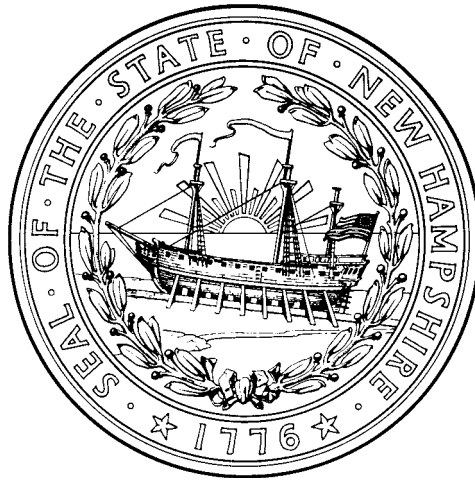


March 28, 2013
Nos. 8-9

STATE OF NEW HAMPSHIRE

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



163rd Session of the New Hampshire General Court
Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – MARCH 21, 2013 SESSION
COMMENCEMENT – MARCH 28, 2013 SESSION

SENATE JOURNAL 8 *(continued)*

March 21, 2013

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 135, relative to physical force in defense of a person and relative to the definition of non-deadly force.

HB 184, relative to the oil discharge cleanup fund.

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

HB 189, extending the commission to study water infrastructure sustainability funding.

HB 246, relative to falsity by employer.

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

HB 260-FN, relative to the children in need of services (CHINS) program.

HB 269-L, authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding.

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

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 316-FN, relative to regulating alkaline hydrolysis for the disposal of human remains.

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

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

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

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

HB 524, relative to national guard facilities, the national guard scholarship fund, and the state active duty death benefit.

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.

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

HB 686, relative to approval of liquor commission contracts.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following House legislation shall be by this Resolution read a first and second time by the therein listed titles and referred to the therein designated committees. Adopted.

First and Second Reading and Referral

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. (Executive Departments and Administration)

HB 159, requiring patriotic exercises in public schools on federal Constitution Day. (Health, Education and Human Services)

HB 177, relative to licensing requirements for homestead food. (Health, Education and Human Services)

HB 178-FN-L, relative to public employer collective bargaining agreements. (Public and Municipal Affairs)

HB 202-FN, relative to beverage and liquor licenses for beds and breakfasts. (Commerce)

HB 224, relative to the authority of the superintendent of a county correctional facility. (Judiciary)

HB 228, relative to insurance fraud. (Judiciary)

HB 242, relative to child passenger restraint requirements. (Transportation)

HB 278, relative to voluntary installation of fire suppression sprinklers. (Public and Municipal Affairs)

HB 305, establishing a committee to study the apportionment formula for cooperative school districts for towns with electric generation facilities. (Health, Education and Human Services)

HB 306, relative to New Hampshire's regional greenhouse gas initiative. (Energy and Natural Resources)

HB 313, relative to the regulation of the compounding of drugs by pharmacists. (Executive Departments and Administration)

HB 325-FN, relative to public employee suggestions for cost-saving measures. (Finance)

HB 328-FN, relative to the sale of pets. (Commerce)

HB 339-FN, establishing a committee to study existing debt collection laws and practices. (Commerce)

HB 346, establishing a committee to study low-profit limited liability companies. (Commerce)

HB 349, relative to OHRV operation of certain 4-wheel drive vehicles on trails within Jericho Mountain state park. (Energy and Natural Resources)

HB 357, prohibiting an employer from using credit history in employment decisions. (Commerce)

HB 362, banning corn-based ethanol as an additive to gasoline sold in New Hampshire. (Energy and Natural Resources)

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. (Executive Departments and Administration)

HB 367, relative to the municipal bond bank reserve process. (Public and Municipal Affairs)

HB 374, relative to electric utility investment in distributed energy resources. (Energy and Natural 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. (Health, Education and Human Services)

HB 390, allowing companion dogs in the outdoor areas of restaurants. (Commerce)

HB 393, relative to effluent limitations with regard to nitrogen and phosphorus. (Energy and Natural Resources)

HB 416, shortening the appeals process for a permitting decision under RSA 482-A, relative to fill and dredge in wetlands. (Energy and Natural Resources)

HB 443-FN, prohibiting prison privatization. (Finance)

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

HB 481-FN, limiting the state's authority to seek reimbursement for public assistance. (Health, Education and Human Services)

HB 482-FN, regarding infestation of bed bugs in rental housing. (Health, Education and Human Services)

HB 489-FN, relative to the New Hampshire medical malpractice joint underwriting association. (Executive Departments and Administration)

HB 505, relative to the economic development advisory council. (Commerce)

HB 508, relative to idling by diesel locomotives. (Transportation)

HB 510, relative to backflow prevention valves. (Public and Municipal Affairs)

HB 535, establishing the white potato as the state vegetable. (Energy and Natural Resources)

HB 542, relative to electric renewable portfolio standards. (Energy and Natural Resources)

HB 547, establishing a commission to study permanent options for funding the veterinary diagnostic laboratory. (Executive Departments and Administration)

HB 551, relative to the composition and duties of the task force on work and family. (Health, Education and Human Services)

HB 556, establishing a committee to study the resolution of barriers to the use of telehealth technology in New Hampshire. (Health, Education and Human Services)

HB 573-FN, relative to the use of cannabis for therapeutic purposes. (Health, Education and Human Services)

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

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

HB 588, extending the instream flow pilot program for 2 years. (Energy and Natural Resources)

HB 591, relative to an abusive work environment and the health and safety of public employees. (Executive Departments and Administration)

HB 595-FN, relative to photo identification of voters. (Public and Municipal Affairs)

HB 594-FN, relative to the general consumer credit laws of the state. (Commerce)

HB 621-FN, decriminalizing possession of one quarter of an ounce or less of marijuana. (Judiciary)

HB 624-FN, waiving the residency requirement for in-state tuition rates for veterans attending the university system of New Hampshire. (Finance)

HB 630-FN, relative to the use of proceeds from the regional greenhouse gas initiative program. (Energy and Natural Resources)

HB 633, relative to prescription refills. (Health, Education and Human Services)

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. (Transportation)

HB 639, relative to beverage container and packaging approval. (Commerce)

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

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

HB 659-FN-A, increasing the tobacco tax. (Ways and Means)

March 15, 2013

2013-0936-EBA

03/01

Enrolled Bill Amendment to SB 57

The Committee on Enrolled Bills to which was referred SB 57

AN ACT relative to approval of the project proposed by the Town of Alstead for the lower Warren Brook Restoration project, establishing a commission to determine the appropriate use of flood damaged property, and repealing a commission established in 2006 to determine the appropriate use of property damaged in the October 2005 floods.

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 57

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to SB 57

Amend section 4 of the bill by replacing line 1 with the following:

4 Repeal. 2006, 256:4, as amended by 2007, 7:2, 2008, 87:4, and 2008, 87:5, relative to the commission established to determine the appropriate use

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 57, relative to approval of the project proposed by the Town of Alstead for the lower Warren Brook Restoration project, establishing a commission to determine the appropriate use of flood damaged property, and repealing a commission established in 2006 to determine the appropriate use of property damaged in the October 2005 floods.

Sen. Prescott 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 9

March 28, 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.

When I look around the world, I notice that there are so many prophets of different kinds: prophets for the religions, prophets for the political, prophets for the social. We, as a world and as a planet, we love our prophets. We kill them, but we love them. And, what I noticed this week, because it's Holy Week, is that Jesus was one of those prophets – just one of many. And I'm fascinated by how much art has been placed on that face, on that cross. And I think it's not just a Christian thing; I think it's a human thing that we're fascinated by suffering; it's why we sort of drive slowly by a car wreck. But it's also because we suffer a lot ourselves. We go through a lot of suffering, and there's comfort in seeing the face of another whose suffering is not something of their own doing. So, in the end, even though at times we feel pain, we seek comfort in that face, and you don't need to be a Christian to get that. The question is not how much suffering or how long we suffer, the question is what we do with it. Does it inspire kindness and humility in us, or does it increase our ego, our misery, and our meanness? Because each one of us has inside us a snake and a lamb, and the one that grows is the one we feed. Let us pray:

God of all mercy, look kindly on this planet, on our lives, and on our sufferings. Where we suffer, bring us aid. Where our egos swell, diminish them. Where kindness sparks, fan those flames in the power of your love. Amen.

Sen. Sanborn led the Pledge of Allegiance.

INTRODUCTION OF GUESTS AND PRESENTATIONS

Sen. Pierce introduced Georgia Michalovic, a student from Lebanon High School, serving as a Senate Page for the day.

Senator Boutin introduced Athena Valkanos, a student from Trinity High School, serving as a Senate Pages for the day.

Sen. Hosmer introduced Dr. Glenda Reynolds, a constituent and guest in the Senate gallery.

CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

SB 98, authorizing group net metering for limited electrical energy producers. Removed by Sen. Kelly.

SCR 1, relative to special use permits in the White Mountain National Forest. Removed by Sen. Woodburn.

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 to Third Reading.

ENERGY AND NATURAL RESOURCES

SB 154-FN-A-L, establishing an energy conservation loan program and an energy conservation project fund. Re-refer to committee, Vote 5-0. Senator Odell for the committee.

This bill seeks to address the important issue of energy conservation by citizens, municipalities, businesses, nonprofit organizations, and various other groups. The committee would like to re-refer this bill to gather more information, and further improve the language of this proposed legislation.

SB 164, authorizing coastal management provisions in master plans. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

This bill allows the Office of Energy and Planning to assist communities in developing coastal management provisions in master plans. This assistance will greatly enhance our municipalities' abilities to address coastal storm impacts.

PUBLIC AND MUNICIPAL AFFAIRS

SB 198, relative to the authority of county correctional officers. Ought to Pass, Vote 5-0. Senator Forrester for the committee.

This bill remedies a problem which exists today with the responsibility of inmate transport. This enabling legislation authorizes county commissioners to organize a county transport and custody force consisting of county department of corrections personnel for the purpose of providing general security for county department of corrections roads, buildings and grounds. The bill gives limited authority with the power of arrest during the transport of inmates.

HB 115, relative to the procedure for filling a vacancy on a cooperative school district budget committee. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

This bill modifies the procedure for filling a vacancy on a cooperative school district budget committee and clarifies who has appointing authority. HB 115 mirrors other statutes for filling vacancies in municipal subdivisions. It provides the cooperative school district with the flexibility necessary in filling the vacancy in a timely manner.

Public and Municipal Affairs

March 21, 2013

2013-1075s

04/10

Amendment to HB 115

Amend the bill by replacing section 1 with the following:

1 School District Elections; Vacancies. Amend RSA 671:33, IV to read as follows:

IV. ~~[Vacancies occurring on the budget committee of a cooperative school district shall be filled by appointment made within 5 days by the budget committee, or by the chairperson of the cooperative school board if the vacancy is that of a member appointed from the school board]~~ ***In a cooperative school district, the remaining budget committee members representing the same town or towns as the departed member shall fill a vacancy on the budget committee, provided that there are at least 2 such members. If there are less than 2 remaining members on the budget committee representing the same town or towns as the departed member, or if the remaining members are unable, by majority vote, to agree upon an appointment, the selectmen of the town or towns involved shall fill the vacancy by majority vote in convention. If the selectmen are unable to fill the vacancy then the cooperative school district moderator shall make the appointment. If the vacancy is for the cooperative school board representative to the cooperative school district budget committee, such vacancy shall be filled by the cooperative school board. A member appointed to fill a vacancy under this subparagraph shall serve until the next district election when the voters of the district shall elect a replacement for the unexpired term.***

HB 126-L, relative to use of revolving funds by towns for maintaining recycling programs. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

Current law allows a town, by vote of its legislative body, to establish a revolving fund to “facilitate” and encourage recycling. This bill adds to that list by permitting a town to use those funds to also “maintain” a recycling program. The bill retains the authority of the local legislative body to restrict the nature and extent of any expenditures.

HB 134, relative to contingency funds in towns. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

This bill permits towns to establish contingency funds for unanticipated expenses and to make expenditures from such funds as part of the annual warrant without a special town meeting. The amendment makes all the language in the bill compatible.

Public and Municipal Affairs

March 21, 2013

2013-1076s

06/04

Amendment to HB 134

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Municipal Budget Law; Emergency Expenditures and Over Expenditures. Amend RSA 32:11 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding paragraphs I through IV, if the legislative body has by warrant article established a contingency fund in the annual budget for the purpose of unanticipated expenses, the board of selectmen may expend funds from such account to meet the costs of such expenses.

HB 347, authorizing cottage housing development as an innovative land use control. Inexpedient to Legislate, Vote 5-0. Senator Lasky for the committee.

This bill seeks to establish a specific development type called “Cottage Housing” as an innovative land use tool for local land use boards. The committee believes communities already have the authority to use this type of development as a land use mechanism. Architectural standards also put forth in the bill would be better addressed in a local ordinance, not in statute.

TRANSPORTATION

HB 444, establishing a committee to study the use of autonomous vehicles in New Hampshire. Inexpedient to Legislate, Vote 5-0. Senator Gilmour for the committee.

This bill would establish a committee to study the use of autonomous vehicles in New Hampshire. After hearing the testimony from the disabilities group, Granite State Independent Living, and the Department of Safety, the Committee determined that there is a consensus that although this technology will offer great opportunities in the future, the bill is premature due to the fact that the data needed to study it is not yet available. There is a need for caution in regards to this technology in order to prevent the implementation of legislation that is too hasty and could ultimately harm the future of this technology in New Hampshire.

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

SPECIAL ORDER

Without objection SB 195 is Special-Ordered to the end of the Regular Calendar. Adopted by the necessary 2/3 vote.

Without objection HB 232 is Special-Ordered to the next Calendar. Adopted by the necessary 2/3 vote.

REGULAR CALENDAR REPORTS

COMMERCE

SB 169, relative to non-covered services under dental insurance plans. Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Commerce

March 20, 2013

2013-1051s

06/09

Amendment to SB 169

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

1 Findings and Purpose. This act is intended to prohibit the practice where dental and healthcare plans establish fees for services to be provided by a dental provider that are not covered by the plan. For a dental or healthcare plan to require a discount, the service has to be covered by the plan at a rate that is determined in good faith and not nominal. The prohibition in this act is intended to be broadly construed to apply to all dental and healthcare plans available in New Hampshire.

2 New Section; Dental Services; Individual. Amend RSA 415 by inserting after section 6-r the following new section:

415:6-s Dental Services.

I. No insurer, health maintenance organization, health service corporation, dental insurer, or any other similar entity, including Delta Dental Plan of New Hampshire, Inc., offering an accident or sickness policy that covers dental services, subject to regulation by the department of insurance, and no contract or participating provider agreement with a dentist shall require, directly or indirectly, that a dentist who is a participating provider provide services to an enrolled participant at a fee set by, or at a fee subject to the approval of, the regulated entity unless the dental services are covered dental services.

II. In this section "covered dental services" means dental services for which reimbursement is available under an enrollee's plan contract, or for which reimbursement would be available but for the application of contractual limitations such as deductibles, copayments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or any other limitation.

III. Carriers offering dental coverage shall inform covered persons in the plan description that no in-network discount is available under the plan contract for services that are not covered dental services.

3 New Section; Dental Services; Group. Amend RSA 415 by inserting after section 18-w the following new section:

415:18-x Dental Services.

I. No insurer, health maintenance organization, health service corporation, dental insurer, or any other similar entity, including Delta Dental Plan of New Hampshire, Inc., offering a general blanket or group policy that covers dental services, subject to regulation by the department of insurance, and no contract or participating provider agreement with a dentist shall require, directly or indirectly, that a dentist who is a participating provider provide services to an enrolled participant at a fee set by, or at a fee subject to the approval of, the regulated entity unless the dental services are covered dental services.

II. In this section "covered dental services" means dental services for which reimbursement is available under an enrollee's plan contract, or for which reimbursement would be available but for the application of contractual limitations such as deductibles, copayments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or any other limitation.

III. Carriers offering dental coverage shall inform covered persons in the plan description that no in-network discount is available under the plan contract for services that are not covered dental services.

4 New Section; Dental Services; Discount Medical Plan Organizations. Amend RSA 415-I by inserting after section 5 the following new section:

415-I:5-a Dental Services.

I. No entity subject to regulation by or registration with the department of insurance under this chapter, that covers dental services, and no contract or participating provider agreement between any such entity and a dentist shall require, directly or indirectly, that a dentist who is a participating provider provide services to a plan member at a fee set by, or at a fee subject to the approval of, the regulated entity unless the dental services are covered dental services.

II. In this section "covered dental services" means dental services for which reimbursement is available to a plan member, or for which reimbursement would be available but for the application of contractual limitations such as deductibles, copayments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or any other limitation.

III. An entity offering a discount medical plan subject to this chapter dental coverage shall inform covered persons in the plan description that no in-network discount is available under the plan contract for services that are not covered dental services.

5 New Section; Dental Services; Health Service Corporations. Amend RSA 420-A by inserting after section 17-g the following new section:

420-A:17-h Dental Services.

I. No health service corporation subject to regulation by the department of insurance, or any similar corporation licensed under the laws of another state, that issue or renews any policy of accident or health insurance that covers dental services, and no contract or participating provider agreement with a dentist shall require, directly or indirectly, that a dentist who is a participating provider provide services to a certificate holder at a fee set by, or at a fee subject to the approval of, the regulated entity unless the dental services are covered dental services.

II. In this section “covered dental services” means dental services for which reimbursement is available under a certificate holders insurance contract, or for which reimbursement would be available but for the application of contractual limitations such as deductibles, copayments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or any other limitation.

III. Health service corporations offering dental coverage shall inform certificate holders in the plan description that no in-network discount is available under the insurance contract for services that are not covered dental services.

6 New Section; Dental Services; Health Maintenance Organizations. Amend RSA 420-B by inserting after section 12 the following new section:

420-B:12-a Dental Services.

I. No health maintenance organization subject to regulation by the department of insurance, that covers dental services, and no contract or participating provider agreement with a dentist shall require, directly or indirectly, that a dentist who is a participating provider provide services to an enrolled participant at a fee set by, or at a fee subject to the approval of, the regulated entity unless the dental services are covered dental services.

II. In this section “covered dental services” means dental services for which reimbursement is available under an enrollee’s policy or plan contract, or for which reimbursement would be available but for the application of contractual limitations such as deductibles, copayments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or any other limitation.

III. Health maintenance organizations offering dental coverage shall inform enrolled participants in the evidence of coverage that no in-network discount is available under the policy or plan contract for services that are not covered dental services.

7 New Section; Dental Services; Managed Care. Amend RSA 420-J by inserting after section 8-d the following new section:

420-J:8-e Dental Services.

I. No health carrier subject to regulation by the department of insurance, that covers dental services, and no contract or participating provider agreement with a dentist shall require, directly or indirectly, that a dentist who is a participating provider provide services to a covered person at a fee set by, or at a fee subject to the approval of, the regulated entity unless the dental services are covered dental services.

II. In this section “covered dental services” means dental services for which reimbursement is available under a covered person’s health benefit plan, or for which reimbursement would be available but for the application of contractual limitations such as deductibles, copayments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or any other limitation.

III. Health carriers offering dental coverage shall inform covered persons in the evidence of coverage that no in-network discount is available under the plan contract for services that are not covered dental services.

8 Delta Dental; Dental Services. Amend RSA 420-F:1, III to read as follows:

III. Delta shall be governed by this chapter and shall be exempt from this title, except for the provisions of RSA 400-A:39, RSA 402-C, RSA 404-F, RSA 415:18, XVI, relative to continuation of coverage, ***RSA 415:6-s, RSA 415:18-x, RSA 415-I:5-a, RSA 420-A:17-h, RSA 420-B:12-a***, RSA 420-G:11, II, II-a and III, ***RSA 420-J:8-e***, and 1961, 345; provided, however, if any of the provisions of 1961, 345 are inconsistent with this chapter the provisions of this chapter shall prevail. Delta and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

9 Effective Date. This act shall take effect July 1, 2014.

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

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9

March 27, 2013

2013-1144s

06/01

Floor Amendment to SB 169

Amend RSA 415-I:5-a, III as inserted by section 4 of the bill by replacing it with the following:

III. An entity offering a discount medical plan subject to this chapter with dental coverage shall inform covered persons in the plan description that no in-network discount is available under the plan contract for services that are not covered dental services.

Amend RSA 420-A:17-h, I as inserted by section 5 of the bill by replacing it with the following:

I. No health service corporation subject to regulation by the department of insurance, or any similar corporation licensed under the laws of another state, that issues or renews any policy of accident or health insurance that covers dental services, and no contract or participating provider agreement with a dentist shall require, directly or indirectly, that a dentist who is a participating provider provide services to a certificate holder at a fee set by, or at a fee subject to the approval of, the regulated entity unless the dental services are covered dental services.

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.

ENERGY AND NATURAL RESOURCES

SB 16, relative to the taking of red deer or elk. Inexpedient to Legislate, Vote 4-1. Senator Prescott for the committee.

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

SB 99, relative to the process for applying for a certificate for an energy facility. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Energy and Natural Resources

March 21, 2013

2013-1085s

09/01

Amendment to SB 99

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

AN ACT establishing a one-year moratorium on acceptance of applications for new wind powered electric generating facilities and requiring 2 studies.

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

1 Moratorium. Notwithstanding any other provision of RSA 162-H, the site evaluation committee established in RSA 162-H:3 shall not accept any applications for new wind powered electric energy generating facilities for a period of one year following the effective date of this act. The purpose of this moratorium is to:

I. Provide the state with an opportunity to conduct a full review of the capacity of the site evaluation committee as presently structured and funded to meet the charge as set forth in the purpose statement of RSA 162-H:1; and

II. To allow the study committee established in section 3 of this act to propose updated siting requirements for wind powered electric generating facilities that protect the public interest.

2 Study and Report. The chairman of the site evaluation committee shall direct a study of current site evaluation criteria and identify recommendations that address funding needs, future technology expertise requirements, and staffing and make a report on its findings and recommendations to the president of the

senate, the speaker of the house of representatives, the chairman of the senate energy and natural resources committee, the chairman of the house science and technology committee, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2013.

3 Committee Established.

I. There is established a committee to study the criteria for siting of wind powered electric generating facilities.

II.(a) The members of the committee shall be as follows:

(1) Two members of the senate, appointed by the president of the senate.

(2) Five members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall examine criteria for siting of wind powered electric generating facilities that consider the impact on New Hampshire's renewable energy needs, property values, landscape, noise and any other environmental criteria, and the public interest.

IV. 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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the chairman of the senate energy and natural resources committee, the chairman of the house science and technology committee, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2013.

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

2013-1085s

AMENDED ANALYSIS

This bill establishes a one-year moratorium on acceptance of applications for new wind powered electric generating facilities and requires 2 studies.

The Chair ruled Committee Amendment 1085s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 1085s to SB 99. Adopted by the necessary 2/3 vote.

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

Sens. Bradley, Bragdon, and Prescott are in favor of the Committee Amendment to SB 99.

Sen. Woodburn offered a floor amendment.

Sen. Forrester, Dist. 2

Sen. Woodburn, Dist. 1

March 26, 2013

2013-1123s

09/04

Floor Amendment to SB 99

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

AN ACT relative to the acceptance of applications and issuance of certificates for new electric energy generating facilities, including wind powered facilities, and elective electric transmission facilities and requiring the office of energy and planning to contract for a study of site evaluation criteria.

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

1 Moratorium. Notwithstanding any other provision of RSA 162-H, the site evaluation committee established in RSA 162-H:3 shall not accept any applications or issue any certificates for new electric energy generating

facilities, including wind powered facilities, and elective electric transmission facilities for a period of one year following the effective date of this act. The purpose of this moratorium is to further the public interest by providing the state with an opportunity to conduct a full review of the capacity of the site evaluation committee as presently structured and funded to meet the charge as set forth in the purpose statement of RSA 162-H:1.

2 Study and Report. The office of energy and planning shall, after consulting with the senate energy and natural resources committee and the house science, technology and energy committee, contract with an outside vendor to perform a study of current site evaluation criteria and identify recommendations that address funding needs, future technology expertise requirements, and staffing and make a report to the speaker of the house of representatives, the president of the senate, the senate clerk, the house clerk, and the state library on or before December 1, 2013. Notwithstanding the provisions of RSA 362-F:10, the source of funding for the study shall be the renewable energy fund in an amount not to exceed \$200,000.

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

2013-1123s

AMENDED ANALYSIS

This bill requires the site evaluation committee to stop accepting applications or issuing certificates for new electric energy generating facilities, including wind powered facilities, and elective electric transmission facilities for a year and to study current site evaluation criteria. The bill also requires the office of energy and planning to contract for a study of site evaluation criteria.

The Chair ruled Committee Amendment 1123s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Floor Amendment 1123s to SB 99. Adopted by the necessary 2/3 vote.

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. Woodburn, seconded by Sen. Forrester.

The following Senators voted Yes: Woodburn, Forrester, Sanborn, Bragdon.

The following Senators voted No: Bradley, Watters, Pierce, Cataldo, Hosmer, Odell, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Morse, Prescott, Stiles.

Yeas: 4 - Nays: 20

Failed.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

March 28, 2013

2013-1165s

06/09

Floor Amendment to SB 99

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

AN ACT requiring the site evaluation committee to direct a study of site evaluation criteria and establishing a committee to study the criteria for siting of wind powered electric generating facilities, other electric generating facilities, and transmission facilities.

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

1 Study and Report. The office of energy and planning shall, after consulting with the senate energy and natural resources committee and the house science, technology and energy committee, contract with an outside vendor to perform a study of current site evaluation criteria and identify recommendations that address funding needs, future technology expertise requirements, and staffing and make a report to the speaker of the house of representatives, the senate clerk, the house clerk, and the state library on or before December 1, 2013. Notwithstanding the provisions of RSA 362-F:10, the source of funding for the study shall be the renewable energy fund in an amount not to exceed \$200,000.

2 Committee Established.

I. There is established a committee to study the criteria for siting of wind powered electric generating facilities, other electric generating facilities, and transmission facilities.

II.(a) The members of the committee shall be as follows:

(1) Two members of the senate, appointed by the president of the senate.

(2) Five members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall examine criteria for siting of wind powered electric generating facilities, other electric energy facilities, and transmission facilities that consider the impact on New Hampshire's renewable energy needs, property values, landscape, noise and any other environmental criteria, the public interest, and the potential for job creation.

IV. 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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the chairman of the senate energy and natural resources committee, the chairman of the house science and technology committee, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2013.

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

2013-1165s

AMENDED ANALYSIS

This bill requires the site evaluation committee to direct a study of site evaluation criteria and establishes a committee to study the criteria for siting of wind powered electric generating facilities, other electric generating facilities, and transmission facilities.

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

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.

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

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

The following Senators voted No: Reagan.

Yeas: 23 - Nays: 1

Adopted, bill ordered to Third Reading.

SB 110, directing the department of environmental services to adopt rules relative to its 2009 numeric nutrient criteria for the Great Bay Estuary. 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.

SB 148-FN, relative to electric renewable portfolio standards. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources

March 20, 2013

2013-1069s

09/01

Amendment to SB 148-FN

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

1 Minimum Electric Renewable Portfolio Standards. Amend RSA 362-F:3 to read as follows:

362-F:3 Minimum Electric Renewable Portfolio Standards. For each year specified in the table below, each provider of electricity shall obtain and retire certificates sufficient in number and class type to meet or exceed the following percentages of total megawatt-hours of electricity supplied by the provider to its end-use customers that year, except to the extent that the provider makes payments to the renewable energy fund under RSA 362-F:10, II:

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2025</u>
Class I	0.0%	0.5%	1%	2%	3%	4%	5%	6%	15% (*)
Class II	0.0%	0.0%	0.04%	0.08%	0.15%	0.2%	0.3%	0.3%	0.3%
Class III	3.5%	4.5%	5.5%	6.5%	6.5%	[6.5%] 3.0%	[7.0%] 3.0%	8.0%	8.0%
Class IV	0.5%	1%	1%	1%	1%	1.3%	1.4%	1.5%	1.5%

*Class I increases an additional 0.9 percent per year from 2015 through 2025. A set percentage of the class I totals shall be satisfied annually by the acquisition of renewable energy certificates from qualifying renewable energy technologies producing useful thermal energy as defined in RSA 362-F:2, XV-a. The set percentage shall be 0.2 percent in 2013, 0.4 percent in 2014, and increased annually by 0.2 percent per year from 2015 through 2025. Classes II-IV remain at the same percentages from 2015 through 2025 except as provided in RSA 362-F:4, V-VI.

2 Electric Renewable Energy Classes; Class I (New). Amend the introductory paragraph to RSA 362-F:4, I to read as follows:

I. Class I (New) shall include the production of electricity or useful thermal energy from any of the following, provided the source began operation after January 1, 2006 ***if a source of electricity and January 1, 2013 if a source of useful thermal energy provided that the thermal load had not previously been served by a renewable source***, except as noted below:

3 Electric Renewable Energy Classes. Amend RSA 362-F:4, III to read as follows:

III. Class III (Existing Biomass/Methane) shall include the production of electricity from any of the following, provided the source began operation prior to January 1, 2006:

(a) Eligible biomass technologies having a gross nameplate capacity of 25 MWs or less.

(b) Methane gas.

(c) Municipal waste combustion, provided the technology does not have a gross nameplate capacity in excess of 6 MWs, is subject to and meets state law requirements limiting mercury emissions to a rate of 0.028 milligrams per dry standard cubic meter or less corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency, and is interconnected with an electric distribution system located in New Hampshire.

4 Renewable Energy Fund; Rates RSA 362-F:10, III is repealed and reenacted to read as follows:

III.(a) Beginning in 2013, the commission shall adjust these rates by January 31 of each year using the Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor for classes III and IV and 1/2 of such Index for classes I and II.

(b) In lieu of the adjustments under subparagraph (a) for class III in 2015, 2016 and 2017, the class rate in each of those years shall be \$45.

(c) By January 31, 2018 the commission shall compute the 2018 class III rate to equal the rate that would have resulted in 2018 by the application of subparagraph (a) to the 2013 rate and each subsequent year's rate to 2018.

(d) In 2019 and thereafter, the class III rate shall be determined by application of subparagraph (a) to the prior year's rate.

5 New Paragraph; Renewable Energy Fund. Amend RSA 362-F:10 by inserting after paragraph IX the following new paragraph:

X. To the extent the moneys paid pursuant to paragraph II into the fund established under paragraph I exceed \$4,500,000 in compliance year 2012, the commission shall rebate such excess to all retail electric rate-payers in the state on a per kilowatt-hour basis, in a timely manner to be determined by the commission.

6 Renewable Portfolio Standards Study Committee.

I. There is established a renewable portfolio standards study committee to study (i) whether to increase the class III alternative compliance rate for 2018 and any subsequent years, and (ii) the shortfall potential and reasons for the shortfall potential in the purchase percentage requirements of RSA 362-F:3, and (iii) creating a cap and rebate program for the renewable energy fund. The members of the committee shall be as follows:

(a) Two members of the senate who are members of the energy and natural resources committee, appointed by the president of the senate.

(b) Three members of the house of representatives who are members of the science, technology and energy committee, 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.

III. The committee shall study (i) whether to increase the class III alternative compliance rate for 2018 and any subsequent years, and, if so shall propose any such changes for formula for change; (ii) the shortfall potential and reasons for the shortfall potential in the purchase percentage requirements in RSA 362-F:3, and may propose a mechanism to provide a credit or other after the fact adjustment device against potential alternative compliance payments when the purchase percentage has not been met due to eligible facilities selling into another jurisdiction's renewable portfolio standard market; and (iii) whether to create a cap and rebate program for the renewable energy fund under RSA 362-F:10, I for future years.

IV. The committee shall solicit input from any individual or organization with relevant information or expertise.

V. 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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

VI. 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.

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

2013-1069s

AMENDED ANALYSIS

This bill make adjustments in the purchase percentage requirements and the alternative compliance payment amount and mechanism under the electric renewable portfolio standards law.

This bill also establishes a renewable portfolio standards study committee.

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.

SB 163, establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal hazards. Ought to Pass, Vote 5-0. Senator Fuller Clark for the committee.

Sen. Watters offered a floor amendment.

Sen. Watters, Dist. 4

March 27, 2013

2013-1154s

08/04

Floor Amendment to SB 163

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

AN ACT establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal and coastal watershed hazards.

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

1 New Chapter; Coastal Risk and Hazards Commission. Amend RSA by inserting after chapter 483-D the following new chapter:

CHAPTER 483-E
COASTAL RISK AND HAZARDS COMMISSION

483-E:1 There is established a coastal risk and hazards commission.

483-E:2 Membership and Compensation.

I. The members of the commission shall be as follows:

- (a) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) Two members of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of environmental services, or designee.
- (d) The executive director of the fish and game department, or designee.
- (e) The administrator of the bureau of public works design and construction, or designee.
- (f) The commissioner of the department of transportation, or designee.
- (g) The director of the division of parks and recreation, or designee.
- (h) The director of the division of historical resources, or designee.
- (i) The president of the Seacoast Board of Realtors, or designee.
- (j) The director of the New Hampshire Sea Grant, or designee.
- (k) A representative of the New Hampshire Public Risk Management Exchange, appointed by the exchange.
- (l) The director of the office of energy and planning, or designee.
- (m) The president of the Homebuilders and Remodelers Association of New Hampshire, or designee.
- (n) The commissioner of the department of resources and economic development, or designee.
- (o) The president of the university of New Hampshire, or designee.
- (p) A representative of the New Hampshire Municipal Association, appointed by that organization.
- (q) A representative of the Strafford county regional planning board, appointed by that body.
- (r) A representative of the Rockingham county regional planning board, appointed by that body.
- (s) One representative of each of the following towns, appointed by his or her town's governing body: Rollinsford, Greenland, Stratham, Exeter, Newfields, Newmarket, Portsmouth, Rye, North Hampton, Hampton, Dover, Hampton Falls, Seabrook, Newington, New Castle, Madbury, and Durham.

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

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

483-E:3 Duties.

I. The commission shall recommend legislation, rules, and other actions to prepare for projected sea level rise and other coastal and coastal watershed hazards such as storms, increased river flooding, and storm water runoff, and the risks such hazards pose to municipalities and state assets in New Hampshire.

II. The commission shall review National Oceanic and Atmospheric Administration and other scientific agency projections of coastal storm inundation, and flood risk to determine the appropriate information, data, and property risks.

III. The commission shall meet 4 times per year.

IV. The commission shall annually 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.

2 Repeal. RSA 483-E, relative to the coastal risk and hazards commission, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 1, 2016.

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

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.

SB 167, relative to groundwater. Inexpedient to Legislate, Vote 5-0. 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. Larsen, seconded by Sen. Soucy.

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

The following Senators voted No: Reagan.

Yeas: 22 - Nays: 1

Adopted.

Sen. Prescott asserts Rule 6-25 on SB 167.

SB 175, relative to crossing public waters of the state for public utility purposes. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources

March 20, 2013

2013-1067s

06/01

Amendment to SB 175

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

1 Rights in Public Waters and Lands; Licenses for New Poles. Amend the section heading of RSA 371:17 to read as follows:

371:17 [~~Petition~~] ***Licenses for New Poles.***

2 New Sections; Rights in Public Waters and Lands; Existing Utility Poles. Amend RSA 371 by inserting after section 17 the following new sections:

371:17-a License by Notification of New Attachments on Existing Utility Poles. Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility other than electric or gas should construct a cable, conduit, or wires and fixtures upon an existing line of poles or towers over, under, or across any of the public waters of this state, or over, under, or across any of the land owned by this state, the public utility shall file written notification with the commission for a license to construct and maintain such cable, conduit, or wires and fixtures. In this section, "public waters" means all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the commission may prescribe. Every corporation and individual desiring to cross any public waters or land for the purposes of this section shall file written notification in the same manner prescribed for a public utility. The notification shall include a description of the specific geographic and pole locations of the crossing and verification that there is a valid pole attachment license or that an application for a pole attachment license has been submitted to the utility or utilities that own such poles or towers. The notification shall include an affidavit signed by the responsible officer confirming that the crossing

shall be completed in compliance with such pole attachment license and the National Electrical Safety Code. Upon receipt of such notification, no further inquiries or investigations by the commission shall be required in granting the requested license.

371:17-b License by Notification of Existing Crossings on Existing Poles. Existing crossings on existing poles as of the effective date of this section, not previously licensed, shall be considered temporarily licensed without further inquiries or investigations. Any party seeking a license under this section shall file a complete list identifying the specific geographic and pole locations of each existing crossing with the commission within 2 years of the effective date of this section. Upon receipt of such list, no further inquiries or investigations by the commission shall be undertaken and the commission shall issue a final license. Any temporary license shall expire upon the issuance of a final license.

3 Rights in Public Waters and Lands; Exception. Amend RSA 371:18 to read as follows:

371:18 Exception. The requirement for petition to and hearing by the commission as provided in RSA 371:17 shall not be required when the license is requested by the public utility for the exclusive purpose of furnishing facilities to, *or relocating facilities at the request of*, the state, or any department or agency thereof. ***All such crossings shall comply with the National Electrical Safety Code.***

4 Notice to Attorney General. Amend RSA 371:19 to read as follows:

371:19 Notice to Attorney General. The commission shall cause due notice of said petition to be given to the attorney general, and to such owners of lands bordering on such public waters as the commission may designate in its order of notice, which shall state the time and place appointed for hearing on said petition. ***Nothing in this section shall apply to filings under RSA 371:17-a or RSA 371:17-b.***

5 Hearing; Order. Amend RSA 371:20 to read as follows:

371:20 Hearing; Order. The commission shall hear all parties interested; and, in case it shall find that the license petitioned for, subject to such modifications and conditions, if any, and for such period as the commission may determine, may be exercised without substantially affecting the public rights in said waters or lands, it shall render judgment granting such license. Provided, however, that such license may be granted without hearing when all interested parties are in agreement ***and in cases involving filings made under RSA 371:17-a and RSA 371:17-b. The executive director of the commission may issue licenses under RSA 371:17-a and RSA 371:17-b.***

6 Repeal. RSA 371:22, relative to deeds, is repealed.

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

2013-1067s

AMENDED ANALYSIS

This bill requires the public utilities commission to issue a temporary license to construct and maintain a pipeline, cable, conduit, or a line of poles or towers across land or water owned by the state to certain entities that provide an affidavit that the crossing will be completed in compliance with the pole attachment license and the National Electric Safety Code.

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.

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

FINANCE

SB 4-FN-A, establishing a scholarship program for New Hampshire residents to attend any New Hampshire public postsecondary education institution. Ought to Pass with Amendment, Vote 6-0. Senator Morse for the committee.

Senate Finance

March 21, 2013

2013-1084s

04/01

Amendment to SB 4-FN-A

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

1 New Subdivision; Making Opportunities Occur for Student Excellence (MOOSE) Scholarship Program. Amend RSA 21-N by inserting after section 11 the following new subdivision:

Making Opportunities Occur for Student Excellence
(MOOSE) Scholarship Program

21-N:12 Definitions. In this subdivision:

I. "Commission" means the higher education commission established in RSA 21-N:8-a.

II. "Eligible educational institution" means any institution within the university system of New Hampshire as defined in RSA 187-A or any institution within the community college system of New Hampshire as defined in RSA 188-F.

III. "Full-time" means a student enrolled in 12 credits or more per semester at an eligible educational institution.

IV. "Part-time" means a student enrolled in 6-11 credits or more per semester at an eligible educational institution.

V. "Program" means the making opportunities occur for student excellence (MOOSE) program.

VI. "Tuition" means the amount charged to a student for registering for credit hours of instruction, and shall not include any other fees, charges, or costs of textbooks.

21-N:13 Program Established. There is hereby established the making opportunities occur for student excellence (MOOSE) scholarship program in the department of education, division of higher education, and which shall be administered by the commission. The program shall provide scholarships of up to \$1,000 per academic year for full-time students and up to \$500 per academic year for part-time students enrolled at an eligible educational institution within the university system of New Hampshire or the community college system of New Hampshire. All scholarships granted under this subdivision shall be applied toward tuition at an eligible educational institution.

21-N:14 Eligibility.

I. A student shall meet the following eligibility requirements to be considered for a scholarship:

(a) Residency.

(1) A student shall meet the residency requirements of RSA 193:12, and be a graduate of a high school, public academy, chartered public school, or a high school-level home education program as defined in RSA 193-A, and have completed at least 3 years of high school in this state; or

(2) A student shall be a graduate of a preparatory high school outside of this state while a dependent of a parent or legal guardian who is a legal resident of this state and who has custody of the dependent; or

(3) A student whose parent or guardian has served in or has retired from the United States Army, Navy, Air Force, Marine Corps, or Coast Guard within the last 4 years and is a resident of this state.

(b) Academic Performance. A student shall have attained a minimum 3.0 cumulative grade average on a 4.0 scale or have scored at or above the national average SAT or ACT score for the year in which the student is applying.

(c) Enrollment. A student shall be enrolled as a full-time or part-time student at an eligible educational institution.

(d) Criminal Record. A student shall not have been adjudicated delinquent or convicted or pled guilty or nolo contendere to any felonies or any second or subsequent alcohol or drug-related offenses under the laws of this or any other state, or under the laws of the United States, except that an otherwise eligible student who has been adjudicated delinquent or has been convicted or pled guilty or nolo contendere to a second or subsequent alcohol or drug-related misdemeanor offense shall be eligible or continue to be eligible for a scholarship after the expiration of one academic year from the date of the adjudication, conviction, or plea.

II. In order to retain the scholarship, a recipient shall maintain a 3.0 cumulative grade point average on a 4.0 scale in each semester while maintaining full-time or part-time enrollment status.

III. If a student does not meet the eligibility requirements set forth in this section for enrollment in his or her first year but chooses to attend an eligible educational institution, the student may apply for a scholarship after his or her freshman year at such institution provided the student meets all other eligibility requirements.

IV. For home educated students, students whose high school graduating class is less than 50 students, and exceptionally gifted students who have been accepted into an eligible educational institution without having attended high school, the commission shall adopt rules pursuant to RSA 541-A defining alternative criteria, as may be necessary, for such students to qualify for a scholarship under this subdivision.

21-N:15 Administrative Provisions.

I. A student may receive a scholarship for not more than 8 semesters of undergraduate study for a 4-year degree program, or 4 semesters of undergraduate study for a 2-year degree program, or a certificate program. Students pursuing graduate studies shall not be eligible for a scholarship under this subdivision.

II. A student transferring from one eligible educational institution of this state to another shall retain eligibility for a scholarship if he or she continues to meet the eligibility requirements of this subdivision.

III. A scholarship recipient enrolled at an eligible educational institution may pursue a study-abroad program or other out-of-state program, if approved by the student's educational institution. A summer school program may be substituted for one fall or spring semester in any year.

IV. Any credit hours attempted or earned before high school graduation or through advanced placement examinations shall not count toward the semester credit hours requirement under RSA 21-N:14, II.

V. No scholarship funds shall be applied to the costs of continuing education or remedial courses.

21-N:16 MOOSE Scholarship Fund Established.

I. There is hereby established in the office of the treasurer the MOOSE scholarship fund which shall be kept distinct and separate from all other funds. The fund shall provide scholarships for the benefit of eligible residents of the state pursuing programs of study at an eligible educational institution within the state.

II. The state treasurer shall credit to the fund any appropriation relating to the MOOSE scholarship program made to the department of education, division of higher education for each fiscal year. The state treasurer shall invest the fund in accordance with RSA 6:8. Any earnings on trust fund moneys shall be added to the fund.

III. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the commission for purposes of providing scholarships under this subdivision.

IV. The commission may institute promotional programs and solicit and receive gifts or donations of any kind for the purpose of supporting educational scholarships from the fund. Notwithstanding any provision of law to the contrary, the commission may accept gifts to the fund including, but not limited to, cash gifts and real or personal property, without the approval of the governor and council.

V. All gifts, grants, and donations of any kind shall be credited to the fund.

21-N:17 Rulemaking. The commission shall adopt rules pursuant to RSA 541-A to establish forms and procedures necessary to administer the provisions of this subdivision.

21-N:18 Reports.

I. All eligible educational institutions participating in the MOOSE program shall annually report enrollment and other relevant data to the commission

II. The commission shall monitor the distribution of grades at eligible educational institutions which receive scholarship funds under this subdivision.

2 New Subparagraph; Application of Receipts; MOOSE Scholarship Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (310) the following new subparagraph:

(311) Moneys deposited into the MOOSE scholarship fund established in RSA 21-N:16.

3 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2014 and the sum of \$1 for the fiscal year ending June 30, 2015 are hereby appropriated to the MOOSE scholarship fund established in RSA 21-N:16. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Applicability. The eligible institutions shall initiate review of applicants for scholarships under the MOOSE program beginning with the 2016-2017 school year.

5 Effective Date.

I. RSA 21-N:12 – RSA 21-N:15 and RSA 21-N:17-18 as inserted by section 1 of this act shall take effect July 1, 2016.

II. Section 4 of this act shall take effect July 1, 2016.

III. The remainder of this act shall take effect July 1, 2013.

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. Sanborn, seconded by Sen. Carson.

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

The following Senators voted No: Woodburn.

Yeas: 23 - Nays: 1

Adopted.

MOTION OF RECONSIDERATION

Sen. Bradley, having voted on the prevailing side, moved to reconsider SB 4-FN-A, the bill having previously been found Ought to Pass with 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. Sanborn, seconded by Sen. Carson.

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

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted.

Sen. Morse moved to Lay on the Table SB 4-FN-A. Adopted.

SB 27, relative to monitoring by the department of education of programs for children with disabilities. Ought to Pass, Vote 5-0. Senator Morse for the committee.

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

SB 75, relative to games of chance. 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.

Sen. Hosmer is in opposition to the motion of Ought to Pass on SB 75.

SB 103, relative to beaching, grounding, or tying a boat to shore. Ought to Pass, Vote 6-0. Senator Odell for the committee.

Sen. Odell moved to Lay on the Table SB 103. Adopted.

SB 123-FN-L, relative to the use of proceeds from the regional greenhouse gas initiative program. Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

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

A roll call was requested by Sen. Fuller Clark, seconded by Sen. Larsen.

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

The following Senators voted No: Sanborn.

Yeas: 23 - Nays: 1

Adopted, bill ordered to Third Reading.

SB 129-FN, relative to court-ordered placements in shelter care facilities and at the Sununu Youth Services Center, relative to the children in need of services (CHINS) program, and establishing a committee to study programs for children in need. Ought to Pass, Vote 6-0. Senator Morse for the committee.

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

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

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

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

SB 134-FN, relative to the division of higher education and the higher education commission. Ought to Pass, Vote 5-0. Senator Morse for the committee.

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

SB 143-FN, relative to benefits for unemployed persons who are attempting to establish a business. Ought to Pass, Vote 4-2. Senator Larsen for the committee.

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

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

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

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

Yeas: 19 - Nays: 5

Adopted, bill ordered to Third Reading.

SB 147-FN, relative to prescription drugs in workers' compensation cases. Ought to Pass, Vote 5-0. 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.

SB 162-FN, repealing the student tuition guaranty fund and making provisions for the disbursement of remaining funds, and relative to the membership of the higher education commission. Ought to Pass, Vote 5-0. 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.

SB 168-FN-A-L, appropriating funds to the department of environmental services for the purpose of funding eligible and completed drinking water, wastewater, and landfill closure projects under the state aid grant program. Ought to Pass, Vote 5-0. Senator Morse for the committee.

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

Sen. Morse moved to Lay on the Table SB 168-FN-A-L. Adopted.

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

Sen. Odell presiding.

SB 180-FN-A, establishing a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud, continually appropriating a special fund and making an appropriation therefor. Ought to Pass with Amendment, Vote 5-1. Senator D'Allesandro for the committee.

Senate Finance

March 21, 2013

2013-1083s

01/05

Amendment to SB 180-FN-A

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

AN ACT establishing a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud and continually appropriating a special fund.

Amend RSA 359-M:2 as inserted by section 1 of the bill by replacing it with the following:

359-M:2 FRM Recovery Fund Established.

I. There is hereby established the FRM recovery fund. The fund shall be nonlapsing and continually appropriated to the committee.

II. The fund shall consist of the following amounts:

(a) Moneys contributed by the bureau of securities regulation which amount to 50 percent of all income collected by such agency in excess of what is necessary for it to meet its budget, and 50 percent of the income from any undesignated funds received from settlements obtained by the department of justice; and

(b) Moneys appropriated by the general court.

III. After deducting administrative costs, the fund shall be used for awarding recovery assistance pursuant to this chapter.

IV. On the last day of each fiscal year, each agency listed in subparagraph II(a) shall remit to the treasurer the amount designated in subparagraph II(a) for deposit into the fund.

V. The total amount in the fund less costs of administration shall be distributed on a pro rata basis to qualifying claimants annually on December 31 until all such claims are satisfied.

Amend the bill by deleting section 5 and renumbering the original section 6 to read as 5.

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.

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

President Bragdon presiding.

SB 184-FN, excluding conservation officers of the fish and game department from requirements for emergency medical and trauma services. Ought to Pass, Vote 5-0. Senator Forrester for the committee.

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

SB 191-FN-A, establishing a state energy strategy. Ought to Pass, Vote 4-1. 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.

HEALTH, EDUCATION AND HUMAN SERVICES

SB 55, allowing a waiver for certain transportable cooking devices. Inexpedient to Legislate, Vote 4-0. Senator Reagan for the committee.

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

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

SB 193-FN, relative to dental therapists and access to oral health care. Re-refer to committee, Vote 4-0. Senator Gilmour for the committee.

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

HB 236, relative to membership of the council on autism spectrum disorders. Ought to Pass, Vote 4-0. Senator Reagan for the committee.

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

HB 251, relative to the legislative members of the home education advisory council. Inexpedient to Legislate, Vote 4-0. Senator Sanborn for the committee.

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

JUDICIARY

SB 25, relative to the treatment of medical support in child support cases. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

Senate Judiciary

March 19, 2013

2013-1039s

05/03

Amendment to SB 25

Amend the bill by replacing section 3 with the following:

3 Child Support Formula; Calculation of Self-Support Reserve. Amend RSA 458-C:3, IV(b) to read as follows:

(b) If the obligor parent's gross income is greater than the self-support reserve but payment of the [order] **parental support obligation** as calculated under this chapter would reduce the obligor parent's **adjusted gross** income below the self-support reserve, the [obligor parent's share of the total support obligation] **presumptive child support obligation** shall be [presumed to be] the difference between the self-support reserve and [that] **the obligor** parent's adjusted gross income, but in any event shall be no less than the amount of a minimum support order.

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.

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

SB 108, relative to the liability of landowners who permit use of their land for recreational activities. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

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

Sen. Carson moved Ought to Pass.

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

March 25, 2013

2013-1098s

05/10

Floor Amendment to SB 108

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

1 New Subparagraph; Ancillary Facilities. Amend RSA 212:34, I by inserting after subparagraph (d) the following new subparagraph:

(e) "Ancillary facilities" means facilities commonly associated with outdoor recreational activities, including but not limited to, parking lots, warming shelters, restrooms, outhouses, bridges, and culverts.

2 New Paragraph; Landowner Liability; Duty of Care. Amend RSA 212:34 by inserting after paragraph II the following new paragraph:

II-a. A landowner who permits the use of his or her land for outdoor recreational activity pursuant to this section and who does not charge a fee or seek any other consideration in exchange for allowing such use, owes no duty of care to persons on the premises who are engaged in the construction, maintenance, or expansion of trails or ancillary facilities for outdoor recreational activity.

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

2013-1098s

AMENDED ANALYSIS

This bill provides that landowners who permit the use of their land for outdoor recreational activity owe no duty of care to individuals engaged in the construction, maintenance, or expansion of trails or ancillary facilities for such activity.

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.

SB 109, relative to liability for the use of ethanol-enhanced motor fuel. 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.

SB 166, relative to critical incident stress management and crisis intervention services. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Judiciary

March 19, 2013

2013-1036s

03/05

Amendment to SB 166

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

1 New Section; Emergency Medical and Trauma Services; Critical Incident Intervention and Management. Amend RSA 153-A by inserting after section 17 the following new section:

153-A:17-a Critical Incident Intervention and Management.

I. In this section:

(a) "Critical incident" means an event or events that result in acute or cumulative psychological stress or trauma to an emergency service provider as a result of response to the incident.

(b) "Critical incident stress" means an unusually strong emotional, cognitive, or physical reaction that has the potential to interfere with normal functioning and that results from the response to a critical incident or long-term occupational exposure to a series of critical incident responses over a period of time that are believed to be causing debilitating stress that is affecting an emergency service provider and his or her work performance or family situation. This may include, but is not limited to, physical and emotional illness, failure of usual coping mechanisms, loss of interest in the job, personality changes, or loss of ability to function.

(c) "Critical incident stress management" means a process of crisis intervention designed to assist emergency service providers in coping with the psychological trauma resulting from response to a critical incident.

(d) "Critical incident stress management and crisis intervention services" means consultation, counseling, debriefing, defusing, intervention services, management, prevention, and referral provided by a critical incident stress management team member.

(e) "Critical incident stress management team" or "team" means the group of one or more trained volunteers, including members of peer support groups organized by a unit of state, local, or county government who offer critical incident stress management and crisis intervention services following a critical incident or long term or continued, debilitating stress being experienced by emergency services providers and affecting them or their family situation.

(f) "Critical incident stress management team member" or "team member" means an emergency services provider, including any law enforcement officer, sheriff or deputy sheriff, state police officer, civilian law enforcement employee, firefighter, civilian fire department employee, and emergency medical personnel, specially trained to provide critical incident stress management and crisis intervention services as a member of an organized and registered team.

II.(a) Team members shall undergo and sustain certification standards set forth in guidelines established by the International Critical Incident Stress Foundation (ICISF) approved by the commissioner of the department of safety, or a similar organization for which the commissioner shall not unreasonably withhold approval. The team shall be registered with ICISF, or a similar organization, and maintain training standards to date as required.

(b) All critical incident stress management team members, sworn or civilian, shall be designated by the police chief, sheriff, commander of the state police, fire chief, or director of emergency services.

III.(a) Any information divulged to the team or a team member during the provision of critical incident stress management and crisis intervention services shall be kept confidential and shall not be disclosed to a third party or in a criminal, civil, or administrative proceeding. Records kept by critical incident stress management team members are not subject to subpoena, discovery, or introduction into evidence in a criminal, civil, or administrative action. Except as provided in subparagraph (c), no person, whether critical incident stress management team member or team leader providing or receiving critical incident stress management and crisis intervention services, shall be required to testify or divulge any information obtained solely through such crisis intervention.

(b) The purpose of this section is to provide a consistent framework for the operation of critical incident stress management teams and their members. In any civil action against any individual, agency, or government entity, including the state of New Hampshire, arising out of the conduct of a member of such team, this section is not intended and shall not be admissible to establish negligence in any instance where requirements herein are higher than the standard of care that would otherwise have been applicable in such action under state law, nor is it intended or shall it be used to nullify or add to the terms and conditions of any collective bargaining agreement now or in the future negotiated between management and labor.

(c) A communication shall not be deemed confidential pursuant to this section if:

(1) The communication indicates the existence of a danger to the individual who receives critical incident stress management and crisis intervention services or to any other person or persons.

(2) The communication indicates the existence of past child abuse or neglect of the individual, abuse of an adult as defined by law, or family violence as defined by law.

(3) The communication indicates the existence of past or present acts constituting an intentional tort or crime, provided the applicable statute of limitation has not expired on the act indicated.

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

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

Sen. Boutin offered a floor amendment.

Sen. Boutin, Dist. 16

Sen. Carson, Dist. 14

Sen. Soucy, Dist. 18

March 27, 2013

2013-1149s

03/05

Floor Amendment to SB 166

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

1 New Section; Emergency Medical and Trauma Services; Critical Incident Intervention and Management. Amend RSA 153-A by inserting after section 17 the following new section:

153-A:17-a Critical Incident Intervention and Management.

I. In this section:

(a) "Critical incident" means an event or events that result in acute or cumulative psychological stress or trauma to an emergency service provider as a result of response to the incident.

(b) "Critical incident stress" means an unusually strong emotional, cognitive, or physical reaction that has the potential to interfere with normal functioning and that results from the response to a critical incident or long-term occupational exposure to a series of critical incident responses over a period of time that are believed to be causing debilitating stress that is affecting an emergency service provider and his or her work performance or family situation. This may include, but is not limited to, physical and emotional illness, failure of usual coping mechanisms, loss of interest in the job, personality changes, or loss of ability to function.

(c) "Critical incident stress management" means a process of crisis intervention designed to assist emergency service providers in coping with the psychological trauma resulting from response to a critical incident.

(d) "Critical incident stress management and crisis intervention services" means consultation, counseling, debriefing, defusing, intervention services, management, prevention, and referral provided by a critical incident stress management team member.

(e) "Critical incident stress management team" or "team" means the group of one or more trained volunteers, including members of peer support groups organized by a unit of state, local, or county government who offer critical incident stress management and crisis intervention services following a critical incident or long term or continued, debilitating stress being experienced by emergency services providers and affecting them or their family situation.

(f) "Critical incident stress management team member" or "team member" means an emergency services provider, including any law enforcement officer, sheriff or deputy sheriff, state police officer, civilian law enforcement employee, firefighter, civilian fire department employee, and emergency medical personnel, specially trained to provide critical incident stress management and crisis intervention services as a member of an organized and registered team.

II.(a) Team members shall undergo and sustain certification standards set forth in guidelines established by the International Critical Incident Stress Foundation (ICISF) approved by the commissioner of the department of safety, or a similar organization for which the commissioner shall not unreasonably withhold approval. The team shall be registered with ICISF, or a similar organization, and maintain training standards to date as required.

(b) All critical incident stress management team members, sworn or civilian, shall be designated by the police chief, sheriff, commander of the state police, fire chief, or director of emergency services.

III.(a) Any information divulged to the team or a team member during the provision of critical incident stress management and crisis intervention services shall be kept confidential and shall not be disclosed to a third party or in a criminal, civil, or administrative proceeding. Records kept by critical incident stress management team members are not subject to subpoena, discovery, or introduction into evidence in a criminal, civil, or administrative action. Except as provided in subparagraph (c), no person, whether critical incident stress management team member or team leader providing or receiving critical incident stress management and crisis intervention services, shall be required to testify or divulge any information obtained solely through such crisis intervention.

(b) The purpose of this section is to provide a consistent framework for the operation of critical incident stress management teams and their members. In any civil action against any individual, agency, or government entity, including the state of New Hampshire, arising out of the conduct of a member of such team, this section is not intended and shall not be admissible to establish negligence in any instance where requirements herein are higher than the standard of care that would otherwise have been applicable in such action under state law.

(c) A communication shall not be deemed confidential pursuant to this section if:

(1) The communication indicates the existence of a danger to the individual who receives critical incident stress management and crisis intervention services or to any other person or persons.

(2) The communication indicates the existence of past child abuse or neglect of the individual, abuse of an adult as defined by law, or family violence as defined by law.

(3) The communication indicates the existence of past or present acts constituting an intentional tort or crime, provided the applicable statute of limitation has not expired on the act indicated.

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

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.

PUBLIC AND MUNICIPAL AFFAIRS

SB 120-FN, relative to political contributions and expenditures and relative to reporting by political committees. Re-refer to committee, Vote 5-0. Senator Pierce for the committee.

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

SB 186, relative to training of certain board officers of nonprofit corporations. Re-refer to committee, Vote 4-1. Senator Stiles for the committee.

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

SB 196-FN, relative to the definition of push-polling. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

Public and Municipal Affairs

March 7, 2013

2013-0792s

03/10

Amendment to SB 196-FN

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

3 Push-Polling; Identification. Amend RSA 664:16-a, I to read as follows:

I. Any person who engages in push-polling, as defined in RSA 664:2, XVII, shall ~~[inform]~~, ***prior to asking*** any person contacted ***a question relating to a candidate:***

(a) Inform the person that the telephone call is a "paid political advertisement;" and

(b) Identify the organization making the call; and

(c) Provide a valid, current, publicly-listed telephone number for the organization making the call; and

(d) Identify that the telephone call is being made on behalf of, in support of, or in opposition to a particular candidate for public office[;] ~~***and***~~ identify that candidate by name[; ~~and provide a telephone number from where the push-polling is conducted~~].

2013-0792s

AMENDED ANALYSIS

This bill modifies the definition of push-polling and the identification requirements for a person engaging in push-polling.

Sen. Pierce moved to Re-refer SB 196-FN to committee.

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

HB 198, relative to town boundary perambulation. Inexpedient to Legislate, Vote 5-0. Senator Pierce for the committee.

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

TRANSPORTATION

HB 383, relative to operation of OHRVs on the traveled portion of public highways, where permitted. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Senate Transportation

March 19, 2013

2013-1042s

10/04

Amendment to HB 383

Amend RSA 215-A:29, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. Notwithstanding provisions of this chapter to the contrary:

(a) Any person operating an OHRV along the traveled portion of a public highway, where permitted, shall be required to be licensed to drive as described in subparagraph I(b)(2); or

(b) Any person at least 12 years of age, who has successfully completed an approved snowmobile or OHRV training program, operating an OHRV along the traveled portion of a public highway, where permitted, who is not licensed to drive as described in subparagraph I(b)(2) shall be accompanied at all times by a person who is licensed to drive as described in subparagraph I(b)(2), who is at least 18 years of age, and who shall be legally responsible and be liable according to the law for personal injury or property damage to others which may result from such operation by an unlicensed person.

(c) This paragraph shall not apply to road crossings or the use of class VI highways designated as trails pursuant to RSA 215-A:6.

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 543, relative to ascertaining damages to abutting landowners. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

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

ENERGY AND NATURAL RESOURCES

SB 195, relative to wind-powered renewable energy facilities. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Energy and Natural Resources

March 21, 2013

2013-1074s

09/01

Amendment to SB 195

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

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

Sen. Sanborn offered a floor amendment.

Sen. Bradley, Dist. 3

March 28, 2013

2013-1167s

09/01

Floor Amendment to SB 195

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

1 Application for Certificate. Amend RSA 162-H:7, V(g) to read as follows:

(g) For any application for a certificate for a wind-powered renewable energy facility which operates at a capacity of up to 30 megawatts, provide a written document supporting the application signed by a majority of the governing body or bodies of the local host community or communities, or a notification of deferment to the committee.

(h) Provide such additional information as the committee may require to carry out the purposes of this chapter.

2 Effective Date. 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. Boutin, seconded by Sen. Bradley.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Cataldo, Hosmer, Sanborn, Gilmour, Reagan, Rausch, Prescott, Stiles, Bragdon.

The following Senators voted No: Watters, Pierce, Odell, Kelly, Lasky, Carson, Larsen, Boutin, Soucy, D'Allesandro, Fuller Clark, Morse.

Yeas: 12 - Nays: 12

Failed.

Sen. Bradley moved to Lay on the Table SB 195. Adopted.

ENERGY AND NATURAL RESOURCES

SB 98, authorizing group net metering for limited electrical energy producers. Ought to Pass with Amendment, Vote 5-0. Senator Prescott for the committee.

This bill seeks to allow the process of net-metering for individuals, municipalities, private businesses, and other groups. Given the complexity associated with reimbursement rates for excess electricity generated, the committee added a section to study the issue more thoroughly and ensure the concerns raised during the public hearing are addressed.

Energy and Natural Resources

March 21, 2013

2013-1080s

06/01

Amendment to SB 98

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

AN ACT authorizing group net metering for limited electrical energy procedures and establishing a committee to study reimbursement rates for excess electricity generated by customer-generator groups.

Amend the bill by replacing section 1 with the following:

1 Limited Electrical Energy Producers; Definitions. Amend RSA 362-A:1-a, II-b to read as follows:

II-b. "Eligible customer-generator" [or], "customer-generator", **or "customer-generator group"** means an electric utility customer **or group of customers** [who], **at least one of whom** owns or operates [an] electrical generating [facility] **facilities** either powered by renewable energy or which [employs] **employ** a heat led combined heat and power system, with a total peak generating capacity of [not more than 100 kilowatts; or that first begins operation after July 1, 2010 and has a total peak generating capacity of 100 kilowatts or more] up to **and including** one megawatt, that is located behind a retail meter on the customer's premises [is] **or, in the case of a customer-generator group, on the premises of a customer who is a member of the group, are** interconnected and [operates] **operate** in parallel with the electric grid, and [is] **are** used [in the first instance] to offset the customer's own electricity requirements. **A customer generator may be incremental generation added to an existing generation facility, that does not itself qualify for net metering, as long as such incremental generation meets the qualifications of this paragraph and is metered separately from the nonqualifying facility. An eligible customer-generator group shall only include customers served by the same electric distribution utility and shall be limited to 10 separate accounts. Customer-generator groups shall further be limited to electric distribution systems of facilities rated below 69 kilovolts and shall not utilize the electric distribution system of facilities rated 69 kilovolts and above.**

Amend the bill by replacing all after section 4 with the following:

5 New Paragraph; Net Energy Metering. Amend RSA 362-A:9 by inserting after paragraph XIII the following new paragraph:

XIV. Customer-generator groups shall be responsible for:

(a) All electric distribution system upgrades that may be required as a result of the group net meter installation.

(b) Any costs necessary to upgrade a utility's information systems in order to bill or make refunds to group net metered customers.

6 Committee Established. There is established a committee to study reimbursement rates for excess electricity generated by customer-generator groups.

7 Membership and Compensation.

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

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

(b) Three 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.

8 Duties. The committee shall study reimbursement rates for excess electricity generated by customer-generator groups.

9 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 senate 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.

10 Report. The committee shall report 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.

11 Effective Date.

I. Sections 1 through 5 of this act shall take effect July 1, 2014.

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

2013-1080s

AMENDED ANALYSIS

This bill:

I. Adds and modifies certain definitions related to net energy metering.

II. Authorizes utilities to charge customer-generators for system upgrades.

III. Establishes a committee to study reimbursement rates for excess electricity generated by customer-generator groups.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

Sen. Kelly, Dist. 10

March 25, 2013

2013-1111s

06/01

Floor Amendment to SB 98

Amend the bill by replacing section 5 with the following:

5 New Paragraph; Net Energy Metering. Amend RSA 362-A:9 by inserting after paragraph XIII the following new paragraph:

XIV. Customer-generator groups shall be responsible for:

(a) Any electric distribution system upgrades that may be required as a result of the group net meter installation as determined by the commission.

(b) Any costs necessary to upgrade a utility's information systems in order to bill or make refunds to group net metered customers as determined by the commission.

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.

ENERGY AND NATURAL RESOURCES

SCR 1, relative to special use permits in the White Mountain National Forest. Ought to Pass, Vote 5-0. Senator Woodburn for the committee.

This Concurrent Resolution seeks to bring attention to the unique characteristics of the White Mountain National Forest, and urge the USDA to consider the unique character this forest adds to the State of New Hampshire when reviewing any special use permits on White Mountain National Forest land.

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

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

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

The following Senators voted No: (None.)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

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

HB 126-L, relative to use of revolving funds by towns for maintaining recycling programs.

HB 134, relative to contingency funds in towns.

HB 236, relative to membership of the council on autism spectrum disorders.

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

HB 543, relative to ascertaining damages to abutting landowners.

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

SB 27, relative to monitoring by the department of education of programs for children with disabilities.

SB 75, relative to games of chance.

SB 98, authorizing group net metering for limited electrical energy procedures and establishing a committee to study reimbursement rates for excess electricity generated by customer-generator groups.

SB 99, requiring the site evaluation committee to direct a study of site evaluation criteria and establishing a committee to study the criteria for siting of wind powered electric generating facilities, other electric generating facilities, and transmission facilities.

SB 108, relative to the liability of landowners who permit use of their land for recreational activities.

SB 123-FN-L, relative to the use of proceeds from the regional greenhouse gas initiative program.

SB 129-FN, relative to court-ordered placements in shelter care facilities and at the Sununu Youth Services Center, relative to the children in need of services (CHINS) program, and establishing a committee to study programs for children in need.

SB 134-FN, relative to the division of higher education and the higher education commission.

SB 143-FN, relative to benefits for unemployed persons who are attempting to establish a business.

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

SB 148-FN, relative to electric renewable portfolio standards.

SB 162-FN, repealing the student tuition guaranty fund and making provisions for the disbursement of remaining funds, and relative to the membership of the higher education commission.

SB 163, establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal and coastal watershed hazards.

SB 164, authorizing coastal management provisions in master plans.

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

SB 169, relative to non-covered services under dental insurance plans.

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

SB 180-FN-A, establishing a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud and continually appropriating a special fund.

SB 184-FN, excluding conservation officers of the fish and game department from requirements for emergency medical and trauma services.

SB 191-FN-A, establishing a state energy strategy.

SB 198, relative to the authority of county correctional officers.

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

LIST OF RULE 6-25'S FOR THE DAY

Sen. Prescott: SB 167.

ANNOUNCEMENTS

(The Chair recognized Sen. Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. Last Sunday, we lost Harold W. Burns, who was a former member of this body and served here from 2001 to 2003; prior to that, served in the New Hampshire House from 1969 to 1999, five of those years being the Speaker of that body. And, I should add he was also the only Speaker to ever come from Coos County, and we're very proud of him and his accomplishments.

He was a man from a different era: rooted in the land, unspoiled by power, and committed to process and the history and honor of this legislature. He stood above politics and above ideology. I was grateful to have the opportunity to be his assistant moderator in the Town of Whitefield. I think it was particularly appropriate, and I'm grateful to you, Mister President, and this body for allowing a bridge to be named for his family in the Town of Whitefield, and I'm very pleased to note that he had a chance to witness that happening, and the bill did become law just days before he died.

So, Mister President, I just want to extend our condolences to his family. Speaker Burns is survived by three adult children – two sons and a daughter: John of Whitefield and New York City and his wife, Carol; Sandra of Hydesville, California, and her husband, Peter McKay; and Scott of Whitefield and his wife, Catherine. He has four grandchildren and four great-grandchildren. Thank you very much, Mister President.

The Senate observed a moment of silence in memory of former Speaker Harold Burns.

Without objection all Rule 2-16's shall be entered into the permanent *Journal of the Senate*. Adopted.

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.