire, and relative to administration of the international registration plan.

SB 95, relative to choice of pharmacy under workers' compensation.

SB 131, relative to a permitting process for the removal of submerged logs from certain great ponds.

SB 166, relative to critical incident stress management and crisis intervention services.

SB 172, relative to public funds.

SB 194, requiring the department of health and human services to implement the Medicaid family planning expansion.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

#### REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill:

HB 574, increasing the size limitations for OHRVs operating on state-owned trails in Coos and Grafton counties.

Sen. Bradley moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call Senate to Order.

#### MOTION TO ADJOURN FROM LATE SESSION

Sen. Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

# SENATE JOURNAL 12

*May 23, 2013*

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

The Reverend Canon Charles LaFond, chaplain to the Senate, offered the following meditative thoughts and prayer.

There was a person who sought advice from her spiritual advisor about Fear. The advisor said: "Do battle with Fear," and so she did. She approached Fear with her armor and weaponry. Fear stood tall and strong. Fear said many frightening things and showed her many frightening possible occurrences and past occurrences.

She faced Fear, being frightened at times, feeling fear at times; even believing some of the things Fear said to her. The Fear stopped. She asked Fear why it had paused in its onslaught. "Because," said Fear, "I will not make any progress in this battle if you only feel me and listen to me and even if you believe me. I only make progress in this battle if you do something as a result of seeing, hearing, and believing me."

She responded by saying: "I hear you, I feel you, and I even sometimes believe your lies. But this war is over only if I can be awake to those feelings and do nothing in response to them."

We often say that Jesus often said: "Do not be afraid." But the early translation of the Hebrew had no such verb construct. The original version could therefore better be translated: "Do no fear." Fear only causes harm, conflict, and war when it becomes an action. Giving no energy to that action is about giving energy to awareness of the battle without engaging in the fight. Let us pray.

*When we are afraid, or when we are feeling small, or when our ego is inflamed, or our pain history has been triggered, give us, we pray, two candles for sight with our mind and eyes so that our hands are too full to pick up the sword. Amen.*

The Reverend Canon Charles LaFond, chaplain to the Senate, was presented with a portrait of the Senate in recognition of his service to the Senate in light of his retirement as Senate chaplain.

Sen. Lasky led the Pledge of Allegiance.

#### INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Pierce introduced Benjamin Lynch and Ethan Winter, students from Hanover High School, serving as Senate Pages for the day.

Sen. Larsen introduced Hannah Miller, winner of the New Hampshire State Spelling Bee, a guest in the Senate gallery today.



Sen. Sanborn introduced Laura Condon, a constituent and guest in the Senate gallery today.

Sen. Cataldo introduced Jack Kimball, a guest in the Senate gallery today.

#### FN REPORT FOR MAY 23, 2013

Senator Morse recommends the waiver, under Senate Rule 4-5, of Finance Committee referral for the following bills which have fiscal notes or otherwise appropriate money:

#### COMMERCE

HB 253, relative to limitations on sales by nano breweries for consumption on the premises. (Added FN)

HB 501-FN, instituting a state minimum hourly rateHB 511-FN, relative to insurance holding companies.

HB 526-FN, relative to termination of activities and dissolution of the association created under RSA 404-G.

HB 575, relative to hours of sales of on-premises liquor licensees. (Added FN)

HB 664-FN, relative to the New Hampshire vaccine association.

HB 668-FN relative to group and individual health insurance market rules (Still in committee)

#### ENERGY AND NATURAL RESOURCES

HB 233, relative to the care of the war memorial in Franconia Notch state park. (Added FN)

HB 259-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving.

HB 542, relative to electric renewable portfolio standards. (Added FN)

HB 630-FN, relative to the use of proceeds from the regional greenhouse gas initiative program.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 254-FN-A, abolishing certain positions in the liquor commission.

HB 342-FN, relative to reporting of compensation paid to retired members of the retirement system.

HB 364, relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment. (Added FN)

HB 477-FN, relative to differential pay for certain state employees providing direct care to inmates and patients.

HB 489-FN, relative to the New Hampshire medical malpractice joint underwriting association.

HB 599-FN, relative to establishing a single liquor commissioner.

HB 686, relative to approval of liquor commission contracts. (Added FN)

#### HEALTH, EDUCATION AND HUMAN SERVICES

HB 573-FN, relative to the use of cannabis for therapeutic purposes.

#### JUDICIARY

HB 399-FN, establishing the New Hampshire liberty act.

#### PUBLIC AND MUNICIPAL AFFAIRS

HB 595-FN, relative to photo identification of voters.

HB 655-FN, relative to the collection of the amount of the property tax deferral for the elderly or disabled upon sale of the property.

#### TRANSPORTATION

HB 304-FN, relative to OHRV registration transfer fees, removing the penalty of completion of a training program for certain OHRV and snowmobile violations, and deleting OHRV and snowmobile vanity plates or decals.

HB 635, establishing a committee to study state rest areas and relative to the solicitation of requests for proposals for the naming rights to rest areas. (Added FN)

#### WAYS AND MEANS

HB 185-FN, relative to the fuel oil discharge cleanup fund.

HB 411-FN-A, repealing a future reduction in vessel registration fees.

HB 507-FN, relative to the maximum permit application fee for certain municipal dredging projects.

HB 581-FN-L, relative to recovering moneys from a neighboring state for mitigation of flooding.

Senator Morse recommends the following non-FN bills be ordered to the Finance Committee upon being found Ought-to-Pass:

#### HEALTH, EDUCATION AND HUMAN SERVICES

HB 295, requiring criminal background checks for volunteers and employees at youth skill camps. (Added FN)

Without objection, the FN Report is adopted.

#### CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

HB 506, relative to certain time periods for adoption and amendment of town codes and ordinances. Removed by Sen. Boutin.

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

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 234, relative to occupational and professional boards and commissions procedures concerning military service and occupational experience or training. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

The committee believes this legislation is not quite ready for passage and a more thorough review of the boards and commissions are needed to identify exactly how these procedures will be accomplished. The bill would require boards and commissions granting licenses, certificates, or registrations to credit acceptable military education and grant inactive status of licenses for the active member of the armed forces and their spouse.

HB 254-FN-A, abolishing certain positions in the liquor commission. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This legislation tidies up what was previously in HB 1. In 2009, an amendment repealed three classified chief positions within the Liquor Commission and created three unclassified director positions. In order to abolish the classified positions, language needs to be placed in statute. This bill completes the process by placing that language in statute.

HB 283, establishing a study committee to review the hearings officer's report with regard to the New Hampshire Local Government Center and to study potential changes to RSA 5-B. Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

This legislation establishes a committee to review the hearings officer's report regarding the NH Local Government Center, and to study potential changes to RSA 5-B. The amendment changes the number of representatives on this committee from three to four and the number of senators from two to one. In addition, the first meeting of the committee shall be held within 30 days of the effective date and not at the original 45 days.

Senate Executive Departments and Administration  
May 8, 2013  
2013-1611s  
05/01

#### Amendment to HB 283

Amend the bill by replacing sections 2-4 with the following:

##### 2 Membership and Compensation.

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

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

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

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

3 Duties. The committee shall review the hearings officer's report with regard to the New Hampshire Local Government Center and study potential changes to RSA 5-B, relative to pooled risk management programs. The committee shall solicit information from any individual or entity with experience or expertise relevant to the study.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 30 days of the effective date of this section. Three members of the committee shall constitute a quorum.

HB 385, relative to licensure of, and the performance of electrical work by, elevator and accessibility lift mechanics. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

This legislation levels the playing field with sister states regarding reciprocity of qualified elevator mechanics and being able to become qualified and work in neighboring states. The amendment, which was requested by the Department of Labor, sets the standards for a licensed elevator or accessibility lift mechanic in the state of New Hampshire.

Senate Executive Departments and Administration

May 8, 2013

2013-1613s

10/05

#### Amendment to HB 385

Amend the bill by replacing section 1 with the following:

1 Elevator and Accessibility Lifts; License Requirements. Amend RSA 157-B:8-a to read as follows:

157-B:8-a Mechanics. An elevator or accessibility lift mechanic shall pass an examination given by the commissioner~~[-except in cases in which an elevator or accessibility lift mechanic]~~ ***provided the person either (a) has at least 2 years of documented experience, with a minimum of 1,800 hours in each year, working in this state directly under a licensed New Hampshire elevator or accessibility lift mechanic; or (b) holds a certificate or license of competency as an elevator or accessibility lift mechanic issued by another state and*** has proven to the satisfaction of the commissioner ***that the person has*** experience ~~[in excess of]~~ ***as an elevator or accessibility lift mechanic for at least 5 consecutive years [within the state], with a minimum of 1,800 hours in each year.*** A license shall be issued to the mechanic for a 2-year period. A fee of \$50 shall be charged for the initial examination and license. A license may be renewed every 2 years upon payment of a fee of \$35. Employees of the department of labor shall not be charged for the issuance or renewal of a license. A person who holds a certificate or license of competency as a mechanic ~~[equal to that of this]~~ ***issued by another*** state may be issued a license without examination upon payment of a fee of \$35, ***provided that licensees of New Hampshire are not subject to greater requirements for certification or licensure in the other state than those required by New Hampshire.*** The commissioner may revoke any license for cause shown, after a hearing. The holder of a license under question shall receive 7 days' written notice informing the licensee of the charges and of the time and place of the hearing.

HB 489-FN, relative to the New Hampshire medical malpractice joint underwriting association. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

The committee understands that the JUA has been meeting with the IRS to resolve the possibility of an unpaid tax obligation for their policyholders. The final resolution is not due until June of this year. The committee recommends that the bill be re-referred back to the committee in the event that a problem should arise.

#### HEALTH, EDUCATION AND HUMAN SERVICES

HB 636, relative to the waitlist for community mental health services. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

This bill will extend the sunset of a provision passed in 2011 which allows behavioral health centers to prioritize treatment based on clinical judgment.

**JUDICIARY**

HB 228, relative to insurance fraud. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill establishes venue for offenses relating to insurance fraud and is necessary to accommodate the world of cell phones, smart phones and internet insurance claim filings where the location of the individual reporting the fraud or the insurance company dealing with the fraud is not always known or in state. The committee amendment merely removes a section that was too broad. The standard for proving that fraud has occurred is still "beyond a reasonable doubt."

Senate Judiciary

May 7, 2013

2013-1573s

01/04

**Amendment to HB 228**

Amend RSA 638:20-a, I as inserted by section 1 of the bill by replacing it with the following:

I. In any prosecution for a violation of RSA 638:20, the offense shall be deemed to have been committed in any of the following locations:

- (a) The county or judicial district in which any element of the offense was committed;
- (b) The county or judicial district of the purported loss;
- (c) The county or judicial district in which the insurance policy provides coverage;
- (d) The county or judicial district in which the insurer or the insurer's agent received the false statement or application; or
- (e) The county or judicial district in which money was received for the fraudulent act.

2013-1573s

**AMENDED ANALYSIS**

This bill establishes venue for offenses relating to insurance fraud.

HB 413, relative to property abandoned by tenants. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This legislation clarifies how a landlord can provide notice when it appears that a tenant has vacated a rental property and allows the landlord to retake possession without the need for court action. The amendment clarifies that the ten day window begins as of the date of the notice and corrects a drafting error.

Senate Judiciary

April 30, 2013

2013-1485s

05/03

**Amendment to HB 413**

Amend RSA 540-A:4, XII(b)(2)(C) as inserted by section 1 of the bill by replacing it with the following:

(C) The tenant or tenants have removed from the rented or leased premises all or the majority of their personal property, and the only items remaining in the premises are inconsistent with the continued use of the premises.

Amend RSA 540-A:4, XII(d) as inserted by section 1 of the bill by replacing it with the following:

(d) In providing the property abandonment notice required under subparagraph (b), the landlord shall use conspicuous language identifying, with specificity, the reasons the landlord deems the property abandoned. The notice shall also advise the tenant or tenants of their right to retrieve any personal property as well as their right to file an action under RSA 540-A. The notice must be signed by the landlord, or the landlord's agent. The use of the following notice language, in at least 12-point type, shall be deemed sufficient notice language:

## NOTICE OF PROPERTY ABANDONMENT

This residence, known as \_\_\_\_\_, has been abandoned. I certify that, on this date, the property is believed to have been abandoned for the following circled reasons:

- (1) You notified me in writing that you intended to vacate the premises.
- (2) You have returned your keys to the premises.
- (3) You have removed from the premises all or the majority of your personal property, and the only items remaining in the premises are inconsistent with the continued use of the premises.
- (4) You have failed or neglected to pay rent for the premises for a period of more than 91 days.

Because you have abandoned the premises, we will retake possession of this property and the locks may be changed. We will store your personal property for 7 days from the date of the notice, and you have a right to get your personal property during that time.

If you disagree with any action we take, you should notify us immediately. You are also entitled to file what is called a "540-A petition" at your nearest court. You may have other additional legal rights as well.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Landlord's or Landlord's Agent's Mailing Address: \_\_\_\_\_

Landlord's or Landlord's Agent's Telephone Number: \_\_\_\_\_

HB 433, relative to procedures for juvenile delinquency petitions filed by a school district or school official. Ought to Pass, Vote 5-0. Senator Cataldo for the committee.

This bill provides that unless an incident presents a serious threat to school safety, the school district shall attempt to resolve the issue through available educational interventions before filing a juvenile delinquency petition. As the number of school resource officers have increased, school violence is down, but referrals of juveniles to courts has increased. This requires school solutions to normal behavioral issues rather than referral to the courts when appropriate.

HB 442, prohibiting residency restrictions for registered sex offenders and offenders against children. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

This bill sought to place into statute two recent court rulings that said that residency restrictions against registered sex offenders were unconstitutional. This is a sensitive topic; therefore the committee asks that it be changed into a House study committee to delve into the issues.

Senate Judiciary  
April 30, 2013  
2013-1483s  
04/10

**Amendment to HB 442**

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

AN ACT establishing a committee to study the prohibition of residency restrictions for registered sex offenders and offenders against children.

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

1 Committee Established. There is established a committee to study the prohibition of residency restrictions for registered sex offenders and offenders against children.

2 Membership and Compensation.

I. The committee shall consist of 5 members of the house of representatives, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall study the prohibition of residency restrictions for registered sex offenders and offenders against children.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the house clerk, the governor, and the state library on or before November 1, 2013.

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

2013-1483s

#### AMENDED ANALYSIS

This bill establishes a committee to study the prohibition of residency restrictions for registered sex offenders and offenders against children.

HB 528, relative to support and care costs for children with disabilities. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

This bill enables the court to initiate or continue child support beyond the age of 18, but not beyond age 21, for children with disabilities. The committee amendment merely makes the bill effective upon passage.

Senate Judiciary

April 30, 2013

2013-1486s

05/03

#### Amendment to HB 528

Amend the bill by replacing section 2 with the following:

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

HB 554, allowing parents to agree on college contributions. Ought to Pass, Vote 5-0. Senator Lasky for the committee.

This legislation allows parents to agree on contributions to college or other postsecondary educational expenses and authorizes the court to both approve and enforce such voluntarily agreed-upon arrangements. The bill is purely enabling and does not require any parents to contribute.

#### PUBLIC AND MUNICIPAL AFFAIRS

HB 269-L, authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

The bill as amended by the House seeks to allow a city or town to conduct a special meeting as may become necessary by changes in the state education adequacy formula. This bill makes it clear that this special meeting can only be held if the adequacy formula changes are made in law after the school district meeting, and only if the changes are for that year's budget. The amendment replaces the city or town authorization with school district authorization, after consultation with the budget committee.

Public and Municipal Affairs

May 8, 2013

2013-1619s

04/10

#### Amendment to HB 269-LOCAL

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

AN ACT authorizing a school district to conduct a special meeting necessitated by changes in adequate education funding.

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

1 New Section; Special School District Meetings; Education Funding. Amend RSA 197 by inserting after section 3 the following new section:

197:3-a Special Meeting for Change in Education Funding. In response to statutory changes resulting in reductions or increases in distribution of state revenues for education pursuant to RSA 198:41 to school

districts which would take effect after the adoption of a new school district budget and would apply in the fiscal year covered by the new budget, the governing body of a school district may, after consultation with the budget committee, call a special meeting of the legislative body to consider a reduction, rescission, or increase of appropriations made at an annual meeting, subject to the following:

I. The governing body of a school district that has adopted the official ballot referendum form of meeting under RSA 40:13 may elect to hold and conduct the meeting in accordance with the provisions of this section in a single session for deliberating and voting, and without regard to the provisions of RSA 40:13.

II. A special meeting under this section shall not be petitioned under RSA 197:2, and no petitioned warrant articles shall be inserted in the warrant.

III. The governing body's warrant shall specify, in one or more articles, the amounts of appropriations proposed for reduction, rescission, or increase from the operating budget or separate warrant articles, or both, adopted at the annual meeting.

IV. The governing body shall hold a public hearing on the proposed reductions, rescissions, or increase at least 14 days prior to the meeting. Notice of the time, place, and subject of such hearing shall be posted in at least 2 public places within the school district, one of which shall be on the school district's website, if such exists, at least 7 days prior to the hearing.

V. The governing body of such school district shall post a notice of the meeting, which shall include the warrant, in at least 2 public places within the school district, one of which shall be on the school district's website, if such exists, at least 7 days prior to the meeting. Additional notice shall be published in a newspaper of local or regional circulation in the school district, provided that if there is no newspaper of local or regional circulation in which notice can be published at least 7 days before the date of the meeting, public notice shall be posted in at least one additional place within the school district.

VI. The meeting shall be conducted in accordance with the provisions of this section. The most recently updated checklist shall be used.

VII. The legislative body may approve or disapprove any proposed reduction, rescission, or increase of appropriations, or may approve lesser reductions. The legislative body shall not approve greater reductions than what is in the warrant, or reduce or rescind an appropriation not specified in the warrant, or act on any other business at the meeting.

VIII. Except as provided in this section, the provisions of the following chapters, as they apply to special meetings of the legislative body of a school district, shall not be required for special meetings held pursuant to this paragraph: RSA 32, RSA 39, RSA 49-D, RSA 197, RSA 654, RSA 669, RSA 670, and RSA 671.

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

2013-1619s

#### AMENDED ANALYSIS

This bill authorizes a school district to conduct a special meeting necessitated by changes in adequate education funding.

HB 278, relative to voluntary installation of fire suppression sprinklers. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

This bill authorizes an applicant to offer installation of fire suppression sprinklers as a condition of local permit approval. If the planning board accepts such offer, the installation shall be enforceable as a condition of the approval. Should conditions change, the applicant may substitute another means of fire protection in lieu of the approved sprinkler system provided the planning board approves the substitution.

Public and Municipal Affairs

May 8, 2013

2013-1622s

03/10

#### Amendment to HB 278

Amend the bill by replacing section 1 with the following:

1 Subdivision of Land; Sprinklers. Amend RSA 674:36, IV to read as follows:

IV. The planning board shall not require, or adopt any regulation requiring, the installation of a fire suppression sprinkler system in proposed one- or 2-family residences as a condition of approval for a local permit. Nothing in this paragraph shall prohibit a duly adopted regulation mandating a cistern, dry hydrant, fire pond, or other credible water source other than a fire suppression sprinkler system. ***Nothing in this paragraph shall prevent an applicant from offering to install fire suppression sprinkler systems in proposed one- or 2-family residences and, if the planning board accepts such offer, the installation of such systems shall be required and shall be enforceable as a condition of the approval. The applicant or the applicant's successor in interest may substitute another means of fire protection in lieu of the approved fire suppression sprinkler system provided that the planning board approves the substitution which approval shall not be unreasonably upheld or delayed.***

HB 352, relative to sending checklists to the state archives. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

Current law requires sending the marked voter checklist to the state archives within 24 days after each regular state general election and for each presidential primary election. Much more time is needed to input the election data into the registration database and then send the checklist. This bill extends the deadline to within 90 days of the closing of the polls.

HB 634, relative to water resource management and protection plans in municipal master plans. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

This bill is enabling legislation which permits a municipality to include in its master plan a local water resource management and protection plan.

Public and Municipal Affairs

May 9, 2013

2013-1625s

06/01

#### Amendment to HB 634

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

1 Master Plan; Purpose and Description. Amend RSA 674:2, III(d) to read as follows:

(d) A natural resources section which identifies and inventories any critical or sensitive areas or resources, not only those in the local community, but also those shared with abutting communities. This section [provides], ***which may specifically include a water resources management and protection plan, shall provide*** a factual basis for any land development regulations that may be enacted to protect ***water resources and other identified*** natural areas. A key component in preparing this section is to identify any conflicts between other elements of the master plan and natural resources, as well as conflicts with plans of abutting communities. ***Nothing in this subparagraph shall be construed to permit municipalities to regulate surface or groundwater withdrawals that they are explicitly prohibited from regulating.***

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

2013-1625s

#### AMENDED ANALYSIS

This bill permits a municipality to include in its master plan a local water resource management and protection plan.

HB 655-FN, relative to the collection of the amount of the property tax deferral for the elderly or disabled upon sale of the property. Ought to Pass, Vote 5-0. Senator Forrester for the committee.

Upon the sale of a property to a purchaser, this bill requires the amount of the tax deferral and accrued interest be paid to the municipality granting the deferral.

#### RULES, ENROLLED BILLS AND INTERNAL AFFAIRS

HB 262, establishing a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on state property other than the state house grounds. Ought to Pass, Vote 5-0. Senator Bragdon for the committee.



This bill allows a study committee formed last year to continue its work for the rest of this biennium. A lot of ground was covered by the study committee last year, but they were not allowed to continue past the end of that biennium. The Rules, Enrolled Bills and Internal Affairs Committee believes that continuing the study committee for the rest of this biennium would allow them to finish their work to help recognize the accomplishments of this distinguished member of New Hampshire's history.

HB 363, establishing a committee to study the form of the oath taken by members of the general court. Inexpedient to Legislate, Vote 5-0. Senator Bradley for the committee.

This bill sought to establish a committee to study the form of the oath taken by members of the general court. The committee encourages individuals to examine this issue privately, if they so choose and believes there is nothing to prevent a thorough study of it on a private level. Therefore, creating a study committee at this time is not necessary.

HB 602, establishing a commission to study general court policies and procedures relative to persons with disabilities. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

This bill establishes a commission to study and update the rules and procedures of the legislative ethics committee under RSA 14-B and the laws governing legislative ethics under RSA 15-B. The committee amended the bill in order to reduce the number of senators from 2 to 1 and believes that this is an important issue that necessitates careful examination.

Rules, Enrolled Bills and Internal Affairs  
April 29, 2013  
2013-1423s  
08/04

#### **Amendment to HB 602**

Amend RSA 19-M:2, I(b) as inserted by section 1 of the bill by replacing it with the following:

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

#### **TRANSPORTATION**

HB 304-FN, relative to OHRV registration transfer fees, removing the penalty of completion of a training program for certain OHRV and snowmobile violations, and deleting OHRV and snowmobile vanity plates or decals. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

This bill is a Department of Fish and Game request and accomplishes three objectives. It corrects the designation of a portion of the fee for transfer of an OHRV registration, deletes the requirement that persons convicted of violating statutes on speed limit, safe speed, or decibel limits on noise successfully complete an OHRV or snowmobile training program, and also deletes the authorization for OHRV and snowmobile vanity plates or decals. All of these changes have a minimal fiscal impact and the OHRV community is not in opposition to them.

HB 508, relative to idling by diesel locomotives. Inexpedient to Legislate, Vote 5-0. Senator Watters for the committee.

This bill would have prohibited the idling of a diesel locomotive except in certain circumstances. The committee had concerns regarding possible unintended consequences of this legislation and therefore has requested that the Department of Environmental Services look into formulating more appropriate language pertaining to this issue for the next legislative session.

HB 635, establishing a committee to study state rest areas and relative to the solicitation of requests for proposals for the naming rights to rest areas. Ought to Pass with Amendment, Vote 5-0. Senator Gilmour for the committee.

This bill, as passed by the House, establishes a committee to study the staffing of currently closed state rest areas and permits the Department of Resources and Economic Development and the Department of Transportation to solicit requests for proposals to sponsor or purchase naming rights to rest areas. The Transportation Committee's amendment changes the sponsorship section from enabling legislation to part of the duties of the study committee and believes this will give the Department of Transportation the proper time and guidance to examine these issues in preparation for potential federal laws on this topic.

Senate Transportation  
May 2, 2013  
2013-1524s  
06/05

### **Amendment to HB 635**

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

AN ACT establishing a committee to study the staffing of currently closed rest areas and to develop a process for soliciting requests for proposals to sponsor or purchase naming rights to New Hampshire rest areas.

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

1 Committee Established. There is established a committee to study the staffing of currently closed rest areas and to develop a process for soliciting requests for proposals to sponsor or purchase naming rights to New Hampshire rest areas.

2 Membership and Compensation.

I. The members of the committee shall be 5 members of the house of representatives, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall:

I. Study state rest areas that are currently closed to determine whether they could be opened and staffed by volunteers and civic organizations.

II. Develop a process for soliciting requests for proposals to sponsor or purchase naming rights to any New Hampshire rest area.

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

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2013.

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

2013-1524s

### **AMENDED ANALYSIS**

This bill establishes a committee to study the staffing of currently closed state rest areas and to develop a process for soliciting requests for proposals to sponsor or purchase naming rights to New Hampshire rest areas.

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

Sen. Boutin is in opposition to the motion of Ought to Pass as Amended on HB 283.

### **SPECIAL ORDER**

Without objection HB 246, HB 357, HB 414, HB 233, HB 477-FN, HB 542, HB 140, and HB 664-FN are Special-Ordered to the next Session day. Adopted by the necessary 2/3 vote.

Without objection the Ways and Means Committee reports are Special-Ordered to the beginning of the Regular Calendar. Adopted by the necessary 2/3 vote.

### **REGULAR CALENDAR REPORTS**

#### **WAYS AND MEANS**

HB 185-FN, relative to the fuel oil discharge cleanup fund. Ought to Pass, Vote 4-0. Senator D'Allesandro for the committee.

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

Sens. Forrester, Bradley, Carson, Reagan, Morse, and Prescott are in opposition to the motion of Ought to Pass on HB 185-FN.

HB 411-FN-A, repealing a future reduction in vessel registration fees. Ought to Pass, Vote 4-0. Senator Hosmer for the committee.

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

Sens. Bradley, Morse, and Prescott are in opposition to the motion of Ought to Pass on HB 411-FN-A.

HB 507-FN, relative to the maximum permit application fee for certain municipal dredging projects. Ought to Pass, Vote 5-0. Senator Odell for the committee.

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

HB 581-FN-L, relative to recovering moneys from a neighboring state for mitigation of flooding. Ought to Pass, Vote 5-0. Senator Hosmer for the committee.

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

HB 617-FN-A-L, increasing the rate of the road toll, establishing the New Hampshire state and municipal road and bridge account, and establishing the commission to study revenue alternatives to the road toll. Re-refer to committee, Vote 3-2. Senator Rausch for the committee.

The question is on the adoption of the Committee recommendation of Re-refer to committee.

A roll call was requested by Sen. Soucy, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Woodburn, Watters, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, Rausch, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Pierce, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Morse, Prescott, Stiles, Bragdon.

Yeas: 11 - Nays: 13

Failed.

Sen. Bradley moved Inexpedient to Legislate.

Sen. Sanborn moved to Indefinitely Postpone.

Without objection, the Senate is in recess. Out of recess.

The question is on the adoption of the motion to Indefinitely Postpone.

A roll call was requested by Sen. Bradley, seconded by Sen. Sanborn.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Cataldo, Hosmer, Odell, Sanborn, Gilmour, Lasky, Carson, Boutin, Reagan, Soucy, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Watters, Pierce, Kelly, Larsen, D'Allesandro, Fuller Clark.

Yeas: 18 - Nays: 6

Adopted.

#### MOTION OF RECONSIDERATION

Sen. Bradley, having voted on the prevailing side, moved to reconsider HB 617-FN-A-L, the bill having been previously made Indefinitely Postponed. Failed.

Without objection, the Senate is in recess. Out of recess.

HB 659-FN-A, increasing the tobacco tax. Inexpedient to Legislate, Vote 3-2. Senator Morse for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A roll call was requested by Sen. Kelly, seconded by Sen. Soucy.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

#### COMMERCE

HB 200, relative to an employer's burden of proof in unemployment compensation hearings. Re-refer to committee, Vote 5-0. Senator Bradley for the committee.

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

HB 231, relative to reinsurance. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

Commerce  
May 1, 2013  
2013-1490s  
01/05

#### Amendment to HB 231

Amend RSA 405:52 as inserted by section 6 of the bill by replacing it with the following:

405:52 Reinsurance Agreements Affected. Credit for reinsurance ceded to a certified reinsurer is allowed only for reinsurance contracts entered into or renewed on or after the effective date of the certification of the assuming insurer by the insurance commissioner.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 253, relative to limitations on sales by nano breweries for consumption on the premises. Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Commerce  
May 7, 2013  
2013-1592s  
08/03

#### Amendment to HB 253

Amend RSA 178:12-a, II(a) as inserted by section 1 of the bill by replacing it with the following:

II.(a) The annual fee for each license issued under this section shall be \$240. ***Any licensee meeting and maintaining the requirements of RSA 178:20 and paying an additional annual fee of \$240, shall be exempt from the limitations stated in subparagraph III(e). Nothing in this subparagraph shall be interpreted as an exemption from subparagraph III(a).***

2013-1592s

#### AMENDED ANALYSIS

This bill allows a nano brewery to obtain a license upgrade exempting the licensee from sales limitations where the nano brewery has an existing on-premises beverage and wine license and sells food.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 373, establishing a right of discovery to a carrier's investigation of claims in workers' compensation cases. Inexpedient to Legislate, Vote 3-1. Senator Cataldo for the committee.

Sen. Cataldo moved to Lay on the Table HB 373.

A division vote was requested.

Yeas: 17 - Nays: 7

Adopted.

HB 390, allowing companion dogs in the outdoor areas of restaurants. Ought to Pass, Vote 3-2. Senator Pierce for the committee.

The question is on the adoption of the Committee recommendation of Ought to Pass. Failed.

Sen. Bradley moved Inexpedient to Legislate.

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

HB 400, relative to funding agreements issued by life insurance companies. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

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

HB 401, relative to property and casualty insurers under the risk-based capital law. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

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

HB 472, relative to residential units in rooming houses. Ought to Pass with Amendment, Vote 5-0. Senator Hosmer for the committee.

Commerce  
May 14, 2013  
2013-1714s  
05/10

#### Amendment to HB 472

Amend the bill by replacing section 1 with the following:

1 Actions Against Tenants; Rooming House Exemption from Definition of Tenancy. Amend RSA 540:1-a, IV(a) to read as follows:

(a) Rooms in rooming or boarding houses which are rented to transient guests for fewer than 90 consecutive days. ***For purposes of this subparagraph, if the owner of the facility directs the occupant to move from one room to another in the same rooming or boarding house, or directs the occupant to move from one of the owner's rooming or boarding houses to another, the 90-day period for computing consecutive days of occupancy shall not be broken. Consecutive days of occupancy shall not include a voluntary move from one room to another if the move was not made at the request or direction of the owner.***

2013-1714s

#### AMENDED ANALYSIS

This bill clarifies that the exclusion of rooming houses from the definition of tenancy cannot be extended by directing the occupant to move from one room to another, or from one house to another, within the 90-day exemption period.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 501-FN, instituting a state minimum hourly rate. Inexpedient to Legislate, Vote 3-2. Senator Bradley for the committee.

The question is on the adoption of the Committee recommendation of Inexpedient to Legislate.

A roll call was requested by Sen. Soucy, seconded by Sen. Larsen.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

HB 511-FN, relative to insurance holding companies. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

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

Without objection, the Senate is in recess. Out of recess.

HB 526-FN, relative to termination of activities and dissolution of the association created under RSA 404-G. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

Commerce  
May 7, 2013  
2013-1589s  
01/04

#### **Amendment to HB 526-FN**

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

2 New Section; Contingency. Amend RSA 404-G by inserting after section 11 the following new section:

404-G:12 Contingency.

I. Notwithstanding RSA 404-G:11, if the commissioner determines that high risk pool enrollees will not have access to guaranteed issue coverage in the commercial marketplace on January 1, 2014, the commissioner may order the association to continue to provide coverage under the high risk pool authorized pursuant to RSA 404-G:5-b. Any such order by the commissioner shall be issued no later than December 1, 2013, after consultation with the oversight committee on health and human services, established under RSA 126-A:13.

II. An order issued under paragraph I shall remain in effect until the earlier of the following:

(a) The date on which the commissioner determines that high risk pool enrollees have access to guaranteed issue coverage; or

(b) The effective date of any order executed by the commissioner pursuant to RSA 404-C addressing the availability of health insurance.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

#### **SPECIAL ORDER**

Without objection HB 306 is Special-Ordered to the present time. Adopted by the necessary 2/3 vote.

#### **ENERGY AND NATURAL RESOURCES**

HB 306, relative to New Hampshire's regional greenhouse gas initiative. Ought to Pass with Amendment, Vote 3-2. Senator Fuller Clark for the committee.

Energy and Natural Resources  
May 9, 2013  
2013-1626s  
06/01

#### **Amendment to HB 306**

Amend RSA 125-O:8, I(f) as inserted by section 1 of the bill by replacing it with the following:

(f) Defining eligible projects for offset allowances under RSA 125-O:21, V, and establishing criteria to quantify and grant such allowances, including the accreditation of third-party verifiers, ***provided that the department may incorporate national or regional forestry protocols by reference that are referenced in the RGGI model rule.***

Amend RSA 125-O:20 as inserted by section 5 of the bill by replacing it with the following:

XII. "Regional greenhouse gas initiative" or "RGGI" or "RGGI program" means the program to implement the memorandum of understanding (MOU) between signatory states, dated December 20, 2005, as amended ~~[on August 8, 2006 and April 20, 2007]~~, and the corresponding model rule ***as amended February 7, 2013***, to establish a regional CO2 emissions budget and allowance trading program for emissions from fossil fuel-fired electricity generating units.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Soucy, seconded by Sen. Larsen.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Odell, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark, Stiles, Bragdon.

The following Senators voted No: Forrester, Bradley, Cataldo, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott.

Yeas: 14 - Nays: 10

Adopted, bill ordered to Third Reading.

#### SPECIAL ORDER

Without objection HB 573-FN is Special-Ordered to the present time. Adopted by the necessary 2/3 vote.

#### HEALTH, EDUCATION AND HUMAN SERVICES

HB 573-FN, relative to the use of cannabis for therapeutic purposes. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

Health, Education and Human Services

May 9, 2013

2013-1631s

04/10

#### Amendment to HB 573-FN

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

1 New Chapter; Use of Cannabis for Therapeutic Purposes. Amend RSA by inserting after chapter 126-V the following new chapter:

#### CHAPTER 126-W

#### USE OF CANNABIS FOR THERAPEUTIC PURPOSES

126-W:1 Definitions. In this chapter:

I. "Alternative treatment center" means a not-for-profit entity registered under RSA 126-W:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients and alternative treatment centers.

II. "Alternative treatment center agent" means a principal officer, board member, employee, manager, or volunteer of an alternative treatment center who is 21 years of age or older and has not been convicted of a felony or any drug-related offense.

III. "Cannabis" means all parts of any plant of the Cannabis genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination.

IV. "Cultivation location" means a locked and enclosed site, under the control of an alternative treatment center where cannabis is cultivated, secured with one or more locks or other security devices in accordance with the provisions of this chapter.

V. "Department" means the department of health and human services.

VI. "Designated caregiver" means an individual:

- (a) Who is at least 21 years of age;
- (b) Who has agreed to assist with one or more (not to exceed 5) qualifying patient's therapeutic use of cannabis;
- (c) Who has never been convicted of a felony or any felony drug-related offense; and
- (d) Who possesses a valid registry identification card issued pursuant to RSA 126-W:4.

VII.(a) "Provider" means a physician licensed to prescribe drugs to humans under RSA 329 and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances. "Provider" shall also mean an advanced practice registered nurse licensed pursuant to RSA 326-B:18.

(b) For a visiting qualifying patient, "provider" means an individual licensed to prescribe drugs to humans in the state of the patient's residence and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances. Such visiting patient is not eligible to purchase or transfer cannabis from an eligible New Hampshire patient.

VIII. "Provider-patient relationship" means at least a 3-month medical relationship between a licensed provider and a patient that includes an in-person exam, a history, a diagnosis, and a treatment plan appropriate for the licensee's medical specialty.

IX.(a) "Qualifying medical condition" means the presence of:

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, agitation of Alzheimer's disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, or one or more injuries that significantly interferes with daily activities as documented by the patient's provider; and

(2) A severely debilitating or terminal medical condition or its treatment that has produced at least one of the following: elevated intraocular pressure, cachexia, chemotherapy-induced anorexia, wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures, or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms.

(b) The department may include a medical condition that is not listed in subparagraph (a) that the department determines, on a case by case basis, is severely debilitating or terminal, based upon the written request of a provider who furnishes written certification to the department.

X. "Qualifying patient" means a resident of New Hampshire who has been diagnosed by a provider as having a qualifying medical condition and who possesses a valid registry identification card issued pursuant to RSA 126-W:4.

XI. "Registry identification card" means a document indicating the date issued and expiration date by the department pursuant to RSA 126-W:4 that identifies an individual as a qualifying patient or a designated caregiver.

XII. "Seedling" means a cannabis plant that has no flowers and is less than 12 inches in height and less than 12 inches in diameter.

XIII. "Therapeutic use" means the acquisition, possession, cultivation, preparation, use, delivery, transfer, or transportation of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's qualifying medical condition or symptoms or results of treatment associated with the qualifying patient's qualifying medical condition. It shall not include:

- (a) The use of cannabis by a designated caregiver who is not a qualifying patient; or
- (b) Cultivation or purchase by a visiting qualifying patient; or
- (c) Cultivation by a designated caregiver or qualifying patient.



XIV. “Unusable cannabis” means any cannabis, other than usable cannabis, including the seeds, stalks, and roots of the plant.

XV. “Usable cannabis” means the dried leaves and flowers of the cannabis plant and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant and does not include the weight of any non-cannabis ingredients combined with cannabis and prepared for consumption as food or drink.

XVI. “Visiting qualifying patient” means a patient with a qualifying medical condition who is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30 days and is not eligible to purchase therapeutic cannabis in New Hampshire or receive cannabis from a qualifying New Hampshire patient.

XVII. “Written certification” means documentation of a qualifying medical condition by a provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of issuing registry identification cards, after having completed a full assessment of the patient’s medical history and current medical condition made in the course of a provider-patient relationship of at least 3 months in duration. The 3-month requirement for the provider-patient relationship required in this paragraph shall not apply if the provider issuing the written certification certifies that the onset of the patient’s qualifying medical condition occurred within the past 3 months; and the certifying provider is primarily responsible for the patient’s care related to his or her qualifying medical condition. The date of issuance and the patient’s qualifying medical condition, symptoms or side effects, the certifying provider’s name, medical specialty and signature shall be specified on the written certification.

#### 126-W:2 Therapeutic Use of Cannabis Protections.

I. A qualifying patient shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or be denied any right or privilege for the therapeutic use of cannabis in accordance with this chapter, if the qualifying patient possesses an amount of cannabis that does not exceed the following, if the qualifying patient does not have a designated caregiver, for the possession of cannabis that occurs at the cultivation location reported to the department:

- (1) Two ounces of usable cannabis; and
- (2) Any amount of unusable cannabis.

II. A designated caregiver shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or denied any right or privilege for the therapeutic use of cannabis in accordance with this chapter on behalf of a qualifying patient if the designated caregiver possesses, an amount of cannabis that does not exceed the following, if at the cultivation location of an alternative treatment center reported to the department:

- (1) Two ounces of usable cannabis, or the total amount allowable for the number of qualifying patients for which he or she is a designated caregiver; and
- (2) Any amount of unusable cannabis.

III. A designated caregiver may receive compensation for costs, not including labor, associated with assisting a qualifying patient who has designated the designated caregiver to assist him or her with the therapeutic use of cannabis. Such compensation shall not constitute the sale of controlled substances.

IV.(a) A qualifying patient is presumed to be lawfully engaged in the therapeutic use of cannabis in accordance with this chapter if the qualifying patient possesses a valid registry identification card and possesses an amount of cannabis that does not exceed the amount allowed under this chapter.

(b) A designated caregiver is presumed to be lawfully engaged in assisting with the therapeutic use of cannabis in accordance with this chapter if the designated caregiver possesses a valid registry identification card and possesses an amount of cannabis that does not exceed the amount allowed under this chapter.

(c) The presumptions made in subparagraphs (a) and (b) may be rebutted by evidence that conduct related to cannabis was not for the purpose of treating or alleviating the qualifying patient’s qualifying medical condition or symptoms or effects of the treatment associated with the qualifying medical condition, in accordance with this chapter.

V. A valid registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows, in the

jurisdiction of issuance, a visiting qualifying patient to possess cannabis for therapeutic purposes, shall have the same force and effect as a valid registry identification card issued by the department in this state, provided that:

(a) The visiting qualifying patient shall also produce a statement from his or her provider stating that the visiting qualifying patient has a qualifying medical condition as defined in RSA 126-W:1; and

(b) A visiting qualifying patient shall not cultivate or purchase cannabis in New Hampshire or obtain cannabis from alternative treatment centers or from a qualifying New Hampshire patient.

VI. A person otherwise entitled to custody of, or visitation or parenting time with, a minor shall not be denied such a right solely for conduct allowed under this chapter, and there shall be no presumption of neglect or child endangerment.

VII. For the purposes of medical care, including organ transplants, a qualifying patient's authorized use of cannabis in accordance with this chapter shall be considered the equivalent of the authorized use of any other medication used at the direction of a provider, and shall not constitute the use of an illicit substance.

VIII. A provider shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or be denied any right or privilege, including but not limited to a civil penalty or disciplinary action by the New Hampshire board of medicine or any other occupational or professional licensing entity, solely for providing written certifications, provided that nothing shall prevent a professional licensing entity from sanctioning a provider for failing to properly evaluate a patient's medical condition.

IX. An alternative treatment center shall not be subject to prosecution under state or municipal law, search, or inspection, except by the department pursuant to RSA 126-W:7, IX; seizure; or penalty in any manner under state or municipal law for acting pursuant to this chapter and department rules to:

(a) Acquire or purchase cannabis seeds or seedlings;

(b) Possess, cultivate, manufacture, or transport cannabis and seedlings; or

(c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and educational materials to qualifying patients who have designated the alternative treatment center to provide for them, to designated caregivers on behalf of the qualifying patients who have designated the alternative treatment center, or to other alternative treatment centers.

X. An alternative treatment center agent shall not be subject to arrest by state or local law enforcement, prosecution or penalty in any manner under state or municipal law, search, or be denied any right or privilege for working for an alternative treatment center pursuant to this chapter and department rules to engage in any of the actions listed in paragraph IX.

XI. Any cannabis, cannabis paraphernalia, licit property, or interest in licit property that is possessed, owned, or used in connection with the therapeutic use of cannabis as allowed under this chapter, or acts incidental to such use, shall not be seized or forfeited if the basis for the seizure or forfeiture is activity related to cannabis that is exempt from state criminal penalties under this chapter.

XII. An individual shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or be denied any right or privilege, including but not limited to a civil penalty or disciplinary action by a court or occupational or professional licensing entity, simply for being in the presence or vicinity of the therapeutic use of cannabis as allowed under this chapter.

XIII. If a state or local law enforcement agency or agent encounters an alternative treatment center or an individual who the agent or agency knows is an alternative treatment center agent, a designated caregiver, or a qualifying patient, or who credibly asserts he or she is an alternative treatment center agent, a designated caregiver, or a qualifying patient, the law enforcement agency or agent shall not provide any information from any cannabis-related investigation of the individual or entity to any law enforcement agency that does not recognize the protection of this chapter, and any prosecution of the individual or entity for a violation of this chapter shall be conducted pursuant to the laws of this state. This paragraph shall not apply in cases where the state or local law enforcement agency has probable cause to believe the person is distributing cannabis to a person who is not allowed to possess it under this chapter. Any seizure of cannabis by law enforcement agents for a violation of this chapter shall be limited to the amount of cannabis in excess of the quantities permitted under this chapter and any such cannabis seized shall not be returned.

XIV. A person who ceases to be a qualifying patient or designated caregiver shall have 10 days after notification by the department to dispose of cannabis in one of the following ways:

(a) If the person was a designated caregiver and the qualifying patient who designated the caregiver is still a qualifying patient, but has designated a new caregiver, the designated caregiver may transfer cannabis to the new designated caregiver;

(b) The person may notify local law enforcement and request that they dispose of the cannabis; or

(c) The person may dispose of the cannabis, after mixing the cannabis with other ingredients such as soil to render it unusable.

#### 126-W:3 Prohibitions and Limitations on the Therapeutic Use of Cannabis.

I. A qualifying patient may use cannabis on privately-owned real property only with written permission of the property owner or in the case of leased property with the permission of the tenant in possession of the property, except that a tenant shall not allow a qualifying patient to smoke cannabis on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property. However, a tenant may permit a qualifying patient to use cannabis on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of cannabis without the combustion of the cannabis.

II. Nothing in this chapter shall exempt any person from arrest or prosecution for:

(a) Being under the influence of cannabis while:

(1) Operating a motor vehicle, commercial vehicle, boat, vessel, or any other vehicle propelled or drawn by power other than muscular power; or

(2) In his or her place of employment, without the written permission of the employer; or

(3) Operating heavy machinery or handling a dangerous instrumentality.

(b) The use or possession of cannabis by a qualifying patient or designated caregiver for purposes other than for therapeutic use as permitted by this chapter;

(c) The smoking or vaporization of cannabis in any public place, including:

(1) Public bus, or other public vehicle; or

(2) Any public park, public beach, or public field.

(d) The possession of cannabis in any of the following:

(1) The building and grounds of any preschool, elementary, or secondary school, or area designated as a drug free zone; or

(2) A place of employment, without the written permission of the employer; or

(3) Any correctional facility; or

(4) Any public recreation center or youth center; or

(5) Any law enforcement facility.

III. Nothing in this chapter shall be construed to require:

(a) Any health insurance provider, health care plan, or medical assistance program to be liable for any claim for reimbursement for the therapeutic use of cannabis; or

(b) Any individual or entity in lawful possession of property to allow a guest, client, customer, or other visitor to use cannabis on or in that property; or

(c) Any accommodation of the therapeutic use of cannabis on the property or premises of any place of employment or on the property or premises of any jail, correctional facility, or other type of penal institution where prisoners reside or persons under arrest are detained. This chapter shall in no way limit an employer's ability to discipline an employee for ingesting cannabis in the workplace or for working while under the influence of cannabis.

IV. Any person who makes a fraudulent representation to a law enforcement official of any fact or circumstance relating to the therapeutic use of cannabis to avoid arrest or prosecution shall be guilty of a violation and may be fined \$500, which shall be in addition to any other penalties that may apply for making a false statement or for the use of cannabis other than use undertaken pursuant to this chapter.

V. A qualifying patient or designated caregiver who is found to be in possession of cannabis outside of his or her home and is not in possession of his or her registry identification card may be subject to a fine of up to \$100.

VI. Any qualifying patient or designated caregiver who sells cannabis to another person who is not a qualifying patient or designated caregiver under this chapter shall be subject to the penalties specified in RSA 318-B:26, IX-a, shall have his or her registry identification card revoked, and shall be subject to other penalties as provided in RSA 318-B:26.

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, and the qualifying patient or designated caregiver shall be subject to any other penalties established in law for the violation.

126-W:4 Departmental Administration; Registry Identification Cards.

I. Except as provided in paragraph V, the department shall create and issue a registry identification card to a person applying as a qualifying patient who submits all of the following information:

- (a) Written certification as defined in RSA 126-W:1.
- (b) An application or a renewal application accompanied by the application or renewal fee.
- (c) A recent passport-sized photograph of the applicant's face.
- (d) Name, residential and mailing address, and date of birth of the applicant, except that if the applicant is homeless, no residential address is required.
- (e) Name, address, and telephone number of the applicant's provider.
- (f) Name, address, and date of birth of the applicant's designated caregiver, if any. A qualifying patient shall have only one designated caregiver.
- (g) Name of the alternative treatment center that the qualifying patient designates. A qualifying patient may designate no more than one alternative treatment center at any time.
- (h) A statement signed by the applicant, pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this chapter and acknowledging that his or her diversion of cannabis is punishable as a class B felony and revocation of his or her registry identification card, in addition to other penalties for the illegal sale of cannabis.

II. Except as provided in paragraph V, the department shall create and issue a registry identification card to a person applying as a designated caregiver who submits all of the following information:

- (a) An application or a renewal application.
- (b) A recent passport-sized photograph of the applicant's face.
- (c) Name, residential and mailing address, and date of birth of the applicant.
- (d) Name, residential and mailing address, and date of birth of each qualifying patient for whom the applicant will act as designated caregiver, except that if the qualifying patient is homeless, no residential address is required.
- (e) Street address of the alternative treatment center.
- (f) A signed statement from the applicant agreeing to act as the designated caregiver for the qualifying patient named in the application and pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this chapter and acknowledging that the diversion of cannabis is punishable as a class B felony and revocation of one's registry identification card, in addition to other penalties for the illegal sale of cannabis.

(g) Every applicant for designated caregiver shall submit to the department a notarized criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the department. The applicant shall submit with the release from a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history

records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years. The department shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this section. The applicant shall bear the cost of a criminal history record check.

III. The department shall verify the information contained in an application or renewal submitted pursuant to this section. The department shall approve or deny an application or renewal for a qualifying patient within 15 days of receipt of the application. The department shall approve or deny an application or renewal to serve as a designated caregiver within 15 days of receipt of the application. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or if the applicant previously had a registry identification card revoked for violating the provisions of this chapter or rules adopted by the department, or if the department determines that the information provided was falsified or did not meet the requirements of this chapter or rules adopted by the department. The department shall notify an applicant of the denial of an application. An applicant who is aggrieved by a department decision may request an administrative hearing at the department.

IV. The department shall create and issue a registry identification card to a person applying as a qualifying patient or designated caregiver within 5 days of approving an application or renewal. Each registry identification card shall expire one year after the date of issuance, unless the provider states in the written certification that the certification should expire at an earlier specified date, then the registry identification card shall expire on that date. Registry identification cards shall contain all of the following:

- (a) Name, mailing address, and date of birth of the qualifying patient or designated caregiver.
- (b) The date of issuance and expiration date of the registry identification card.
- (c) A random 10-digit identification number, containing at least 4 numbers and at least 4 letters, that is unique to the qualifying patient or the designated caregiver.
- (d) A designation that the person is either a "qualifying patient" or a "designated caregiver." If the person is a designated caregiver, the identification card shall include the random 10-digit identification number for each qualifying patient for whom he or she is providing care.
- (e) The registry identification number corresponding with the alternative treatment center the qualifying patient designated, if any.
- (f) A passport-sized photograph of the qualifying patient's or designated caregiver's face.
- (g) A statement that the qualifying patient or designated caregiver is permitted under state law to possess cannabis pursuant to this chapter for the therapeutic use of the qualifying patient.

V. The department shall not issue a registry identification card to an applicant under 18 years of age who is applying as a qualifying patient unless:

- (a) A custodial parent or legal guardian responsible for health care decisions for the qualifying patient submits a written certification from 2 providers, one of whom shall be a pediatrician.
- (b) The applicant's provider has explained the potential risks and benefits of the therapeutic use of cannabis to the custodial parent or legal guardian with responsibility for health care decisions for the applicant.
- (c) The custodial parent or legal guardian with responsibility for health care decisions for the applicant consents in writing to:
  - (1) Allow the applicant's therapeutic use of cannabis; and
  - (2) Serve as the applicant's designated caregiver and control the acquisition of the cannabis and the frequency of the therapeutic use of cannabis by the applicant.
- (d) The custodial parent or legal guardian completes an application in accordance with the requirements of paragraph I on behalf of the applicant.

VI. The department shall provide each approved qualifying patient and designated caregiver a statement with the registry identification card explaining federal law on the possession of cannabis and that possession of a state registry identification card does not protect a person from federal criminal penalties.

VII.(a) The department shall track the number of qualifying patients who have designated each alternative treatment center and issue a monthly written statement to the alternative treatment center identifying the number of qualifying patients who have designated that alternative treatment center along with the registry identification numbers of each qualifying patient and each qualifying patient's designated caregiver.

(b) The department shall track the number of qualifying patients certified by each provider and registered with the department. Any concerns regarding provider conduct shall be referred to the New Hampshire board of medicine or the New Hampshire board of nursing.

VIII. In addition to the monthly reports, the department shall also provide written notice to an alternative treatment center which identifies the names and registration identification numbers of a qualifying patient and his or her designated caregiver whenever any of the following events occur:

(a) A qualifying patient designates the alternative treatment center to serve his or her needs under this chapter;

(b) An existing qualifying patient revokes the designation of the alternative treatment center; or

(c) A qualifying patient who has designated the alternative treatment center loses his or her status as a qualifying patient under this chapter.

IX.(a) A qualifying patient shall notify the department before changing his or her designated caregiver or alternative treatment center.

(b) A qualifying patient shall notify the department of any change in his or her name or address within 10 days of such change. If the qualifying patient's certifying provider notifies the department in writing that the qualifying patient no longer suffers from a qualifying medical condition or should discontinue using cannabis for another compelling reason, the registry identification card shall become void upon notification by the department to the qualifying patient.

(c) When a qualifying patient or a designated caregiver notifies the department of any change to a name, address, or alternative treatment center, the department shall issue the qualifying patient or designated caregiver a new registry identification card with a new random 10-digit identification number within 20 days of receiving the updated information.

(d) If a qualifying patient notifies the department of a change in his or her designated caregiver and the prospective designated caregiver meets the requirements of this chapter, the department shall issue the designated caregiver a registry identification card with a new random 10-digit identification number within 50 days of receiving the designated caregiver's application.

(e) A qualifying patient or designated caregiver who fails to notify the department of any changes to his or her name, address, designated caregiver, or cultivation location shall be guilty of a violation and may be subject to a fine not to exceed \$150 under rules adopted by the department.

(f) If a qualifying patient or designated caregiver loses his or her registry identification card, he or she shall notify the department within 10 days of losing the card. Within 5 days after such notification, the department shall issue a new registry identification card with a new random 10-digit identification number. The fee for new registry cards shall be established in rules set by the department pursuant to RSA 541-A.

X. Mere possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the individual or property of the individual possessing or applying for the registry identification card. The possession of, or application for, a registry identification card shall not preclude the existence of probable cause if probable cause exists on other grounds.

XI.(a) The department shall create and maintain a confidential registry of each individual who has applied for and received a registry identification card as a qualifying patient or a designated caregiver in accordance with the provisions of this chapter. Each entry in the registry shall contain the qualifying patient's or designated caregiver's name, mailing address, date of birth, date of registry identification card issuance, date of registry identification card expiration, random 10-digit identification number, and registry identification number of the qualifying patient's designated alternative treatment center, if any. The confidential registry and the information contained in it shall be exempt from disclosure under RSA 91-A.

(b)(1) Except as specifically provided in this chapter, no person shall have access to any information about qualifying patients or designated caregivers in the department's confidential registry, or any information otherwise maintained by the department about providers and alternative treatment centers, except for authorized employees of the department in the course of their official duties and local and state law enforcement personnel who have detained or arrested an individual who claims to be engaged in the therapeutic use of cannabis.

(2) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that he or she has probable cause to believe cannabis is possessed at a specific address, an authorized employee for the department may disclose whether the location is associated with a qualifying patient, designated caregiver, or cultivation location of an alternative treatment center location.

(3) If a local or state law enforcement officer submits a sworn affidavit to the department affirming that he or she has probable cause to believe a specific individual possesses cannabis, an authorized employee for the department may disclose whether the person is a qualifying patient or a designated caregiver, provided that the law enforcement officer provides the person's name and address or name and date of birth.

(4) Counsel for the department may notify law enforcement officials about falsified or fraudulent information submitted to the department where counsel has made a legal determination that there is probable cause to believe the information is false or falsified.

XII. Within 5 days of learning of the death of a qualifying patient, a surviving family member, caretaker, executor, or the patient's designated caregiver shall notify the department that the qualifying patient has died. Within 5 days of learning of the death of a qualifying patient, the surviving family member, caretaker, executor, or the patient's designated caregiver shall either request that the local law enforcement agency remove any remaining cannabis or shall dispose of the cannabis in a manner that is specified in 126-W:2, XIV.

#### 126-W:5 Affirmative Defense.

I. It shall be an affirmative defense for any person charged with manufacturing, possessing, having under his or her control, selling, purchasing, prescribing, administering, transporting, or possessing with intent to sell, dispense, or compound cannabis, cannabis analog, or any preparation containing cannabis, if:

(a) The actor is a qualifying patient who has been issued a valid registry identification card, was in possession of cannabis in a quantity and location permitted pursuant to this chapter, and was engaged in the therapeutic use of cannabis; or

(b) The actor is a designated caregiver who has been issued a valid registry identification card was in possession of a cannabis in a quantity and location permitted pursuant to this chapter, and was engaged in the therapeutic use of cannabis on behalf of a qualifying patient.

II. This section shall not be construed as an affirmative defense for any offense other than those acts as set forth in paragraph I.

#### 126-W:6 Departmental Rules.

I. Not later than one year after the effective date of this chapter, the department shall adopt rules, pursuant to RSA 541-A, governing:

(a) The form and content of applications for issuance and renewals of registry identification cards for qualifying patients and designated caregivers.

(b) The form and content of providers' written certifications.

(c) Procedures for considering, approving, and denying applications for issuance and renewals of registry identification cards, and for revoking registry identification cards.

(d) Fees pursuant to RSA 126-W:4, I(b) and paragraph II of this section for applications for registry identification cards, and pursuant to RSA 126-W:4, IX(f) for re-issuance of replacement registry identification cards.

(e) Fines pursuant to RSA 126-W:4, IX(e) for failure of the qualifying patient or designated caregiver to notify the department of any changes to his or her name, address, designated caregiver in the case of a qualifying patient, or alternative treatment center.

II. The department's rules shall establish application and renewal fees for registry identification cards in accordance with the following:

(a) The fee structure by the department for alternative treatment centers and registry identification cards shall generate revenues sufficient to offset all department expenses of implementing and administering this chapter; however,

(b) The department may accept donations from private sources without the approval of the governor and council in order to reduce the application and renewal fees for qualifying patients.

III.(a) Not later than 18 months after the effective date of this section, the department shall adopt rules, pursuant to RSA 541-A, governing alternative treatment centers and the manner in which it shall consider applications for registration certificates for alternative treatment centers, including, but not limited to:

(1) The form and content of registration and renewal applications.

(2) Administrative requirements.

(3) Security requirements, which shall include at a minimum, lighting, physical security, video security, alarm requirements, measures to prevent loitering, and on-site parking.

(4) Liability insurance.

(5) Sanitary requirements.

(6) Electrical safety requirements.

(7) The specification of acceptable forms of picture identification that an alternative treatment center may accept when verifying a sale.

(8) Personnel requirements including how many volunteers an alternative treatment center is permitted to have and requirements for supervision.

(9) Labeling standards.

(10) Procedures for suspending or terminating the registration of alternative treatment centers that violate the provisions of this chapter or the rules adopted pursuant to this chapter, a schedule of fines for such violations, and procedures for appealing any enforcement actions.

(11) Procedures for inspections and investigations.

(12) Advertising restrictions, including a prohibition of misrepresentation and unfair practices.

(13) Permissible hours of operation.

(14) The fees for the processing and review of applications for registration as an alternative treatment center and regulation of an alternative treatment center after it has been approved by the department. Such fees shall be established in an amount that covers all costs of the department for the review, registration, and regulation of alternative treatment centers.

(15) Procedures for determining and enforcing the daily maximum amount of therapeutic cannabis which an alternative treatment center may cultivate or possess pursuant to RSA 126-W:8, XV(a).

(b) The department shall adopt rules with the goal of protecting against diversion and theft, without imposing an undue burden on the alternative treatment centers or compromising the confidentiality of qualifying patients and their designated caregivers.

126-W:7 Departmental Administration; Alternative Treatment Centers.

I. Within 18 months of the effective date of this section, provided that at least 2 applications have been submitted that score sufficiently high to receive a certificate, the department shall issue alternative treatment center registration certificates geographically located to the 2 highest-scoring applicants. Each registration certificate shall include a registry number that is unique to the alternative treatment center.

II. Any time an alternative treatment center registration certificate is revoked, relinquished, or expires without a renewal application being submitted, the department shall accept applications for a new alternative treatment center and issue a registration certificate to the applicant who scores the highest.

III. If at any time after 2 years after the effective date of this section, fewer than 3 alternative treatment centers hold valid registration certificates in New Hampshire, the department shall accept applications for a new alternative treatment center. No more than 4 alternative treatment centers geographically located may hold valid registration certificates at one time.



IV.(a) An alternative treatment center applicant shall submit a completed department-approved application form with all required documentation and a non-refundable fee in an amount set by department rule. The alternative treatment center application and supporting materials shall include, at a minimum:

- (1) The legal name, articles of incorporation, and bylaws of the alternative treatment center.
- (2) The proposed physical address of the alternative treatment center, if a precise address has been determined, or, if not, the general location where it would be located. This may include a second location for the cultivation of cannabis.
- (3) A description of the enclosed, locked facility that would be used in the cultivation of cannabis by the alternative treatment center.
- (4) The name, address, and date of birth of each principal officer and board member of the alternative treatment center. The board of directors for the non-profit shall include at least one physician, advance practice registered nurse, or pharmacist licensed to practice in New Hampshire and at least one patient qualified to register as a qualifying patient. The majority of board members shall be New Hampshire residents. Medical professionals may sit on the alternative treatment center board but may not maintain ownership of the center.
- (5) Proposed security and safety measures that comply with the rules issued pursuant to RSA 126-W:6, including a description of interior and exterior lighting and security systems.
- (6) The distance from any pre-existing private or public school.
- (7) A copy of the proposed policy regarding services to qualifying patients who cannot afford to purchase cannabis for therapeutic use.
- (8) Information demonstrating the applicant's knowledge of organic growing methods to be used in the growing and cultivation of cannabis.
- (9) Steps that will be taken to ensure the quality of the cannabis, including purity and consistency of dose.
- (10) A start-up timetable that provides an estimated time from registration of the alternative treatment center to full operation and the assumptions used for the basis of those estimates.
- (11) Information showing the applicant's experience running a non-profit or other business.
- (12) A description of any additional services that will be available to patients.
- (13) The applicant's plans for record keeping and inventory control.

(b) Any time one or more alternative treatment center registration applications are being considered, the department shall, in partnership with the local governing body of the town or city where the applicants would be located, solicit input from the qualifying patients, designated caregivers, and the residents of the towns or cities.

(c) Each time an alternative treatment center certificate is granted, the decision shall be geographically located based on the overall health needs of qualifying patients and the safety of the public. The department shall evaluate applications for alternative treatment center registration certificates using an impartial and numerically scored competitive bidding process developed by the department in accordance with this chapter. The department shall require applicants to meet a minimum score to be considered. The registration considerations shall include the following criteria:

- (1) The suitability of the proposed location or locations, including compliance with any local zoning laws and geographic convenience to patients from throughout the state of New Hampshire to alternative treatment centers if the applicant were approved.
- (2) The proposed alternative treatment center's plan for operations and services, whether it has sufficient capital to operate, and ability to provide a steady supply of cannabis to the qualifying patients in the state.
- (3) The principal officer and board members' character and relevant experience, including any training or professional licensing related to medicine, pharmaceuticals, natural treatments, botany, or cannabis cultivation and preparation and their experience running a non-profit organization or business.

(4) The applicant's plan for making cannabis available on an affordable basis to qualifying patients enrolled in Medicaid or receiving Supplemental Security Income or Social Security Disability Insurance.

(5) The applicant's plan for safe and accurate packaging and labeling of cannabis, including the applicant's plan for ensuring that all cannabis is free of contaminants.

(6) The sufficiency of the applicant's plans for record keeping and inventory control. Records shall be considered confidential health care information under New Hampshire law and shall be deemed protected health care information for purposes of the federal Health Insurance Portability and Accountability Act of 1996, as amended. Any dispensing records that an alternative treatment center is required to keep shall document transactions according to qualifying patients' and designated caregivers' registry identification numbers, rather than their names, to protect their confidentiality.

(7) The sufficiency of the applicant's plans for safety and security, including proposed location and security devices employed.

(8) Whether the entity possesses or has the right to use sufficient land, buildings, and equipment to properly carry out its duties as an alternative treatment center.

V. After an alternative treatment center is approved, but before it begins operations, it shall submit the registration and regulation fee paid to the department in accordance with the rules adopted by the department. Annual fees thereafter shall be paid in accordance with the rules adopted by the department.

VI. Information required to be submitted to the department on an application for an alternative treatment center identifying the locations where cannabis is proposed to be grown, cultivated, harvested, and otherwise prepared for distribution to qualifying patients, designated caregivers, and alternative treatment centers, and any other department records identifying such location, shall be considered to be confidential information and not subject to disclosure pursuant to RSA 91-A, except that:

(a) Such information may be disclosed to a state or local law enforcement agency upon request for purposes of enforcement under this chapter;

(b) The location may be disclosed to towns and cities when seeking input on locations, provided that town and city representatives keep the information confidential; and

(c) The name, address, and phone number of alternative treatment centers may be disclosed to qualifying patients.

VII. The alternative treatment center's certificate may be revoked at any time it commits a violation of this chapter or rules adopted by the department, including if it negligently or knowingly allows cannabis to be distributed to someone who is not exempt from penalties pursuant to this chapter.

VIII. Not more than one year after an alternative treatment center receives its first registry certificate, the department shall evaluate an alternative treatment center's operations. A registration certificate may be revoked if the alternative treatment center:

(a) Committed violations of this act or department rules; or

(b) Is not operational.

IX. Alternative treatment centers shall be subject to inspection by the department. During an inspection, the department may review the alternative treatment center's records, including its confidential dispensing and data collection records, which shall track transactions and product effectiveness according to qualifying patients' registry identification numbers to protect their confidentiality.

#### 126-W:8 Alternative Treatment Centers; Requirements.

I. An alternative treatment center shall be operated on a not-for-profit basis for the benefit of its patients. An alternative treatment center need not be recognized as a tax-exempt organization by the Internal Revenue Service.

II. An alternative treatment center shall not be located in a residential district or within 1,000 feet of the property line of a pre-existing public or private elementary or secondary school or designated Drug Free School Zones.

III. An alternative treatment center shall implement appropriate security measures to deter and prevent the unauthorized entrance into areas containing cannabis and the theft of cannabis and shall ensure that each location has an operational security alarm system.

IV.(a) An alternative treatment center shall conduct a state and federal criminal records check for every person seeking to become a principal officer, board member, agent, volunteer, or employee before the person begins working at the alternative treatment center pursuant to RSA 126-W:4, II(g). An alternative treatment center shall not allow any person to be an alternative treatment center agent who:

- (1) Was convicted of a felony or felony drug-related offense; or
- (2) Is under 21 years of age.

(b) An alternative treatment center shall create an identification badge for each alternative treatment center agent before the alternative treatment center agent possesses, cultivates, or transports cannabis on behalf of the alternative treatment center. The badges may include the alternative treatment center's registration certificate number and either a unique number for each agent or his or her name.

(c) An alternative treatment center agent shall wear his or her badge at all times when working at an alternative treatment center, including at any cultivation location.

V. No person who has been convicted of a felony or felony drug-related offense shall be an alternative treatment center agent. A person who is employed by or is an agent, volunteer, principal officer, or board member of an alternative treatment center who violates this paragraph shall be guilty of a violation punishable by a fine of up to \$1,000. A subsequent violation of this paragraph shall be a misdemeanor.

VI. The operating documents of an alternative treatment center shall include procedures for the oversight of the alternative treatment center and procedures to ensure accurate record keeping.

VII. Each alternative treatment center shall keep the following records, in accordance with a records retention schedule established by the department:

(a) Records of the disposal of cannabis that is not distributed by the alternative treatment center to qualifying patients who have designated the alternative treatment center to cultivate for them.

(b) A record of each transaction, including the amount of cannabis dispensed, the amount of consideration, and the registry identification number of the qualifying patient, designated caregiver, or alternative treatment center, and the qualifying patient's provider.

VIII. Each alternative treatment center shall:

(a) Conduct an initial comprehensive inventory of all cannabis, including usable cannabis available for dispensing and mature cannabis plants at each authorized location on the date the alternative treatment center first dispenses cannabis.

(b) Conduct a monthly comprehensive inventory of all cannabis, including usable cannabis available for dispensing, mature cannabis plants, and seedlings at each authorized location.

IX. An alternative treatment center shall submit a department-approved incident report form on the next business day after it discovers a reportable incident. The report shall indicate the nature of the breach and the corrective actions taken by the alternative treatment center. Reportable incident shall mean:

- (a) Confidential information accessed or disclosed in violation of department rules;
- (b) Loss of inventory by theft or diversion;
- (c) Unauthorized intrusion into the alternative treatment center or the additional location, if any;
- (d) Any known violation of this chapter or department rules by an alternative treatment center agent; or
- (e) Any other incident that the department by rule requires to be reported.

X. Alternative treatment centers shall only use organic pesticides in cannabis.

XI. No cannabis or paraphernalia at an alternative treatment center shall be visible from outside the property of the alternative treatment center.

XII. An alternative treatment center shall submit an annual report to the department that shall provide information required by the department in order to allow the department to evaluate the effectiveness and operations of the alternative treatment center.

XIII.(a) Each time an alternative treatment center agent dispenses cannabis to a qualifying patient directly or through the qualifying patient's designated caregiver, he or she shall consult the alternative treat-

ment center's records to verify that the records do not indicate that the dispensing of the cannabis would cause the qualifying patient to receive more cannabis than is permitted in a 10-day period. Each time cannabis is dispensed, the alternative treatment center agent shall record the date the cannabis was dispensed and the amount dispensed. All records shall be kept according to the registry identification number of the qualifying patient and designated caregiver, if any.

(b) Except as provided in subparagraph (c), a qualifying patient shall not obtain more than 2 ounces of usable cannabis directly or through the qualifying patient's designated caregiver during a 10-day period.

(c) After providing an opportunity for patients, experts, researchers, and physicians to be heard, the department may issue a rule adjusting the limit specified in subparagraph (a) to an amount that is reasonably necessary for a 10-day supply.

XIV.(a) Except when transporting cannabis in accordance with subparagraphs (b) or (c), an alternative treatment center agent shall only possess and manufacture cannabis at the alternative treatment center location or locations at which the alternative treatment center agents are employed. Volunteers shall only possess and manufacture cannabis at an alternative treatment center location. Volunteers shall not dispense cannabis.

(b) Distributions of cannabis to a qualifying patient or a designated caregiver for use by a qualifying patient shall be labeled with a document to identify the alternative treatment center, the patient's registry number, or the caregiver's number, the amount and form, the time and date of origin, and destination of the product.

(c) An alternative treatment center with an additional growing location shall label the cannabis that is being moved between the additional growing location and the alternative treatment center with a document that identifies the alternative treatment center by registry number, the time, date, origin, and destination of the material being transported, and the amount and form of cannabis and cannabis material that is being transported. Cannabis shall be transported only by an alternative treatment center agent who is not a volunteer.

XV.(a) An alternative treatment center shall not possess or cultivate cannabis in excess of the following quantities:

(1) Eighty cannabis plants, 160 seedlings, and 80 ounces of usable cannabis, or 6 ounces of usable cannabis per qualifying patient; and

(2) Three mature cannabis plants, 12 seedlings, and 6 ounces for each qualifying patient who has designated the alternative treatment center to provide him or her with cannabis for therapeutic use.

(b) An alternative treatment center or alternative treatment center agent shall not dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

(1) A qualifying patient who has designated the relevant alternative treatment center; or

(2) Such patient's designated caregiver; or

(3) Another alternative treatment center.

(c) All cultivation of cannabis shall take place in an enclosed, locked facility registered with the department and which can only be accessed by alternative treatment center agents.

XVI.(a) All cannabis dispensed by an alternative treatment center shall include a label specifying the weight of the cannabis and any other information the department requires to appear on the label. The label shall also specify that the cannabis is for therapeutic use and that diversion is a class B felony requiring revocation of one's registry identification card.

(b) Alternative treatment centers shall collect data on strains used and methods of delivery for qualifying conditions and symptoms, any side effects experienced, and therapeutic effectiveness for each patient who is willing to provide the information. Such data collection shall be done under the qualifying patient's registry identification number to protect the patient's confidentiality.

(c) An alternative treatment center shall provide educational materials about cannabis to qualifying patients and their registered primary caregivers. Each alternative treatment center shall have an adequate supply of up-to-date educational material available for distribution. Educational materials shall be available for inspection by the department upon request. The educational material shall at least include information about the following:

(1) Strains of cannabis, routes of administration, and their different effects. Alternative treatment centers shall have educational materials available to assist in the selection of prepared cannabis. Alternative treatment centers shall provide tracking sheets to qualifying patients and registered primary caregivers who request them to keep track of the strains used and their effects.

(2) How to achieve proper dosage for different modes of administration. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency shall also be explained.

(3) Information on tolerance, dependence, and withdrawal shall be provided.

(4) Information regarding substance abuse signs and symptoms shall be available, as well as referral information.

(5) Information on whether the alternative treatment center's cannabis and associated products meet organic certification standards.

(6) Information about possible side effects from the use of cannabis for therapeutic purposes.

XVII.(a) Each alternative treatment center shall develop, implement, and maintain on the premises employee and agent policies and procedures to address the following requirements:

(1) A job description or employment contract developed for all employees and a volunteer agreement for all volunteers, which includes duties, authority, responsibilities, qualifications, and supervision.

(2) Training in and adherence to confidentiality laws.

(3) The proper use of security measures and controls that have been adopted.

(4) Specific procedural instructions on how to respond to an emergency.

(b) All alternative treatment centers shall prepare training documentation for each employee and have employees sign a statement indicating the date, time, and place the employee received said training and topics discussed, to include name and title of presenters. The alternative treatment center shall maintain documentation of an employee's and a volunteer's training for a period of at least 6 months after termination of an employee's period of employment or the volunteer's period of voluntary service.

(c) Each alternative treatment center shall maintain a personnel record for each alternative treatment center agent that includes an application for employment or to volunteer and a record of any disciplinary action taken.

XVIII. A provider shall not:

(a) Accept, solicit, or offer any form of pecuniary remuneration from or to an alternative treatment center, except if the provider is employed by an alternative treatment center.

(b) Offer a discount or other thing of value to a patient who uses or agrees to use a particular alternative treatment center.

(c) Examine a patient in relation to issuing a written certification at a location where cannabis is sold or distributed.

(d) Hold an economic interest in an alternative treatment center if the provider issues written certifications to patients.

126-W:9 Therapeutic Use of Cannabis Advisory Council.

I. There is hereby established a therapeutic use of cannabis advisory council comprised of:

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

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

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

(d) The commissioner of the department of safety, or designee.

(e) The attorney general, or designee.

(f) One physician with experience in therapeutic use of cannabis issues, appointed by the New Hampshire Medical Society.

(g) One advanced practice registered nurse, appointed by the New Hampshire Nurse Practitioner Association.

(h) One representative of a community hospital, appointed by the governor.

(i) One representative of the New Hampshire Civil Liberties Union.

(j) One qualifying patient, appointed by the governor.

(k) One member of the public, appointed by the governor.

(l) One member from a hospital in New Hampshire, appointed by the governor.

(m) One member from the board of medicine, appointed by the executive director of the board of medicine.

(n) One member from the board of nursing, appointed by the executive director of the board of nursing.

II. The advisory council shall:

(a) Assist the department in adopting and revising rules to implement this chapter.

(b) Collect information, including:

(1) Satisfaction of qualifying patients with the therapeutic use of cannabis program.

(2) Any effect the therapeutic use of cannabis law has had on referrals to regulatory boards.

(3) Best practices in other states that allow the therapeutic use of cannabis.

(4) The ability of qualifying patients in all areas of the state to obtain timely access to high-quality cannabis.

(5) Any research studies regarding health effects of cannabis for patients.

(6) The effectiveness of New Hampshire's therapeutic use of cannabis program.

(7) Efforts to educate New Hampshire physicians and advanced practice registered nurses about research relating to the therapeutic use of cannabis.

(8) The effectiveness of alternative treatment centers, individually and collectively, in serving the needs of qualifying patients, including the therapeutic effectiveness of available products, the provision of educational and support services, the reasonableness of their fees, whether they are generating any complaints or security problems, and the sufficiency of the number operating to serve the registered qualifying patients of New Hampshire.

(9) The sufficiency of the regulatory and security safeguards contained in this chapter and adopted by the department to ensure that access to and use of cannabis cultivated is provided only to persons authorized for such purposes.

(10) Any illegal distribution or diversion of cannabis cultivated pursuant to this chapter to individuals who are not alternative treatment center agents, qualifying patients, or designated caregivers.

(11) Any statutory issues related to the certification of qualifying patients including, but not limited to, the definition of qualifying medical conditions, the certification process, and the number and location of providers willing and able to certify qualifying patients.

(c) Make recommendations to the legislature and the department for any additions or revisions to the department rules or this chapter.

(d) Five years after the effective date of this chapter, issue a formal opinion on whether the program should be continued or repealed.

III. The advisory council may meet as often as is necessary to effectuate its goals. The first meeting shall be called by the commissioner of the department of health and human services, or designee within 45 days of the effective date of this chapter. At the first meeting, a chairman shall be elected by the members.

IV. On or before January 1 of each year, the advisory council shall provide a report to the department of health and human services and the health and human services oversight committee established under RSA 126-A:13, the board of medicine and the board of nursing on its findings.

## 126-W:10 Annual Data Report.

I. The commissioner of the department of health and human services shall report annually on the therapeutic use of cannabis program established under this chapter to the health and human services oversight committee established under RSA 126-A:13, to the board of medicine, and to the board of nursing.

II. The report shall be in electronic format to allow for identification of patterns of certification by patient and caregiver, location, age, medical condition, symptom, or side-effect, and provider; and for analysis and research to inform future policy, education and clinical decisions.

III. The initial report shall be filed no later than December 1, 2014.

IV. The commissioner's data report shall include but not be limited to the following information:

(a) The number of designated caregivers and the number of qualifying patients, by town or city and county.

(b) The ages of the qualifying patients and the ages of the designated caregivers.

(c) The qualifying medical conditions and the number of each qualifying medical condition.

(d) The symptoms or side effects and the number of each symptom or side effect.

(e) The number of physicians and the number of advanced practice registered nurses issuing written certifications.

(f) The number of providers in each medical specialty issuing written certifications.

(g) Any other issues related to the therapeutic use of cannabis permitted under this chapter that the health and human services oversight committee shall request.

V. A summary of the report submitted by alternative treatment centers as required under RSA 126-W:8, XII.

126-W:11 Registry Identification Card and Certificate Fund. There is hereby established in the office of the state treasurer a fund to be known as the registry identification card and certificate fund which shall be kept separate and distinct from all other funds. The fund is established to pay for the operational expenses of permitting the therapeutic use of cannabis as established in this chapter. The moneys in this fund shall be nonlapsing and continually appropriated to the department. Interest on fund balances shall accrue to the fund. All fines and other income received by the department and all monetary fees, gifts, grants, and donations received by the department pursuant to this chapter shall be deposited in the fund.

2 New Subparagraph; Application of Receipts; Registry Identification Card and Certificate Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (310) the following new subparagraph:

(311) Moneys deposited in the registry identification card and certificate fund established in RSA 126-W:11.

3 New Paragraph; Controlled Drug Act; Acts Prohibited. Amend RSA 318-B:2 by inserting after paragraph I-a the following new paragraph:

I-b. It shall be unlawful for a qualifying patient or designated caregiver as defined under RSA 126-W:1 to sell cannabis to another person who is not a qualifying patient or designated caregiver. A conviction for the sale of cannabis to a person who is not a qualifying patient or designated caregiver shall not preclude or limit a prosecution or conviction of any person for sale of cannabis or any other offense defined in this chapter.

4 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after paragraph IX the following new paragraph:

IX-a. A qualifying patient or designated caregiver as defined in RSA 126-W:1 who is convicted of selling cannabis to a person who is not a qualifying patient or to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$300,000, or both.

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

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

Sen. Prescott offered a floor amendment.

Sen. Prescott, Dist. 23  
Sen. Carson, Dist. 14  
May 23, 2013  
2013-1904s  
04/01

### Floor Amendment to HB 573-FN

Amend RSA 126-W:8, XVI as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraphs:

(d) An alternative treatment center shall make available for sale to customers smokeless vaporizing devices and cannabis capable of being consumed in smokeless vaporizing devices. In this subparagraph, "smokeless vaporizing device" means a medical-grade, metered dosage vaporizer delivery device capable of administering the active ingredients of therapeutic cannabis via inhalation without combustion byproducts.

(e) An alternative treatment center may dispense cannabis-based oils, tinctures, mouth sprays, or patches.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Carson, seconded by Sen. Sanborn.

The following Senators voted Yes: Carson, Soucy, Fuller Clark, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Sanborn, Kelly, Gilmour, Lasky, Larsen, Boutin, Reagan, Rausch, D'Allesandro, Morse.

Yeas: 6 - Nays: 18

Failed.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Boutin, seconded by Sen. Woodburn.

The following Senators voted Yes: Woodburn, Bradley, Watters, Pierce, Cataldo, Hosmer, Sanborn, Kelly, Gilmour, Lasky, Larsen, Boutin, Reagan, Soucy, D'Allesandro, Fuller Clark, Stiles, Bragdon.

The following Senators voted No: Forrester, Odell, Carson, Rausch, Morse, Prescott.

Yeas: 18 - Nays: 6

Adopted, bill ordered to Third Reading.

Without objection the Senate will continue in the Regular Calendar from this point forward, starting with the Judiciary Committee reports. Adopted by the necessary 2/3 vote.

Without objection, the Senate is in recess. Out of recess.

### JUDICIARY

HB 123, relative to the limitation of liability for negligence regarding public safety officers. Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

Senate Judiciary  
May 8, 2013  
2013-1598s  
06/09

### Amendment to HB 123

Amend RSA 507:8-h, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) Firefighters, emergency medical technicians (E.M.T.'s), police officers, and other public safety officers shall have no cause of action for injuries ***incurred during the performance of duties incidental to and inherent in the officer's official engagement*** arising from negligent conduct [~~which created the particular occasion for the officer's official engagement. However,~~] ***of the person or persons requiring the officer's services or the homeowner or lessee of the premises on which such duties were performed.***

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



2 Firefighter's Rule. Amend the section heading of RSA 507:8-h to read as follows:

507:8-h [~~Fireman's~~] **Firefighter's** Rule.

3 Effective Date. This act shall take effect January 1, 2014.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 135, relative to physical force in defense of a person and relative to the definition of non-deadly force. Inexpedient to Legislate, Vote 4-1. Senator Carson for the committee.

Sen. Forrester moved to Lay on the Table HB 135.

A roll call was requested by Sen. Bradley, seconded by Sen. Boutin.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Cataldo, Hosmer, Odell, Sanborn, Gilmour, Lasky, Carson, Boutin, Reagan, Soucy, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Pierce, Kelly, Larsen, D'Allesandro, Fuller Clark.

Yeas: 19 - Nays: 5

Adopted.

HB 399-FN, establishing the New Hampshire liberty act. Inexpedient to Legislate, Vote 5-0.

Senator Cataldo for the committee.

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

HB 583, relative to proceedings of medical injury claims screening panels. Re-refer to committee, Vote 3-2. Senator Carson for the committee.

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

#### PUBLIC AND MUNICIPAL AFFAIRS

HB 119, relative to voter registration. Ought to Pass with Amendment, Vote 3-2. Senator Boutin for the committee.

Public and Municipal Affairs

May 8, 2013

2013-1621s

03/05

#### **Amendment to HB 119**

Amend the bill by replacing section 1 with the following:

1 Voter Registration. Amend RSA 654:7 to read as follows:

654:7 Voter Registration; Voter Registration Form.

I. Any person registering to vote shall be:

(a) At least 18 years of age on the day of the election; and

(b) A United States citizen; and

(c) Domiciled in the town or city in which the applicant is registering to vote and not otherwise disqualified to vote.

II. The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12 and fill out the form as prescribed in paragraph IV.

III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and completing the form in paragraph IV.

IV. A standard registration application form shall be used throughout the state. The registration form shall be no larger than 8 1/2 inches by 11 inches. The secretary of state shall prescribe the form of the voter registration form, which shall be in substantially the following form:

Date \_\_\_\_\_

# VOTER REGISTRATION FORM

(Please print or type)

1. Name			
Last	(suffix)	First	Full Middle Name

2. Domicile Address \_\_\_\_\_

Street	Ward Number
--------	-------------

Town or City	Zip Code
--------------	----------

3. Mailing Address if different than in 2 \_\_\_\_\_  
Street Ward Number

Town or City	Zip Code
--------------	----------

4. Place and Date of Birth \_\_\_\_\_  
Town or City State

Date\_\_\_\_\_

5. If a naturalized citizen, give name of court where and date when naturalized \_\_\_\_\_

6. Place last registered to vote \_\_\_\_\_  
Town or City

Street	Ward Number
--------	-------------

7. Name under which previously registered, if different from above

8. Party Affiliation (if any) \_\_\_\_\_

9. Driver's License Number \_\_\_\_\_ State \_\_\_\_\_

If you do not have a valid driver's license, provide the last four digits of your social security number

My name is \_\_\_\_\_. I am today registering to vote in the city/town of \_\_\_\_\_, New Hampshire.

I understand that to vote in this city/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this city/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

[In declaring New Hampshire as my domicile] ***As a person domiciled in New Hampshire***, I am subject to the laws of the state of New Hampshire [which apply to all residents], including laws [requiring] ***that may require*** a driver to register a motor vehicle and apply for a New Hampshire's driver's license within 60 days of becoming a resident.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

---

Date \_\_\_\_\_

Signature

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Pierce.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

Sen. Pierce offered a floor amendment.

Sen. Pierce, Dist. 5

May 23, 2013

2013-1902s

03/05

### Floor Amendment to HB 119

Amend the bill by replacing section 1 with the following:

1 Voter Registration. Amend RSA 654:7 to read as follows:

654:7 Voter Registration; Voter Registration Form.

I. Any person registering to vote shall be:

(a) At least 18 years of age on the day of the election; and

(b) A United States citizen; and

(c) Domiciled in the town or city in which the applicant is registering to vote and not otherwise disqualified to vote.

II. The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12 and fill out the form as prescribed in paragraph IV.

III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the necessary affidavits, pursuant to RSA 654:12, and completing the form in paragraph IV.

IV. A standard registration application form shall be used throughout the state. The registration form shall be no larger than 8 1/2 inches by 11 inches. The secretary of state shall prescribe the form of the voter registration form, which shall be in substantially the following form:

Date \_\_\_\_\_

#### VOTER REGISTRATION FORM

(Please print or type)

1. Name _____			
Last	(suffix)	First	Full Middle Name
2. Domicile Address _____			
		Street	Ward Number
Town or City			Zip Code
3. Mailing Address if different than in 2 _____			
		Street	Ward Number

Town or City	Zip Code
4. Place and Date of Birth _____	
Town or City	State
Date _____	
5. If a naturalized citizen, give name of court where and date when naturalized _____	
6. Place last registered to vote _____	
Town or City	
Street	Ward Number
7. Name under which previously registered, if different from above _____	
8. Party Affiliation (if any) _____	
9. Driver's License Number _____ State _____	
If you do not have a valid driver's license, provide the last four digits of your social security number _____	

My name is \_\_\_\_\_. I am today registering to vote in the city/town of \_\_\_\_\_, New Hampshire.

I understand that to vote in this city/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this city/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

***New Hampshire law explicitly allows students to lawfully claim domicile for voting purposes in the New Hampshire town or city in which they live while attending school if they meet the requirements described above.***

~~[In declaring New Hampshire as my domicile]~~ ***As a person domiciled in New Hampshire***, I am subject to the laws of the state of New Hampshire ~~[which apply to all residents]~~, including laws ~~[requiring]~~ ***that may require*** a driver to register a motor vehicle and apply for a New Hampshire's driver's license within 60 days of becoming a resident.

***Choosing to register to vote in New Hampshire does not, however, necessarily mean that I must register my car in New Hampshire or apply for a New Hampshire driver's license. These requirements only apply to me if I become a New Hampshire resident. Under New Hampshire law, a resident of New Hampshire is defined as:***

***"[A] person who is domiciled or has a place of abode or both in this state and in any city, town or other political subdivision of this state, and who has, through all of his [or her] actions, demonstrated a current intent to designate that place of abode as his [or her] principal place of physical presence for the indefinite future to the exclusion of all others."* (Emphasis added.)**

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Pierce.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 11 - Nays: 13

Failed.

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended.

A roll call was requested by Sen. Soucy, seconded by Sen. Pierce.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted, bill ordered to Third Reading.

HB 187, relative to cost items in negotiated agreements. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

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

HB 595-FN, relative to photo identification of voters. Ought to Pass with Amendment, Vote 3-2. Senator Boutin for the committee.

Public and Municipal Affairs

May 8, 2013

2013-1624s

03/10

#### **Amendment to HB 595-FN**

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

1 Obtaining a Ballot. RSA 659:13, II is repealed and reenacted to read as follows:

II.(a) A valid photo identification shall show the name of the individual to whom the identification was issued, and the name shall substantially conform to the name in the individual's voter registration record; it also shall show a photograph of the individual to whom the identification was issued; and it shall also have an expiration date that has not been exceeded by a period of more than 5 years from the current date. The following forms of identification bearing a photograph of the voter shall satisfy the identification requirements of paragraph I:

(1) A driver's license issued by any state or the federal government.

(2) A nondriver's identification card issued by the motor vehicles division, department, agency, or office of any state.

(3) A United States armed services identification card.

(4) A United States passport.

(b) In addition to the forms of photo identification authorized in subparagraph (a), the following shall satisfy the identification requirements of paragraph I:

(1) A photo identification not authorized by subparagraph (a) but determined to be legitimate by the supervisors of the checklist, the moderator, or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, the voter shall be required to execute a challenged voter affidavit as if no identification was presented.

(2) Verification of the person's identity by a moderator or supervisor of the checklist or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, the voter shall be required to execute a challenged voter affidavit.

2 Voter Identification; Effective Date Extended. Amend 2012, 284:15, I to read as follows:

I. Sections 7-13 of this act shall take effect September 1, ~~[2013]~~ **2015**.

3 Voter Identification; Effective Date Extended. Amend 2012, 289:6, I to read as follows:

I. Section 4 of this act shall take effect September 1, ~~[2013]~~ **2015**, at 12:01 a.m.

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

2013-1624s

#### AMENDED ANALYSIS

This bill modifies the forms of identification required of voters under current law and changes the effective date of prospective changes to voter identification requirements from September 1, 2013 to September 1, 2015.

Without objection, the Senate is in recess. Out of recess.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Larsen.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

Sen. Boutin offered a floor amendment.

Sen. Boutin, Dist. 16

May 17, 2013

2013-1805s

03/04

#### Floor Amendment to HB 595-FN

Amend the bill by replacing all after section 3 with the following:

4 Obtaining a Ballot. Amend RSA 659:13, II to read as follows:

II.(a) A valid photo identification shall show the name of the individual to whom the identification was issued, and the name shall substantially conform to the name in the individual's voter registration record; it also shall show a photograph of the individual to whom the identification was issued; and it shall also have an expiration date that has not been exceeded by a period of more than 5 years from the current date. The following forms of identification bearing a photograph of the voter shall satisfy the identification requirements of paragraph I:

~~[(a)]~~(1) A driver's license issued by any state or the federal government.

~~[(b)]~~(2) A nondriver's identification card issued by the motor vehicles division, department, agency, or office of any state.

~~[(c)]~~(3) A United States armed services identification card.

~~[(d)]~~(4) A United States passport.

~~[(e)]~~(5) A challenged voter affidavit in accordance with subparagraph I(c).

*(b) In addition to the forms of photo identification authorized in subparagraph (a), the identification requirements of paragraph I may be satisfied by verification of the person's identity by a moderator or supervisor of the checklist or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, the voter shall be required to execute a challenged voter affidavit.*

5 Effective Date.

I. Section 4 of this act shall take effect September 1, 2015, at 12:02 a.m.

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

Without objection, the Senate is in recess. Out of recess.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Pierce.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 11

Adopted.

Sen. Lasky offered a floor amendment.

Sen. Lasky, Dist. 13

Sen. Pierce, Dist. 5

May 21, 2013

2013-1866s

03/04

#### **Floor Amendment to HB 595-FN**

Amend the bill by replacing section 1 with the following:

1 Obtaining a Ballot. Amend RSA 659:13, II(g)-(h) to read as follows:

(g) A photo identification not authorized by subparagraphs (a) through (f) but determined to be legitimate by the supervisors of the checklist, the moderator, or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, ***identifies the reason for the objection in writing, and presents sufficient evidence that the photo identification does not prove the voter's identity***, the voter shall be required to execute a challenged voter affidavit as if no identification was presented.

(h) Verification of the person's identity by a moderator or supervisor of the checklist or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, ***identifies the reason for the objection in writing, and presents sufficient evidence that the verification does not prove the voter's identity***, the voter shall be required to execute a challenged voter affidavit.

Amend the bill by replacing all after section 3 with the following:

4 Obtaining a Ballot; Forms of Identification. RSA 659:13, II is repealed and reenacted to read as follows:

II. The following forms of identification bearing a photograph of the voter shall satisfy the identification requirements of paragraph I:

(a) A driver's license issued by the state of New Hampshire or any other state, regardless of expiration date.

(b) An identification card issued by the director of motor vehicles under the provisions of RSA 260:21.

(c) A United States armed services identification card.

(d) A United States passport, regardless of expiration date.

(e) Any other valid photo identification issued by federal, state, county, or municipal government.

(f) A valid student identification card.

(g) A photo identification not authorized by subparagraphs (a) through (f) but determined to be legitimate by the supervisors of the checklist, the moderator, or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, identifies the reason for the objection in writing, and presents sufficient evidence that the photo identification does not prove the voter's identity, the voter shall be required to execute a challenged voter affidavit as if no identification was presented.

(h) Verification of the person's identity by a moderator or supervisor of the checklist or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, identifies the reason for the objection in writing, and presents sufficient evidence that the verification does not prove the voter's identity, the voter shall be required to execute a challenged voter affidavit.

#### 5 Effective Date.

I. Section 4 of this act shall take effect September 1, 2015, at 12:02 a.m.

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

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Lasky.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 11 - Nays: 13

Failed.

Sen. Soucy offered a floor amendment.

Sen. Soucy, Dist. 18

Sen. Lasky, Dist. 13

Sen. Pierce, Dist. 5

May 22, 2013

2013-1889s

03/04

#### **Floor Amendment to HB 595-FN**

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

1 Election Fund Reimbursement. Amend RSA 5:6-d, III to read as follows:

III. The secretary of state is authorized to accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of equipment that complies with the Help America Vote Act of 2002, Public Law 107-252, ~~[or with RSA 659:13, V,]~~ reimbursing the department of safety for the actual cost of voter identification cards, election law enforcement, and improvements to related information technology, including acquisition and operation of an automated election management system. The secretary of state shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 12 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252.

2 Wrongful Voting. Amend RSA 659:34, I(a) to read as follows:

(a) When registering to vote; when obtaining an official ballot; when casting a vote by official ballot; or when applying for a photo identification card for voting purposes, purposely or knowingly makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a qualified voter affidavit, a domicile affidavit, a challenged voter affidavit, ~~[an affidavit of religious exemption,]~~ an identification card voucher, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;



3 Obtaining a Ballot. Amend RSA 659:13, IV(a) to read as follows:

IV.(a) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter who executed a challenged voter affidavit [~~or affidavit of religious exemption~~] in accordance with paragraph I, unless the same person is sent letter of identity verification pursuant to RSA 654:12, V(b). The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who did not present valid photo identification voted using his or her name and address and instruct the person to return the letter within 30 days with a written confirmation that the person voted or to contact the attorney general immediately if he or she did not vote. The letter shall also inform the person of the procedure for obtaining a free nondriver's picture identification card for voting purposes.

4 Repeal. The following are repealed:

- I. RSA 33-A:3-a, CLVI, relative to retention of affidavits of religious exemption.
- II. RSA 659:13, I(c)(2)-(3), relative to qualified voter affidavit photographs.
- III. RSA 659:13, V, relative to photography equipment.
- IV. RSA 659:13-b, relative to affidavit of religious exemption.
- V. 2012, 284:9, relative to statutes posted.
- VI. 2012, 284:12, relative to right to know exemption.

5 Effective Date.

- I. Section 1 of this act shall take effect September 1, 2013, at 12:01 a.m.
- II. Section 3 of this act shall take effect September 1, 2013, at 12:02 a.m.
- III. The remainder of this act shall take effect upon its passage.

2013-1889s

#### AMENDED ANALYSIS

This bill eliminates the requirement that a photograph be attached to a qualified voter affidavit or that the voter execute an affidavit of religious exemption when the voter does not present a photo identification.

Without objection, the Senate is in recess. Out of recess.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Larsen.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 11 - Nays: 13

Failed.

Sen. Pierce offered a floor amendment.

Sen. Pierce, Dist. 5

May 17, 2013

2013-1796s

03/04

#### Floor Amendment to HB 595-FN

Amend the bill by replacing section 2 with the following:

2 Voter Identification; Effective Date Extended. Amend 2012, 284:15 to read as follows:

- I. Sections 7-13 of this act shall take effect September 1, [2013] **2015**.

284:15 Effective Date.

I. Sections [7-13] **7-9 and 11-13** of this act shall take effect September 1, [2013] **2015**.

II. **Section 10 of this act shall take effect September 1, 2013.**

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

Amend the bill by replacing all after section 3 with the following:

4 Notice of Voter Identification Requirements. RSA 652:25 is repealed and reenacted to read as follows:

652:25 Notice of Voter Identification Requirements. Every town and city clerk shall prominently display a poster prepared by the secretary of state explaining the proof of identity requirements for voters established in RSA 659:13, including all of the permissible methods for proving identity, and directing voters to the department of state's website or to the town or city clerk to obtain the explanatory document described in RSA 652:26, I, for additional information. Such notice shall be displayed at town or city hall for at least 30 days prior to each election held after the effective date of this section.

5 Proof of Voter Identity Instructions to be Posted. Amend RSA 658:29-a to read as follows:

658:29-a Proof of Voter Identity Instructions to be Posted. ~~[The secretary of state shall prepare a notice explaining to voters the photo identification requirement in RSA 659:13, including all the permissible methods for proving identity, and directing voters to the department of state's website or to the town or city clerk to obtain the explanatory document described in RSA 652:26, I, for additional information. Such notice shall also include the penalties as described in RSA 659:34. The governing body of each town or ward shall prominently display this notice for at least 14 days prior to each election held after the effective date of this section.]~~ The poster ***prepared by the secretary of state pursuant to RSA 652:25*** shall be placed outside the guardrail at each polling place at all elections. ***No poster or other notice of a proof of identity requirement that states or implies that a voter is required to produce a photo identification in order to obtain a ballot shall be displayed or permitted to be displayed outside the room in which voters obtain their ballot. The moderator shall remove or cause to be removed any such poster or other notice posted or displayed outside the room in which the voters obtain their ballot.***

6 Effective Date.

I. Sections 4-5 of this act shall take effect September 1, 2013, at 12:01 a.m.

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

2013-1796s

#### AMENDED ANALYSIS

This bill modifies the forms of identification required of voters under current law and changes the effective date of prospective changes to voter identification requirements from September 1, 2013 to September 1, 2015. This bill also modifies requirements relating to posting voter identification instructions.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Kelly, seconded by Sen. Larsen.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 11 - Nays: 13

Failed.

Sen. Pierce offered a floor amendment.

Sen. Pierce, Dist. 5

May 22, 2013

2013-1878s

03/04

#### Floor Amendment to HB 595-FN

Amend RSA 659:13, II(b) as inserted by section 4 of the bill by replacing it with the following:

*(b) In addition to the forms of photo identification authorized in subparagraph (a), the identification requirements of paragraph I may be satisfied by verification of the person's identity by a moderator or supervisor of the checklist or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, identifies the reason for the objection in writing, and presents sufficient evidence that the verification does not prove the voter's identity, the voter shall be required to execute a challenged voter affidavit as if no verification was made.*

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark, Stiles.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Bragdon.

Yeas: 12 - Nays: 12

Failed.

Sen. Pierce offered a floor amendment.

Sen. Pierce, Dist. 5

Sen. Kelly, Dist. 10

Sen. Fuller Clark, Dist. 21

May 22, 2013

2013-1876s

03/04

#### **Floor Amendment to HB 595-FN**

Amend RSA 659:13, II(a) as inserted by section 1 of the bill by inserting after subparagraph (4) the following new subparagraph:

(5) A valid student identification card.

Amend RSA 659:13, II(a) as inserted by section 4 of the bill by inserting after subparagraph (5) the following new subparagraph:

**(6) A valid student identification card.**

Without objection, the Senate is in recess. Out of recess.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Soucy, seconded by Sen. Fuller Clark.

The following Senators voted Yes: Woodburn, Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 11 - Nays: 13

Failed.

Sen. Lasky offered a floor amendment.

Sen. Lasky, Dist. 13

Sen. Pierce, Dist. 5

May 17, 2013

2013-1793s

03/04

#### **Floor Amendment to HB 595-FN**

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

1 Repeal. The following are repealed:

I. 2012, 284:7 through 284:13, relative to changes to photo identification requirements of voters.

II. 2012, 289:4, relative to changes to photo identification requirements of voters.

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

2013-1793s

#### AMENDED ANALYSIS

This bill repeals changes to laws requiring photo identification of voters scheduled to take effect September 1, 2013.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Larsen, seconded by Sen. Soucy.

Sen. Woodburn is excused.

The following Senators voted Yes: Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

The following Senators voted No: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

Yeas: 10 - Nays: 13

Failed.

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

A roll call was requested by Sen. Pierce, seconded by Sen. Soucy.

Sen. Woodburn is excused.

The following Senators voted Yes: Forrester, Bradley, Cataldo, Odell, Sanborn, Carson, Boutin, Reagan, Rausch, Morse, Prescott, Stiles, Bragdon.

The following Senators voted No: Watters, Pierce, Hosmer, Kelly, Gilmour, Lasky, Larsen, Soucy, D'Allesandro, Fuller Clark.

Yeas: 13 - Nays: 10

Adopted, bill ordered to Third Reading.

#### RULES, ENROLLED BILLS AND INTERNAL AFFAIRS

HB 410, establishing a commission to study and update the rules and procedures of the legislative ethics committee under RSA 14-B and the laws governing legislative ethics under RSA 15-B. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Rules, Enrolled Bills and Internal Affairs

April 25, 2013

2013-1409s

10/05

#### Amendment to HB 410

Amend RSA 14-B:11, V as inserted by section 1 of the bill by replacing it with the following:

V. The commission shall submit a final report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2014. The commission may issue an interim report.

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

I. Section 2 of this act shall take effect December 2, 2014.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

**SPECIAL ORDER**

Without objection HB 506 is Special-Ordered to the present time. Adopted by the necessary 2/3 vote.

**PUBLIC AND MUNICIPAL AFFAIRS**

HB 506, relative to certain time periods for adoption and amendment of town codes and ordinances. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

This bill extends the time permitted between the two public hearings required for the adoption of codes and ordinances in towns with greater than 10,000 residents from 10-14 days to 10-21 days. The amendment permits the town of Derry to combine the positions of Tax Collector and Treasurer.

Public and Municipal Affairs

May 2, 2013

2013-1519s

06/01

**Amendment to HB 506**

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

AN ACT relative to certain time periods for adoption and amendment of town codes and ordinances and permitting the town of Derry to combine the positions of tax collector and treasurer.

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

2 Tax Collector and Treasurer of Town of Derry. Notwithstanding RSA 669:7 or any other provision of law, the town of Derry may combine the positions of tax collector and treasurer.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

2013-1519s

**AMENDED ANALYSIS**

This bill extends the time permitted between the 2 public hearings required in certain towns for the adoption of codes and ordinances.

This bill also permits the town of Derry to combine the positions of tax collector and treasurer.

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

Sen. Boutin offered a floor amendment.

Sen. Boutin, Dist. 16

May 21, 2013

2013-1849s

06/01

**Floor Amendment to HB 506**

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

AN ACT relative to certain time periods for adoption and amendment of town codes and ordinances, permitting the town of Derry to combine the positions of tax collector and treasurer, and dissolving the police commission for the town of Hooksett.

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

3 Repeal and Dissolution of Hooksett Police Commission. 1975, 412, as amended by 2011, 2, relative to establishing a police commission for the town of Hooksett, is repealed.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

2013-1849s

## AMENDED ANALYSIS

This bill:

I. Extends the time permitted between the 2 public hearings required in certain towns for the adoption of codes and ordinances.

II. Permits the town of Derry to combine the positions of tax collector and treasurer.

III. Repeals the establishment of the police commission for the town of Hooksett.

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

The question is on the adoption of the motion of Ought to Pass as Amended. Adopted. Without objection, the bill is ordered to Third Reading, Read a Third Time, and Final Passage in the Early Session.

## Third Reading and Final Passage

HB 506, relative to certain time periods for adoption and amendment of town codes and ordinances, permitting the town of Derry to combine the positions of tax collector and treasurer, and dissolving the police commission for the town of Hooksett.

## COMMERCE

HB 546, relative to medical examinations under workers' compensation. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Commerce  
May 7, 2013  
2013-1590s  
01/04

## Amendment to HB 546

Amend RSA 281-A:38, II as inserted by section 1 of the bill by replacing it with the following:

II. Any health care provider conducting independent medical examinations under this chapter shall be certified by the appropriate specialty board as recognized by the American Board of Medical Specialties or obtain the approval of the commissioner for those specialties not recognized by such board. The health care provider shall maintain a current practice in that area of specialty. The independent medical examination shall take place within a 50-mile radius of the residence of the injured employee, unless, within the discretion of the commissioner, examination outside the 50-mile radius is necessary to obtain the services of a provider who specializes in the evaluation and treatment specific to the nature and extent of the employee's injury. ***If an employer or insurance carrier provides written notice to the injured employee regarding its request for an independent medical examination, such notice shall be given 10 days before the examination and shall include the following: "This medical examination is at the request of either the employer or insurance carrier. The examination is not for the purpose of treatment or advice about treatment but for a medical opinion about the employee's claim."*** The injured employee shall not be required to submit to more than 2 independent medical examinations per year, unless within the discretion of the commissioner, more than 2 examinations are necessary. An injured employee shall have the right to have a witness present during such examination. In the event that a witness is present, including but not limited to a witness taking notes or observing, on behalf of the injured employee, the witness shall not interfere in the examination in any way. The injured employee shall be required to sign an authorization, as prepared by the commissioner, to the effect that he or she understands that his or her medical history and condition or conditions will be discussed during said examination and that he or she waives any right to privacy that he or she may have under the circumstances of voluntarily allowing a witness to be present on his or her behalf.

2013-1590s

## AMENDED ANALYSIS

This bill requires any employer or insurance carrier providing notice to an injured employee regarding an independent medical examination under workers' compensation to include a certain disclosure in such notice.

The question is on the adoption of the Committee Amendment. Adopted. The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 559, relative to the general banking laws of the state. Ought to Pass with Amendment, Vote 4-0. Senator Hosmer for the committee.

Commerce  
May 7, 2013  
2013-1591s  
08/04

#### Amendment to HB 559

Amend RSA 384:43-a as inserted by section 3 of the bill by replacing it with the following:

384:43-a Exemption to Annual Audit Requirement.

I. The commissioner may exempt a credit union from the annual audit requirement of RSA 384:43 if the credit union demonstrates that:

- (a) It can maintain its safety and soundness without the audit;
- (b) The cost of an audit would be an undue financial burden on the credit union; and
- (c) It has an alternate audit arrangement in place that will assure the commissioner that its financial statements are true and accurate.

II. The commissioner may revoke any exemption granted if, in his or her judgment, the safety and soundness of the exempt credit union requires it.

Amend RSA 394-B:41 as inserted by section 4 of the bill by replacing it with the following:

394-B:41 Preliminary Audit. ***If the commissioner grants a credit union an exemption to the external audit requirement under RSA 384:43-a, the credit union's*** supervisory committee shall at least semi-annually conduct or cause to be conducted an audit of the books and records and an examination of the business and affairs of the credit union~~[, or, with the approval of the bank commissioner, the credit union may engage an independent professional auditor to conduct such an audit and examination at least annually]~~. The supervisory committee ~~[or such independent professional auditor]~~ shall conduct a thorough audit of receipts, disbursements, assets, and liabilities. The supervisory committee ~~[or such independent professional auditor]~~ shall conduct verification not less than every 2 years.

Sen. Forrester moved to Lay on the Table HB 559. Adopted.

HB 575, relative to hours of sales of on-premises liquor licensees. Ought to Pass with Amendment, 4-0. Senator Bradley for the committee.

Commerce  
May 14, 2013  
2013-1712s  
01/09

#### Amendment to HB 575

Amend the bill by replacing section 1 with the following:

1 Hours of Sales; On-Premises Liquor Licensees. Amend RSA 179:17, II(b) to read as follows:

(b) On-premises licensees may sell from 6:00 a.m. to 1:00 a.m., 7 days a week. ***The licensee may sell until 2:00 a.m. under conditions authorized by the legislative body of the city or town in which the premises are located if the legislative body adopts an ordinance authorizing such sales.***

2013-1712s

#### AMENDED ANALYSIS

This bill allows on-premises liquor licensees to sell beverages or liquor until 2:00 a.m., if authorized by local ordinance.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Forrester is in opposition to the motion of Ought to Pass as Amended on HB 575.

HB 594-FN, relative to the general consumer credit laws of the state. Ought to Pass with Amendment, Vote 5-0. Senator Hosmer for the committee.

Commerce  
May 1, 2013  
2013-1497s  
08/04

### Amendment to HB 594-FN

Amend the bill by deleting section 9 and renumbering the original sections 10-31 to read as 9-30, respectively.

Amend the bill by replacing sections 16 and 17 with the following:

16 Mortgage Loan Servicers; Application of Chapter. Amend RSA 397-B:2, II to read as follows:

II. Persons subject to or registered ***or licensed*** under this chapter shall abide by applicable federal laws and regulations, the laws and rules of this state, and the orders of the commissioner. Any violation of such law, regulation, or rule is a violation of this chapter. ***Such federal laws and regulations include but are not limited to the Bank Secrecy Act (BSA), 31 U.S.C. section 5311 et seq. and 31 C.F.R. 103 et seq. when required by the BSA, and include interpretive orders and similar directives.***

17 New Subparagraphs; Mortgage Loan Servicers; Registration Fees; Term; Renewal. Amend RSA 397-B:4, V by inserting after subparagraph (e) the following new subparagraphs:

(f) Mortgage servicers and mortgage loan originators acting on behalf of mortgage servicers shall abide by the provisions of RSA 397-A and the rules adopted by the department where such provisions and rules apply to mortgage origination and lending activities.

(g) Mortgage servicing companies shall designate an individual contact person, who shall be a control person of the entity, to communicate with department personnel on foreclosure avoidance procedures. The contact person may facilitate foreclosure workouts, and foreclosure avoidance procedures. The license application shall name the contact person and the mortgage banker shall update the department whenever the designated contact person changes within 7 business days of such change.

Amend the bill by replacing section 19 with the following:

19 Mortgage Loan Servicers; Exemption. Amend RSA 397-B:10 to read as follows:

397-B:10 Exemption.

***I.*** The provisions of this chapter shall not apply to any bank, trust company, savings and loan association, or cooperative bank, savings bank, or credit union which may be chartered by this state or any other state or by any agency of the United States, or to any other person not within the intent of this chapter as the commissioner may designate by rule or order[, nor shall the]. ***No*** registration provisions of this chapter ***shall*** apply to any individual or entity licensed by the banking department as a mortgage banker in accordance with RSA 397-A, ***provided that such mortgage banker abides by the provisions of this chapter and rules adopted by the department.***

***II.*** ***A person that funds a mortgage loan while such person is exempt from licensure under RSA 397-A:4, and that retains such mortgage loan in its, his, or her own portfolio, may perform mortgage servicing activities limited to the collection of interest and principal, foreclosure procedures, loan negotiation and modification activity, without obtaining a mortgage servicing registration or mortgage loan originator licensed under this chapter.***

Amend the bill by replacing section 27 with the following:

27 Mortgage Bankers and Brokers; Borrowers' Rights. Amend RSA 397-A:15, VIII to read as follows:

VIII. ~~[A yield spread premium is prohibited]~~ In a reverse mortgage transaction, any credit derived from offering an interest rate higher than the par rate shall only be paid to the borrower or used to pay the borrower's costs, and shall not be used as an additional source of compensation.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-5).



HB 640, relative to the standard valuation law. Ought to Pass with Amendment, Vote 5-0.

Senator Cataldo for the committee.

Commerce  
May 1, 2013  
2013-1491s  
01/05

#### **Amendment to HB 640**

Amend the section heading of section 2 of the bill by replacing it with the following:

2 New Section; Standard Nonforfeiture Law for Life Insurance; Definition.

Amend the section heading of section 3 of the bill by replacing it with the following:

3 Standard Nonforfeiture Law for Life Insurance; Adjusted Premium After Later Dates.

Amend the section heading of section 4 of the bill by replacing it with the following:

4 Standard Nonforfeiture Law for Life Insurance; Adjusted Premium After Later Dates.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

#### **ENERGY AND NATURAL RESOURCES**

HB 189, extending the commission to study water infrastructure sustainability funding. Inexpedient to Legislate, Vote 4-0. Senator Bradley for the committee.

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

HB 259-FN, relative to special licenses for taking lobster while engaged in recreational scuba diving. Inexpedient to Legislate, Vote 4-0. Senator Fuller Clark for the committee.

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

HB 588, extending the instream flow pilot program for 2 years. Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Energy and Natural Resources  
May 2, 2013  
2013-1520s  
06/09

#### **Amendment to HB 588**

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

AN ACT extending the instream flow pilot program for 2 years and extending the commission to study water infrastructure sustainability funding.

Amend the bill by replacing all after section 5 with the following:

6 Commission to Study Water Infrastructure Sustainability Funding. Amend 2009, 245:5, as amended by 2010, 21:1; 2011, 144:1; and 2012, 148:2 to read as follows:

245:5 Report. The commission shall make an interim report on or before November 1, 2009, and another on November 1, 2010, with a final report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, **2013**.

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

2013-1520s

#### **AMENDED ANALYSIS**

This bill extends:

I. The date for completion of the instream flow pilot program for 2 years.

II. The committee to study the impact of water withdrawals on instream flows.

III. The commission to study water infrastructure sustainability funding for one year.

The Chair ruled Committee Amendment 1520s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 1520s to HB 588. Adopted by the necessary 2/3 vote.

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

Sen. Odell offered a floor amendment.

Sen. Odell, Dist. 8

May 21, 2013

2013-1848s

06/09

### **Floor Amendment to HB 588**

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

AN ACT extending the instream flow pilot program for 2 years and establishing a commission to study opportunities and options to improve the sustainability of the fish and game department.

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

7 New Section; Commission to Study Opportunities and Options to Improve the Sustainability of the Fish and Game Department. Amend RSA 206 by inserting after section 1-a the following new section:

206:1-b Commission to Study Opportunities and Options to Improve the Sustainability of the Fish and Game Department.

I. There is established a commission to study opportunities and options to improve the sustainability of the fish and game department.

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

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

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

(3) The director of the fish and game department, or designee.

(4) The chairman of the fish and game commission, or designee.

(5) Three public members 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.

III. The commission shall study options and opportunities for ensuring the financial stability and sustainability of the fish and game department. The commission may solicit information and testimony from those with experience or expertise relevant to the study.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Three members of the commission shall constitute a quorum.

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2013.

8 Repeal. RSA 201:1-b, relative to the commission to study opportunities to improve the sustainability of the fish and game department, is repealed.

9 Effective Date.

I. Section 8 of this act shall take effect November 1, 2013.

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

2013-1848s

## AMENDED ANALYSIS

This bill:

I. Extends the date for completion of the instream flow pilot program for 2 years.

II. Extends the committee to study the impact of water withdrawals on instream flows.

III. Extends the commission to study water infrastructure sustainability funding for one year.

IV. Establishes a commission to study opportunities and options to improve the sustainability of the fish and game department.

The Chair ruled Floor Amendment 1848s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Floor Amendment 1848s to HB 588. Adopted by the necessary 2/3 vote.

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

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

HB 630-FN, relative to the use of proceeds from the regional greenhouse gas initiative program. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Energy and Natural Resources

May 2, 2013

2013-1522s

09/01

**Amendment to HB 630-FN**

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

1 Use of Auction Proceeds. Amend RSA 125-O:23, III to read as follows:

III. All remaining proceeds received by the state from the sale of allowances shall be allocated by the commission as an additional source of funding to electric distribution companies for core energy efficiency programs that are funded by SBC funds. ***In allocating the proceeds, the commission shall first allocate at least 15 percent of the amount of the proceeds to the low-income core energy efficiency program.***

2 Effective Date. This act shall take effect January 1, 2014.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 124-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system. Ought to Pass with Amendment, Vote 3-2. Senator Watters for the committee.

Senate Executive Departments and Administration

May 8, 2013

2013-1618s

10/05

**Amendment to HB 124-FN**

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

AN ACT relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system, and relative to the director and assistant director of the division of homeland security and emergency management in the department of safety.

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

2 Application; Exemption from Gainful Occupation Requirements. The provisions of RSA 100-A:6, III(b)(4) as inserted by section 1 of this act shall apply to qualifying disability beneficiaries for any tax year beginning after December 31, 2011.

3 New Paragraph; Director of Homeland Security and Emergency Management; Retirement System. Amend RSA 21-P:5-a by inserting after paragraph IV the following new paragraph:

V. During service as director, the director of the division of homeland security and emergency management may elect not to become a member of the retirement system, however if he or she becomes a member he or she shall be eligible to be a group II member if he or she was a group II member or receiving a group II retirement allowance prior to appointment.

4 New Paragraph; Assistant Director of Homeland Security and Emergency Management; Retirement System. Amend RSA 21-P:36 by inserting after paragraph III the following new paragraph:

IV. During service as assistant director, the assistant director of the division of homeland security and emergency management shall be eligible to be a group II member if he or she was a group II member or receiving a group II retirement allowance prior to appointment.

5 Department of Safety; Appointment of Director of Homeland Security and Emergency Management. Amend RSA 21-P:5-a, I to read as follows:

I. Notwithstanding the provisions of RSA 21-G and RSA 21-P:3, the commissioner, after consultation with the governor, shall nominate for appointment by the governor and council, a director of homeland security and emergency management, who shall serve ~~[at the pleasure of the governor]~~ **for a term of 3 years**. The director of homeland security and emergency management shall be qualified by education and experience and shall receive the salary provided in RSA 94:1-a.

6 Effective Date.

I. Section 1 of this act shall take effect July 1, 2013.

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

2013-1618s

#### AMENDED ANALYSIS

This bill:

I. Reinserts a provision which removes the application of the gainful occupation reductions to retirement allowances of group II accidental disability beneficiaries who have years of service plus years of accidental disability retirement which total at least 20 and who have attained the age of 45.

II. Allows the director of homeland security and emergency management in the department of safety the option to rejoin the retirement system as a member and to continue group II retirement status based on prior service and group II membership, and allows the assistant director of homeland security and emergency management to continue group II retirement status based on prior service and group II membership.

III. Provides for the appointment of the director of the division of homeland security and emergency management for terms of 3 years.

The Chair ruled Committee Amendment 1618s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 1618s to HB 124-FN. Adopted by the necessary 2/3 vote.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Committee on Finance (Rule 4-5).

HB 225, relative to the rulemaking authority of the liquor commission. Ought to Pass with Amendment, Vote 4-1. Senator Carson for the committee.

Senate Executive Departments and Administration

March 27, 2013

2013-1147s

03/04

#### Amendment to HB 225

Amend RSA 176:14, X as inserted by section 1 of the bill by replacing it with the following:

X. Any other matters necessary to implement their duties under this title. As a condition of the commission invoking its rulemaking authority under this paragraph, the liquor commission shall provide a written

report detailing the necessity for the proposed rule as set forth in the rulemaking notice, to include any fiscal impact or policy implications related to the adoption of the proposed rule, to the chairpersons of the house and senate executive departments and administration committees, the chairpersons of the house and senate standing committees with jurisdiction over revenue collection, the joint legislative committee on administrative rules, and the chairperson of the fiscal committee of the general court.

Amend the bill by replacing section 2 with the following:

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

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

Sen. Soucy is in opposition to the motion of Ought to Pass as Amended on HB 225.

HB 342-FN, relative to reporting of compensation paid to retired members of the retirement system. Ought to Pass with Amendment, Vote 3-2. Senator Carson for the committee.

Senate Executive Departments and Administration  
May 8, 2013  
2013-1614s  
10/05

#### **Amendment to HB 342-FN**

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

AN ACT relative to reporting of compensation paid to retired members of the retirement system and relative to notice to retired members of the limitations on part-time employment.

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

1 New Paragraph; Retirement System; Report on Retiree Compensation. Amend RSA 100-A:16 by inserting after paragraph VI the following new paragraph:

VII. Every employer shall report to the retirement system monthly, in a format provided by the retirement system, all compensation paid by the employer to retired members of the retirement system, including the name of, and the total hours worked, for each retired member of the retirement system.

2 Repeal; 2019. RSA 100-A:16, VII, relative to employer reports on retired member compensation, is repealed.

3 New Section; Retirement System; Part Time Employment; Notice Required. Amend RSA 100-A by inserting after section 7 the following new section:

100-A:7-a Certain Part-time Employment; Notice Required. The retirement system shall annually provide written notice to all retired members of the retirement system of the hourly limitations on part-time employment as defined in RSA 100-A:1, XXXIV and the potential effect that exceeding such hourly limitations could have on the retired member's retirement benefits, including restoration to service as required in RSA 100-A:7.

4 Effective Date.

I. Section 2 of this act shall take effect January 1, 2019.

II. The remainder of this act shall take effect January 1, 2014.

2013-1614s

#### **AMENDED ANALYSIS**

This bill requires retirement system employers to report to the retirement system all compensation paid to retired members of the retirement system. The requirement is repealed after a 5-year period. This bill also requires the retirement system to notify retired members of the retirement system of the annual limitations on hours for part-time employment with a retirement system employer.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3  
May 22, 2013  
2013-1880s  
10/04

### Floor Amendment to HB 342-FN

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

AN ACT relative to reporting of compensation paid to retired members of the retirement system, relative to notice to retired members of the limitations on part-time employment, and relative to retirement system membership for a person holding positions of town clerk and tax collector.

Amend the bill by replacing all after section 3 with the following:

4 New Subparagraph; Retirement System; Membership. Amend RSA 100-A:3, I(a) by inserting after subparagraph (4) the following new subparagraph:

(5) Notwithstanding subparagraph (4), an official who concurrently holds the offices of town clerk and tax collector for the same employer, and who is eligible for the same fringe benefits as other full-time employees of the employer, may satisfy the conditions under subparagraphs (2)-(3) by using both offices to qualify.

5 Effective Date.

I. Section 2 of this act shall take effect January 1, 2019.

II. Sections 1 and 3 of this act shall take effect January 1, 2014.

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

2013-1880s

### AMENDED ANALYSIS

This bill:

I. Requires retirement system employers to report to the retirement system all compensation paid to retired members of the retirement system. The requirement is repealed after a 5-year period.

II. Requires the retirement system to notify retired members of the retirement system of the annual limitations on hours for part-time employment with a retirement system employer.

III. Allows a person concurrently holding the offices of both town clerk and tax collector to elect to be a member in the retirement system.

The Chair ruled Floor Amendment 1880s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Floor Amendment 1880s to HB 342-FN. Adopted by the necessary 2/3 vote.

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

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

HB 364, relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment. Inexpedient to Legislate, Vote 4-1. Senator Carson for the committee.

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

HB 453, repealing the prospective repeal of the information and analysis center. Ought to Pass, Vote 4-1. Senator Cataldo for the committee.

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

HB 599-FN, relative to establishing a single liquor commissioner. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration  
May 8, 2013  
2013-1609s  
03/04

### Amendment to HB 599-FN

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

1 Liquor Commission. Amend RSA 176:1 to read as follows:

176:1 Commission. There shall be a state liquor commission ~~[consisting of 3 members]~~ ***under the executive direction of a liquor commissioner, who shall also be known as the chairman of the liquor commission***, appointed by the governor with the consent of the council. ~~[Not more than 2 members shall belong to the same political party. Each member]~~ ***The commissioner shall have significant business management and shall complete a criminal history records check prior to confirmation by the council. The liquor commissioner*** shall hold office for a term of ~~[6]~~ **4** years. If a vacancy shall occur ~~[in the commission]~~, it shall be filled for the remainder of the term. ~~[Any or all of the commissioners]~~ ***The commissioner*** may be removed by the governor and council for cause.

2 Chairman; Compensation. Amend RSA 176:2 to read as follows:

176:2 ~~[Chairman]~~ ***Liquor Commissioner***; Compensation. ~~[The chairman of the commission shall be appointed and commissioned as such by the governor with the consent of the council, and his term shall be coterminous with each term of the governor unless his successor shall have been sooner appointed. The expiration or termination of a commission member's term of office as chairman of the commission shall in no way affect the length of his term as a commission member as established under RSA 176:1.]~~ The annual salary of ~~[each member of the commission]~~ ***the commissioner*** shall be as specified in RSA 94:1-a, and the ~~[commissioners]~~ ***commissioner*** shall receive ~~[their]~~ ***his or her*** reasonable expenses while traveling in the performance of ~~[their]~~ ***his or her*** duties, provided that ~~[they]~~ ***the commissioner*** shall not be allowed as expenses, travel between ~~[their places]~~ ***his or her place*** of residence and ~~[their]~~ ***the commissioner's*** office in Concord, nor shall ~~[they]~~ ***the commissioner*** be allowed board or lodging while in Concord. The ~~[chairman of the commission]~~ ***commissioner*** shall serve as the representative to the National Alcoholic Beverage Control Association.

3 New Section; Deputy Commissioner. Amend RSA 176 by inserting after section 2 the following new section:

176:2-a Deputy Commissioner.

I. The commissioner shall nominate a deputy commissioner for appointment by the governor with the consent of the council who shall be qualified to hold that position by reason of education and experience. The deputy commissioner shall hold office for a term of 4 years and may be reappointed. The deputy commissioner shall be subject to a background check by the state police prior to appointment.

II. If a vacancy shall occur in said office, it shall be filled for the remainder of the term. The deputy commissioner may be removed by the governor and council for cause.

III. The annual salary of the deputy commissioner shall be as specified in RSA 94:1-a.

IV. The deputy commissioner shall perform such duties as are assigned by the commissioner. The deputy commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties.

V. The deputy commissioner shall, subject to the supervision of the commissioner, exercise authority as required to ensure that the divisions and their directors are implementing the organizational goals and managing the work of the commission in an effective and efficient manner.

4 Requirements. Amend RSA 176:4 to read as follows:

176:4 Requirements. The ~~[members of the commission]~~ ***commissioner*** shall devote ~~[their]~~ ***his or her*** entire time to the service of the commission. ~~[No member of the commission]~~ ***The commissioner*** shall ~~[be directly or indirectly interested]~~ ***not have any financial interest, direct or indirect***, in the liquor or beverage business. The compensation and expenses of the ~~[commissioners]~~ ***commissioner*** and the expenses of the administration of this chapter shall be paid by the state on the warrant of the governor with the approval of the council.

5 Divisions and Directors. Amend RSA 176:8 to read as follows:

176:8 Divisions and Directors. The commission shall have 3 divisions under the direction of unclassified division directors. The directors shall be ~~[appointed by the commission and serve at the pleasure of the commission based on]~~ ***nominated by the commissioner for appointment by the governor with the consent of the council and shall serve for terms of 4 years dependent upon maintaining*** good behavior and competence. There shall be a division of marketing, merchandising, and warehousing, a division of administration, and a division of enforcement and licensing. ***The director of the division of enforcement and licensing shall be subject to a background check by the state police prior to appointment.***

6 Investigations. Amend RSA 176:9, III to read as follows:

III. ~~[Any member of the commission]~~ ***The commissioner***, assistant, or liquor investigator may enter any place where liquor, beverages, or tobacco products are sold or manufactured, at any time, and may examine any license or permit issued or purported to have been issued under the terms of this title. They shall make complaints for violations of this title.

7 Purchases by the Liquor Commission. Amend RSA 176:17 to read as follows:

176:17 Purchases by the Liquor Commission. The liquor commission shall purchase all liquor, wine, and beverages from primary sources. For the purposes of this title, primary source means the manufacturer or producer, whether or not it is within the state. If a primary source is not available, the ~~[commission]~~ ***commissioner*** may, if ~~[it]~~ ***he or she*** feels it is in the best interests of the state, ~~[vote at its regular meeting to]~~ allow an exemption and shall explain why such exemption has been allowed.

8 Employment Prohibited. Amend RSA 179:21 to read as follows:

179:21 Employment Prohibited. No elected state official, ~~[member of the]~~ liquor ~~[commission]~~ ***commissioner***, or employee of the liquor commission responsible for making recommendations to the commission relative to the purchase of liquor, wine, or beer shall hold a liquor or wine representative license for a period of ~~[±]~~ ***one*** year from the date that such person leaves office or terminates such employment.

9 Employment Intervention. Amend RSA 179:22, II to read as follows:

II. It shall be unlawful for ***the liquor commissioner or*** any ~~[member or]~~ employee of the commission knowingly to intervene in the selection, employment, or dismissal of any liquor or wine representative, or other agent or employee of any distiller, importer, rectifier, or other holder of a liquor or wine manufacturer license or liquor or wine vendor license.

10 Hearings. Amend RSA 179:56, I to read as follows:

I. The commission shall adopt and publish rules pursuant to RSA 541-A, to govern its proceedings and to regulate the mode and manner of all investigations and hearings before it. All hearings before the commission shall be in accordance with RSA 541-A:31-36. In any such investigation or hearing the commission shall not be bound by the technical rules of evidence. The commission~~[, or any member,]~~ may subpoena witnesses and administer oaths in any proceeding or examination instituted before or conducted by it, and may compel, by subpoena, the production of any accounts, books, contracts, records, documents, memoranda, and papers of any kind whatever. Witnesses summoned before the commission shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons issued by any justice of the peace shall have the same effect as though issued for appearance before such court.

11 Applicability.

I. The chairman and next senior member of the liquor commission holding their offices on the effective date of this act shall remain in office until the expiration of their appointed terms. The chairman shall assume the title and duties of the commissioner and the next senior member shall assume the title and duties of the deputy commissioner for the remainder of their terms. The salaries of the chairman and next senior member shall not be reduced during their service as commissioner and deputy commissioner for the unexpired term.

II. The initial appointment of division directors under RSA 178:8, as amended by this act, shall be for abbreviated terms determined by the governor and council so that the expiration of appointed terms shall be one year apart.

III. This act shall not affect the validity of any rule, order, or contract of the commission adopted, issued, or executed prior to the effective date of such sections.

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



2013-1609s

## AMENDED ANALYSIS

This bill replaces the members of the liquor commission with a single liquor commissioner and a deputy commissioner.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 17, 2013

2013-1797s

03/05

**Floor Amendment to HB 599-FN**

Amend the bill by replacing section 4 with the following:

4 Requirements. Amend RSA 176:4 to read as follows:

176:4 Requirements. The ~~[members of the commission]~~ **commissioner and deputy commissioner** shall devote their entire time to the service of the commission. ~~[No member of the commission]~~ **The commissioner and deputy commissioner** shall ~~[be directly or indirectly interested]~~ **not have any financial interest, direct or indirect,** in the liquor or beverage business. The compensation and expenses of the ~~[commissioners]~~ **commissioner and deputy commissioner** and the expenses of the administration of this chapter shall be paid by the state on the warrant of the governor with the approval of the council.

Amend the bill by replacing section 6 with the following:

6 Investigations. Amend RSA 176:9, III to read as follows:

III. ~~[Any member of the commission]~~ **The commissioner, deputy commissioner,** assistant, or liquor investigator may enter any place where liquor, beverages, or tobacco products are sold or manufactured, at any time, and may examine any license or permit issued or purported to have been issued under the terms of this title. They shall make complaints for violations of this title.

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

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

HB 686, relative to approval of liquor commission contracts. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration

May 8, 2013

2013-1608s

01/03

**Amendment to HB 686**

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

1 Purchase of Supplies; Liquor Commission. Amend RSA 21-I:18, I(b) to read as follows:

(b) The liquor commission is ~~[completely]~~ exempted from the provisions of this chapter, provided that the liquor commission uses competitive bidding when acquiring ~~[consumable]~~ supplies~~[,]~~ **as defined in RSA 21-I:11, I(a), and other** materials, goods, and services that are necessary for, incidental to, or related to the operation of ~~[the]~~ liquor commission **retail and wholesale operations**.

2 New Section; Liquor Commission; Contracts Entered into by the Liquor Commission. Amend RSA 176 by inserting after section 17 the following new section:

176:18 Contracts Entered into by the Liquor Commission. Contracts in excess of \$10,000 made, or entered into by, the liquor commission, including but not limited to contracts for warehousing, transportation, and advertising, shall be competitively bid, reviewed by the attorney general, and approved by the governor and council before becoming effective. This section shall not apply to leases of retail stores. If the commission uses competitive bidding and complies with all applicable requirements in statute, this section shall not apply to

design, construction, renovation, relocation, and property management of retail stores, purchase of products for sale in retail stores, purchase of products for sale on a wholesale basis, or purchase of supplies pursuant to RSA 21-I:18, I(b).

3 Liquor Commission; State Stores. Amend RSA 177:1 to read as follows:

177:1 State Stores. The commission may lease, purchase, and equip, in the name of the state, such stores, **state-owned** warehouses, supplies **as defined in RSA 21-I:11, I(a), and other** materials, ~~[equipment, products, and other marketing and merchandising requirements for the sale or promotion of liquor and related products as are necessary to carry out the provisions of this chapter]~~ **goods, and services as are necessary for, incidental to, or related to the operation of the liquor commission retail and wholesale operations**. The commission may lease, in the name of the state, space in state stores for the purpose of installing automated teller machines. No newly established state store shall be operated within 200 feet of any public or private school, church, chapel, or parish house.

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

2013-1608s

#### AMENDED ANALYSIS

Except as provided in RSA 21-I:18, I(b) and RSA 177:1, this bill requires contracts in excess of \$10,000 made, or entered into by the liquor commission to be reviewed by the attorney general and approved by the governor and council before becoming effective.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 17, 2013

2013-1799s

01/09

#### Floor Amendment to HB 686

Amend RSA 176:18 as inserted by section 2 of the bill by replacing it with the following:

176:18 Contracts Entered into by the Liquor Commission. Contracts in excess of \$10,000 made, or entered into by, the liquor commission, including but not limited to contracts for warehousing, transportation, and advertising, shall be competitively bid, reviewed by the attorney general, and approved by the governor and council before becoming effective. This section shall not apply to leases of retail stores. If the commission uses competitive bidding, this section shall not apply to design, construction, renovation, relocation, and property management of retail stores, purchase of products for sale in retail stores, purchase of products for sale on a wholesale basis, or purchase of supplies pursuant to RSA 21-I:18, I(b).

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

#### FINANCE

HB 186, relative to the authority of the department of state. Re-refer to committee, Vote 6-0.

Senator D'Allesandro for the committee.

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

HB 229-FN, relative to a financial examination supervisor. Ought to Pass with Amendment, Vote 6-0. Senator Morse for the committee.

Senate Finance

April 25, 2013

2013-1396s

01/09

#### Amendment to HB 229-FN

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

2 Salary of Financial Examinations Supervisor. The salary of the financial examinations supervisor established in section 1 of this act shall be determined after assessment and review of the appropriate temporary

letter grade allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and appointment of the financial examinations supervisor, position 41776 shall be abolished to allow for the transition of this classified position with its available appropriations into the unclassified position of financial examinations supervisor. Funding shall be transferred into expenditure class 014, within accounting unit 02-24-24-240010-2520.

3 Applicability. Section 1 of this act shall take effect upon the abolition of position 41776, the transfer of funding and appropriation into the unclassified position and the initial appointment of the financial examinations supervisor, as certified by the commissioner of insurance to the director of legislative services.

4 Effective Date.

I. Section 1 of this act shall take effect as provided in section 3 of this act.

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

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 325-FN, relative to public employee suggestions for cost-saving measures. Inexpedient to Legislate, Vote 4-2. Senator Larsen for the committee.

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

#### HEALTH, EDUCATION AND HUMAN SERVICES

HB 260-FN, relative to the children in need of services (CHINS) program. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

Health, Education, and Human Services

May 7, 2013

2013-1568s

05/04

#### **Amendment to HB 260-FN**

Amend the bill by replacing section 1 with the following:

1 Children in Need of Services; Applicability of Chapter. RSA 169-D:1, IV and V are repealed and reenacted to read as follows:

IV. To protect the integrity of the family by authorizing adjudication and the imposition of dispositional judgment requiring participation in a plan of services or by offering appropriate voluntary alternatives; and

V. To provide effective judicial procedures through which family service plans are executed and enforced, and which assure the parties fair hearings at which their constitutional and other rights as citizens are recognized and protected.

Amend the bill by replacing sections 5-7 with the following:

5 New Paragraph; Petition. Amend RSA 169-D:5 by inserting after paragraph II the following new paragraph:

II-a. Any petition filed shall include language demonstrating whether appropriate voluntary services have been attempted, the nature of voluntary services attempted, and the reason court compulsion is necessary. The petition also shall include information regarding the department's determination as to whether voluntary services are appropriate for the child or family under RSA 169-D:5-c. Refusal of the child to participate in the development of a voluntary services plan may constitute sufficient information that voluntary service and support options have been unsuccessful.

6 New Section; Voluntary Services. Amend RSA 169-D by inserting after section 5-b the following new section:

169-D:5-c Voluntary Services. The department shall assess whether to offer the child and family, on a voluntary basis, any services permitted under RSA 169-D:17 except out-of-home placement of the child. The department may decline to offer services to a child or family if it concludes that the child does not meet the definition of child in need of services in RSA 169-D:2, II, or if the department otherwise determines that vol-

untary services are not appropriate for the child or family. The department shall document the basis for its decision. Notwithstanding RSA 541-A, the department's decision shall not be subject to appeal, nor shall the fact that the department declined to offer voluntary services preclude a person from filing a petition under RSA 169-D:5, I. Voluntary services provided under this section shall not exceed 9 months, unless the department determines that an extension for an additional, specified period of time is appropriate.

7 Issuance of Summons and Notice. RSA 169-D:6, I is repealed and reenacted to read as follows:

I.(a) After a legally sufficient petition has been filed, unless the case is referred to the department pursuant to RSA 169-D:5 or a consent order is entered and approved, the court shall schedule an initial appearance and issue a summons, including a copy of the petition, to be served personally upon the person having custody or control of the child or with whom the child may be, requiring that person to appear with the child on the specified date and time.

(b) If personal service is not possible, service shall occur at the usual place of abode of the person having custody or control of the child or with whom the child may be, requiring that person to appear with the child at a specified place and time which time shall not be less than 24 hours after service. If the person so notified is not the parent or guardian of the child, then a parent or guardian shall be notified, provided they and their residence are known.

Amend RSA 169-D:9, I as inserted by section 8 of the bill by replacing it with the following:

I. Except in emergencies, the department, its agent, or any person or agency it designates shall determine whether voluntary service options are appropriate for the child and family. A referral for this determination may be made by any person permitted to bring a petition under RSA 169-D:5, I. To achieve this purpose, the department may designate a multi-disciplinary team to consider the facts and circumstances of the case, the needs of the child and family, and available diversion programs, services, and resources. This conference shall be attended by the child, if appropriate, his or her parents, legal guardians or custodians, and representatives of any public institution or agency having legal responsibility over the child, and may be attended by parties invited by the family and representatives of any public or private institutions or agencies having discretionary ability to coordinate and/or supply services to the child or family. If the child does not attend a multi-disciplinary conference, an appropriate individual shall be designated to solicit the child's input and help the child understand available service options and supports.

Amend RSA 169-D:9, VI as inserted by section 8 of the bill by replacing it with the following:

VI. If a petition has been filed and the department determines voluntary services are appropriate, a voluntary family services plan shall be submitted to the court. The voluntary services plan shall stay the proceedings for a period not to exceed 90 days from the date of implementation, unless the parties agree, in writing, to an extension for additional periods not to exceed 90 days.

Amend RSA 169-D:31, I(g) as inserted by section 13 of the bill by replacing it with the following:

(g) The number of cases in which the department determined that voluntary services under RSA 169-D:5-c were not appropriate, and the basis for those decisions.

(h) The type of services offered and/or provided to a child on a voluntary basis and the type of services ordered by the court after adjudication and disposition.

Amend the bill by replacing section 15 with the following:

15 Children in Need of Services; Suspension of Voluntary Services. The commissioner of the department of health and human services may suspend referrals for voluntary services under RSA 169-D upon the commissioner's determination that appropriated funds will be insufficient to support additional voluntary services cases. The commissioner shall report the decision to suspend referrals for voluntary services, and the basis for the decision, to the fiscal committee of the general court. Nothing in this section shall be construed to require fiscal committee approval to implement the suspension.

2013-1568s

#### AMENDED ANALYSIS

This bill:

I. Expands the definition of a child in need of services under RSA 169-D, revises circumstances under which the court may order various services or placements, and gives the department discretion to offer voluntary services.

II. Directs the department of health and human services to collect certain data regarding the CHINS program.

III. Provides for the suspension of voluntary services if appropriated funds will be insufficient to support voluntary services.

IV. Requires school board truancy policies to include certain information relative to student attendance. The question is on the adoption of the Committee Amendment. Adopted.

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24

May 9, 2013

2013-1642s

05/04

#### Floor Amendment to HB 260-FN

Amend the bill by replacing section 14 with the following:

14 School Board Truancy Policy. Amend RSA 189:34, II(b) to read as follows:

(b) A process for intervention designed to address individual cases of truancy as quickly as possible and to reduce the number of habitual truants in the school district. ***The process shall consider whether school record keeping practices and notification provided to parents or guardians of the child's absences have an effect on the child's attendance.*** The board shall provide for the participation of parents in the development of the policy. The policy shall include early parental involvement in the intervention process. The policy shall also designate an employee in each school as the person responsible for truancy issues.

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

Sen. Odell offered a floor amendment.

Sen. Odell, Dist. 8

May 22, 2013

2013-1875s

05/01

#### Floor Amendment to HB 260-FN

Amend the bill by replacing section 13 with the following:

13 New Section; Data Collection; Reporting Requirement. Amend RSA 169-D by inserting after section 30 the following new section:

169-D:31 Data Collection; Reporting Requirement.

I. The department shall establish a system to collect data related to:

- (a) The person or entity who referred the child for services and/or filed the petition.
- (b) The racial and ethnic identity of the child.
- (c) The insurance status and coverage of child served.
- (d) The length of time a child receives services under this chapter, including the time prior and subsequent to the filing of a petition.
- (e) The identity of any public or private organization to whom the department has referred a child or family.
- (f) Any other information, including outcome data, that may assist the department and the court in evaluating the availability and effectiveness of services for children who receive assistance under this chapter.
- (g) The number of cases in which the department determined that voluntary services under RSA 169-D:5-c were not appropriate, and the basis for those decisions.
- (h) The type of services offered and/or provided to a child on a voluntary basis and the type of services ordered by the court after adjudication and disposition.

II. The department shall, upon request, make available to members of the public, compilations of the data which do not contain identifying information.

III. Beginning on or before December 30, 2013, the department shall provide quarterly reports regarding cases handled pursuant to this chapter to the chair of the house children and family law committee, the chair of the senate health, education and human services committee, or to the chairs of their successor committees, as well as the chair of the joint fiscal committee. The reports shall include:

- (a) The number of cases assessed pursuant to RSA 169-D:5-c.
- (b) The number of cases declined for voluntary services and the bases for the declinations.
- (c) The number of cases accepted for voluntary services and their ultimate disposition.
- (d) The number of petitions filed pursuant to RSA 169-D:5, I, and their dispositions.

(e) The number of voluntary and court-based cases pending in each definition category of RSA 169-D:2, II at the beginning and end of the quarter.

(f) The type and cost of services provided in cases accepted for voluntary services and cases handled through the court, in each definition category of RSA 169-D:2, II.

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

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

HB 295, requiring criminal background checks for volunteers and employees at youth skill camps. Ought to Pass with Amendment, Vote 3-0. Senator Kelly for the committee.

Health, Education and Human Services

May 14, 2013

2013-1703s

01/04

#### **Amendment to HB 295**

Amend RSA 485-A:23, II as inserted by section 2 of the bill by replacing it with the following:

II. "Youth skill camp" means a nonprofit or for-profit program that lasts 8 hours total or more in a year for the purpose of teaching a skill to minors. Such camps include, but are not limited to, the teaching of sports, the arts, and scientific inquiry.

Amend RSA 485-A:24, II as inserted by section 3 of the bill by replacing it with the following:

***II.(a) No person or entity shall for profit or for charitable purposes operate any youth skill camp, as defined in RSA 485-A:23, II, without maintaining an appropriate policy regarding background checks for employees and volunteers who may be left alone with any child or children. Certification of background checks shall be made to the department demonstrating that no individual has a criminal conviction for any offense involving:***

***(1) Causing or threatening direct physical injury to any individual; or***

***(2) Causing or threatening harm of any nature to any child or children.***

***(b) Any person or entity required to perform background checks and provide certification to the department pursuant to subparagraph (a) shall pay a fee of \$25 to the department. All such fees collected by the department shall be deposited into the recreation camp and youth skill camp fund established in RSA 485-A:24-a.***

***(c) Subparagraphs (a) and (b) shall not apply to any person or entity which owns property used to operate a youth skill camp or any buildings or structures on such property used in the operation of a youth skill camp, provided such person or entity obtains written certification signed by the youth skill camp operator stating that background checks in accordance with this paragraph have been completed.***

***(d) Nothing in this section shall preclude more stringent requirements for background checks on the part of camp owners, directors, or operators.***

*(e) Such policies shall be made available to the department and shall include the frequency of the background checks and the sources used to conduct the background checks. The department shall provide information on each youth skill camp's policy on the department's website.*

Amend RSA 485-A:25 as inserted by section 3 of the bill by replacing it with the following:

485-A:25 Rulemaking.

I. The commissioner shall adopt rules under RSA 541-A relative to:

(a) Issuance of licenses to **recreation** camp operators under RSA 485-A:24, I.

**(b) Requirements for performing criminal background checks at youth skill camps and certifying acceptable results as required under RSA 485-A:24, II(a) and establishing appropriate sanctions and penalties for failing to perform the required background checks.**

**(c) Water quality-related issues for the protection of persons using recreation camp facilities regulated under [this subdivision] RSA 485-A:24, I.**

II. The commissioner, in consultation with the department of health and human services, shall adopt all other necessary rules under RSA 541-A, relative to public health and safety issues for the protection of persons ~~[using camp facilities regulated under this subdivision]~~ **attending recreation camps regulated under RSA 485-A:24, I.**

Amend the bill by replacing section 7 with the following:

7 Effective Date.

I. RSA 485-A:25, as amended by section 3 of this act, shall take effect 30 days after its passage.

II. The remainder of this act shall take effect January 1, 2014.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

HB 403, establishing a committee to study end of life decisions. Ought to Pass with Amendment, Vote 5-0. Senator Gilmour for the committee.

Health, Education and Human Services  
May 14, 2013  
2013-1706s  
01/03

#### **Amendment to HB 403**

Amend subparagraphs I(a) and (b) of section 2 of the bill by replacing them with the following:

(a) Six members of the house of representatives, appointed by the speaker of the house of representatives.

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

Amend the bill by replacing section 4 with the following:

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

Without objection, the Senate is in recess. Out of recess.

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

The question is on the adoption of the Committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to Third Reading.

The Chair rescinded ordering HB 295 to Third Reading. Bill ordered to Committee on Finance (Rule 4-5).

## MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

## LATE SESSION

## Third Reading and Final Passage

HB 119, relative to voter registration.

HB 123, relative to the limitation of liability for negligence regarding public safety officers.

HB 185-FN, relative to the fuel oil discharge cleanup fund.

HB 187, relative to cost items in negotiated agreements.

HB 225, relative to the rulemaking authority of the liquor commission.

HB 228, relative to insurance fraud.

HB 229-FN, relative to a financial examination supervisor.

HB 231, relative to reinsurance.

HB 253, relative to limitations on sales by nano breweries for consumption on the premises.

HB 254-FN-A, abolishing certain positions in the liquor commission.

HB 262, establishing a committee to study the construction of a permanent memorial to Governor John Gilbert Winant on state property other than the state house grounds.

HB 269-L, authorizing a school district to conduct a special meeting necessitated by changes in adequate education funding.

HB 278, relative to voluntary installation of fire suppression sprinklers.

HB 283, establishing a study committee to review the hearings officer's report with regard to the New Hampshire Local Government Center and to study potential changes to RSA 5-B.

HB 304-FN, relative to OHRV registration transfer fees, removing the penalty of completion of a training program for certain OHRV and snowmobile violations, and deleting OHRV and snowmobile vanity plates or decals.

HB 306, relative to New Hampshire's regional greenhouse gas initiative.

HB 342-FN, relative to reporting of compensation paid to retired members of the retirement system, relative to notice to retired members of the limitations on part-time employment, and relative to retirement system membership for a person holding positions of town clerk and tax collector.

HB 352, relative to sending checklists to the state archives.

HB 385, relative to licensure of, and the performance of electrical work by, elevator and accessibility lift mechanics.

HB 400, relative to funding agreements issued by life insurance companies.

HB 401, relative to property and casualty insurers under the risk-based capital law.

HB 403, establishing a committee to study end of life decisions.

HB 410, establishing a commission to study and update the rules and procedures of the legislative ethics committee under RSA 14-B and the laws governing legislative ethics under RSA 15-B.

HB 411-FN-A, repealing a future reduction in vessel registration fees.

HB 413, relative to property abandoned by tenants.

HB 433, relative to procedures for juvenile delinquency petitions filed by a school district or school official.

HB 442, establishing a committee to study the prohibition of residency restrictions for registered sex offenders and offenders against children.



HB 453, repealing the prospective repeal of the information and analysis center.

HB 472, relative to residential units in rooming houses.

HB 507-FN, relative to the maximum permit application fee for certain municipal dredging projects.

HB 511-FN, relative to insurance holding companies.

HB 526-FN, relative to termination of activities and dissolution of the association created under RSA 404-G.

HB 528, relative to support and care costs for children with disabilities.

HB 546, relative to medical examinations under workers' compensation.

HB 554, allowing parents to agree on college contributions.

HB 573-FN, relative to the use of cannabis for therapeutic purposes.

HB 575, relative to hours of sales of on-premises liquor licensees.

HB 581-FN-L, relative to recovering moneys from a neighboring state for mitigation of flooding.

HB 588, extending the instream flow pilot program for 2 years and establishing a commission to study opportunities and options to improve the sustainability of the fish and game department.

HB 595-FN, relative to photo identification of voters.

HB 599-FN, relative to establishing a single liquor commissioner.

HB 602, establishing a commission to study general court policies and procedures relative to persons with disabilities.

HB 630-FN, relative to the use of proceeds from the regional greenhouse gas initiative program.

HB 634, relative to water resource management and protection plans in municipal master plans.

HB 635, establishing a committee to study the staffing of currently closed rest areas and to develop a process for soliciting requests for proposals to sponsor or purchase naming rights to New Hampshire rest areas.

HB 636, relative to the waitlist for community mental health services.

HB 640, relative to the standard valuation law.

HB 655-FN, relative to the collection of the amount of the property tax deferral for the elderly or disabled upon sale of the property.

HB 686, relative to approval of liquor commission contracts.

#### LIST OF RULE 6-25'S FOR THE DAY

#### ANNOUNCEMENTS

#### MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.