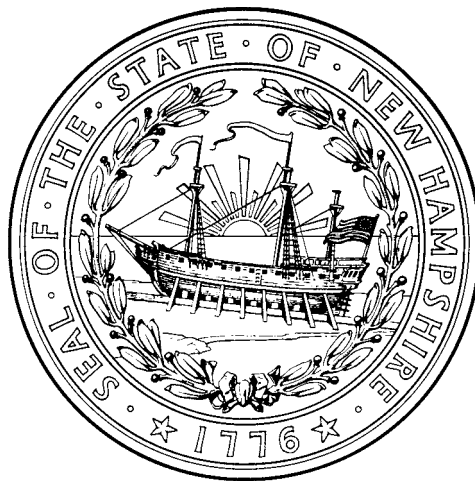


April 24, 2014  
Nos. 9-10

# **STATE OF NEW HAMPSHIRE**

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



**Second Year of the 163<sup>rd</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – APRIL 17, 2014 SESSION  
COMMENCEMENT – APRIL 24, 2014 SESSION**

# SENATE JOURNAL 9 *(continued)*

*April 17, 2014*

## HOUSE MESSAGE

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

SB 215-FN, authorizing benefit corporations.

SB 216, relative to designating an alternate trustee of the trust fund.

SB 219, relative to funds received from the sale of cemetery lots.

SB 234, relative to procedural changes in the law governing therapeutic use of cannabis.

SB 257, establishing a commission to study the sale of beer in refillable containers.

SB 265, making a technical correction to the disposition of meals and rooms tax revenues.

SB 275, relative to refusal to certify an absentee ballot application.

SB 276, relative to notifying a UOCAVA voter of an invalid absentee ballot application.

SB 277, relative to absentee voter registration.

SB 278, relative to the absentee voter website.

SB 280, relative to absentee voters.

SB 290, authorizing credit unions to provide group accidental death and dismemberment insurance.

SB 291, relative to distribution of seedling trees for educational purposes.

SB 298, establishing a permanent commission on post-traumatic stress disorder and traumatic brain injury.

SB 300, relative to the setting of tax rates and the disposition of rooms and meals tax revenues by the department of revenue administration.

SB 309, relative to the New Hampshire vaccine association.

SB 325-FN-L, relative to oil spill preparedness and response.

SB 326-L, relative to procedural requirements for certain residents of nursing and assisted living facilities.

SB 347, relative to municipal enforcement of land use ordinances.

SB 351, relative to the requirement for notice of non-compete agreements prior to the start of employment.

SB 363, relative to insurance coverage for facilities for the Winnepesaukee River basin control.

SB 367-FN-A, requiring adjustment of the road toll according to changes in the Consumer Price Index, eliminating certain ramp tolls on the Everett turnpike in the town of Merrimack, and establishing a committee to study the effectiveness and efficiency of the department of transportation.

SB 386, relative to the authority and duties of the department of revenue administration.

## HOUSE MESSAGE

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

HB 1124, relative to the adoption of zoning ordinances in towns that use official ballot voting and ratifying a warrant article adopted at the 2014 annual meeting of the town of Rye.

## HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 186-FN, relative to training of certain board officers of nonprofit corporations.

SB 315-FN, establishing the board of building officials.

SB 404-FN, relative to the acquisition of real property for state government purposes.

SB 407, relative to wolf hybrids.

#### HOUSE MESSAGE

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

SB 296, relative to preferences for veterans and disabled veterans in public employment.

April 18, 2014  
2014-1457-EBA  
06/01

#### Enrolled Bill Amendment to SB 201

The Committee on Enrolled Bills to which was referred SB 201

AN ACT relative to marriage registration forms.

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 201

This enrolled bill amendment makes a technical correction.

#### Enrolled Bill Amendment to SB 201

Amend section 1 of the bill by replacing line 3 with the following:

II-a.(a) Upon entering into marriage, either party may retain his or her surname prior to the  
Sen. Prescott moved adoption of the Enrolled Bill Amendment. Adopted.

April 22, 2014  
2014-1493-EBA  
08/10

#### Enrolled Bill Amendment to SB 254

The Committee on Enrolled Bills to which was referred SB 254

AN ACT relative to the governor's commission on alcohol and drug abuse prevention, intervention, and treatment.

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 254

This enrolled bill amendment makes a grammatical correction.

#### Enrolled Bill Amendment to SB 254

Amend RSA 12-J:2, II(c) as inserted by section 2 of the bill by replacing line 1 with the following:

(c) The commission chairperson shall appoint at least [2] **one** commission [~~members~~] **member** to  
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(s):

SB 196, relative to the definition of push-polling.

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

Out of Recess. Call the Senate to Order.

#### MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

# SENATE JOURNAL 10

*April 24, 2014*

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

Sen. Hosmer is excused for the day.

Reverend Kate Atkinson, chaplain to the Senate, offered the following meditative thoughts and prayer:

Good morning. Well, I could be wrong but I imagine that there are some days when you all feel weighed down by your burden of responsibility. There must be days when you wish you never had to see another TV camera, or newspaper headline, or even another letter from a constituent. There must be moments when you feel as though you're never going to accomplish everything that's expected of you and that whatever you do accomplish there's always going to be someone who is dissatisfied. Am I right so far? Right. If that's true, I'm just going to share some words of comfort with you.

These are taken from the writings of the late Ken Untener. He was Bishop of Saginaw for more than 20 years:

This is what we are about. We plant the seeds that one day will grow. We water seeds already planted, knowing that they hold future promise. We lay foundations that will need further development. We provide yeast that produces effects far beyond our capabilities. We cannot do everything, and there is a sense of liberation in realizing that. This enables us to do something, and to do it well. It may be incomplete, but it is a beginning, a step along the way, an opportunity for God's grace to enter and do the rest. We may never see the end results, but that is the difference between the master builder and the worker.

Let us pray.

*God bless the work you do. The seeds that you plant and water, the foundations you build, and the yeast you provide. And may God set you free to rejoice in the contributions that you make, today and every day. Amen.*

Sen. Bragdon led the Pledge of Allegiance.

#### INTRODUCTION OF GUESTS

Senator Fuller Clark introduced Little Harbor School, visiting in the balcony today.

Senator Pierce introduced Joshua Wallace and Connor Cryans, both from Hanover High School, serving as Senate Pages for the day.

#### FN REPORT FOR APRIL 24, 2014

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

##### COMMERCE:

Bills Waived

HB 584, relative to covered prescription drugs. (Added FN)

HB 1308-FN, adding a member to the advisory council on worker's compensation.

##### EXECUTIVE DEPARTMENTS AND ADMINISTRATION:

Bills to Finance

HB 658-FN, relative to registration for medical technicians.

HB 1494-FN, relative to administration of the New Hampshire retirement system and authority of the board of trustees.

HB 1634-FN, relative to the salaries of certain unclassified positions.

JUDICIARY:

Bills Waived

HB 1122-FN, relative to the filing with a registry of deeds of a fraudulent document purporting to create a lien or claim against real property.

HB 1137-FN, relative to annulment of certain obstruction of justice crimes and relative to the crime of escape.

HB 1330-FN, relative to the protection from disclosure of privileged individual medical records.

HB 1503-FN, relative to the penalties for negligent homicide and manslaughter causing a miscarriage or stillbirth and relative to miscarriage or stillbirth in second degree murder cases.

HB 1533-FN, requiring a warrant to search information in a portable electronic device.

HB 1548-FN, eliminating separate penalties for crack cocaine.

HB 1555-FN, relative to the neglect of elderly, disabled, or impaired adults and relative to financial exploitation.

HB 1567-FN, requiring a warrant to obtain electronic device location information.

HB 1618-FN, relative to review hearings in involuntary admission cases.

HB 1619-FN, prohibiting the acquisition, collection, or retention of certain information.

HB 1620-FN, relative to the use of drones.

HB 1631-FN, relative to debt collection and small claims.

Bills to Finance

HB 1624-FN, modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights.

PUBLIC & MUNICIPAL AFFAIRS:

Bills Waived

HB 366-FN, relative to showing a ballot.

HB 1156-FN, making certain changes to the right-to-know law and establishing the right-to-know oversight commission.

TRANSPORTATION:

Bills Waived

HB 495-FN, relative to titles for motor vehicles.

HB 650-FN-A, relative to instituting a bus service between Claremont, New Hampshire and Lebanon, New Hampshire.

HB 1149-FN, relative to motor vehicle registrations.

HB 1150-FN, relative to motor vehicle dealer and inspection station licenses.

HB 1558-FN, relative to prevention of motor vehicle title fraud.

Without objection, the FN Report is adopted.

**CONSENT CALENDAR REPORTS**

The following bills were removed from the Consent Calendar:

HB 1308-FN, adding a member to the advisory council on workers' compensation. Removed by Sen. Bradley.

HB 1116, relative to the membership of the advanced manufacturing education advisory council. Removed by Sen. Kelly.

HB 422, relative to the adoption, revision, and amendment of municipal charters. Removed by Sen. Pierce.

HB 650-FN-A, relative to instituting a bus service between Claremont, New Hampshire and Lebanon, New Hampshire. Removed by Sen. Pierce.

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

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

#### COMMERCE

HB 584-FN, relative to covered prescription drugs. Ought to Pass, Vote 5-0. Senator Hosmer for the committee.

This bill will allow insured consumers to purchase their 90-day supply of covered prescription drugs at the pharmacy of their choice as long as the cost does not exceed what it would cost had they used mail order services.

HB 1193, relative to flood coverage notification. Ought to Pass, Vote 5-0. Senator Cataldo for the committee.

This bill is a request of the insurance department and will require insurers issuing homeowners insurance to place a notice on the policy if the policy does not cover flood damage.

HB 1217, allowing wholesale distributors to purchase beverages from nano brewery licensees. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

This bill amends the definition of "wholesale distributor" to allow purchases of beverages from nano brewery licensees. Distributors have a list of licensees they are permitted to buy from, and this bill merely adds nano breweries to that list.

HB 1241, relative to the sale of consumer fireworks. Interim Study, Vote 5-0. Senator Pierce for the committee.

This bill would require a person who sells permissible fireworks to provide a safety pamphlet to the purchaser. The bill also revises membership of the permissible fireworks advisory committee. The stakeholders were unable to reach consensus on an approach that would accomplish the goals of this legislation.

HB 1276, relative to alcoholic beverage advertising restrictions. Interim Study, Vote 5-0. Senator Hosmer for the committee.

This bill would modify restrictions on alcoholic beverage advertising that references minors pictorial or otherwise. The Committee supports allowing more time for stakeholders to reach consensus on the scale of the problem and the best language to accomplish the goals of the legislation.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 658-FN, relative to registration for medical technicians. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

The legislation establishes the board of registration of medical technicians which will be administratively attached to the Department of Health and Human Services. This bill requires persons employed as medical technicians to register with the board, and requires licensed health care facilities ensure their technicians are registered. The amendment adjusts the definition of medical technician to be more inclusive of the workers covered by the bill and specific about the qualifying medications. In addition, the legislation addresses the transition of currently working medical technicians into the registry.

Senate Executive Departments and Administration  
April 16, 2014  
2014-1413s  
01/08

#### **Amendment to HB 658-FN**

Amend the chapter heading of RSA 328-I as inserted by section 1 of the bill by replacing it with the following:

#### CHAPTER 328-I

#### BOARD OF REGISTRATION OF MEDICAL TECHNICIANS

Amend RSA 328-I:2, VI as inserted by section 1 of the bill by replacing it with the following:

VI. "Medical technician" means a health care worker who is not licensed or registered by a New Hampshire regulatory board and who assists licensed health care professionals in the diagnosis, treatment, and prevention of disease. For the purposes of this chapter, medical technicians shall be limited to health care workers with access to controlled substances and with access to or contact with patients in a health care facility or in a medical establishment.

Amend the bill by replacing all after section 5 with the following:

6 Applicability. Persons who are currently practicing as medical technicians as defined by RSA 328-I as inserted by section 1 of this act shall have 90 days after the effective date of this act to comply with the provisions of RSA 328-I.

7 Effective Date. This act shall take effect October 1, 2014.

HB 1494-FN, relative to administration of the New Hampshire retirement system and authority of the board of trustees. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This legislation clarifies definitions of terms used in RSA 100-A. It establishes a procedure for the determination of the costs of purchase of service credits; clarifies the ability to earn service credit while on a salary continuance plan, and changes the date for the approval of the Comprehensive Annual Financial Report (CAFR). In addition, it adds a penalty for employers who fail to timely remit data on compensation paid to retired members, and repeals obsolete provisions within the RSAs. The amendment removes the Post Retirement Employment study committee.

Senate Executive Departments and Administration  
April 16, 2014  
2014-1426s  
10/09

#### **Amendment to HB 1494-FN**

Amend the bill by replacing section 2 with the following:

2 Definition; Earnable Compensation. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For members who have attained vested status prior to January 1, 2012 the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, additional pay for extracurricular and instructional activities **for full-time teachers and full-time employees who are employed in paraprofessional or support position**, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member

shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b)(1) For members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2), (3), and (4), any overtime pay, cost of living bonus, annual longevity pay, additional pay for extracurricular and instructional activities **for full-time teachers and full-time employees who are employed in paraprofessional or support position**, compensation for extra and special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary.

(2) Compensation over base pay shall be limited during the highest 5 years of creditable service as provided in paragraph XVIII.

(3) Earnable compensation shall not include compensation for extra and special duty for members who commence service on and after July 1, 2011.

(4) Earnable compensation shall not include incentives to encourage members to retire, severance pay or end-of-career additional longevity payments, and pay for unused sick or vacation time. Earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees, teachers, permanent firemen, and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

Amend the bill by replacing all after section 7 with the following:

8 Retired Member Compensation Reporting; Penalty. Amend RSA 100-A:16, VII to read as follows:

VII.(a) Every employer shall report to the retirement system monthly, in a format provided by the retirement system, all compensation paid by the employer to retired members of the retirement system, including the name of, and the total hours worked, for each retired member of the retirement system, **except that an employer shall not include in the report the compensation and hours worked by a retiree for serving as an elected state official or as an elected official of a political subdivision.**

**(b) Notwithstanding any other provision of law, employers shall be subject to a penalty of \$25 per day for non-compliance with the data reporting requirements of subparagraph (a), including data that was not timely remitted or data that cannot be processed at the times designated by the board of trustees due to data reporting errors by the employer. The board may abate all or any part of the penalty upon a showing that the employer did not willfully, intentionally, through gross negligence, or through a pattern of negligence fail to file the data as required.**

9 Repeals. The following are repealed:

I. RSA 100-A:17, relative to transfer of funds from predecessor systems.

II. RSA 100-A:41-b, relative to supplemental allowances for certain retired group II members.

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

2014-1426s

#### AMENDED ANALYSIS

This bill:

I. Clarifies definitions of terms used in RSA 100-A.



- II. Establishes a procedure for the determination of the costs of purchase of service credits.
- III. Clarifies the ability to earn service credit while on a salary continuance plan.
- IV. Changes the date for the approval of the comprehensive annual financial report (CAFR).
- V. Adds a penalty for employers who fail to timely remit data on compensation paid to retired members.
- VI. Repeals obsolete provisions.

HB 1634-FN, relative to the salaries of certain unclassified positions. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

The legislation codifies the salaries of certain unclassified positions within several state departments. The legislation was requested by the Joint Committee on Employee Classification. All salary changes and codifications were addressed by the Joint Committee.

Senate Executive Departments and Administration

April 16, 2014

2014-1414s

04/10

#### **Amendment to HB 1634-FN**

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

1 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade EE by inserting the following position:

EE	Insurance department	health reform coordinator
----	----------------------	---------------------------

2 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade GG by inserting the following positions:

GG	Department of information technology	director of technical support services
GG	Department of information technology	director of web support
GG	Insurance department	chief financial examiner

3 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade GG by deleting the following position:

GG	Insurance department	director
----	----------------------	----------

4 Compensation of Certain State Officials. Amend RSA 94:1-a, I(b), salary grade HH by inserting the following positions:

HH	Department of information technology	director of operations
HH	Department of administrative services	manager of risks and benefits
HH	Department of employment security	deputy commissioner
HH	Department of revenue administration	director, division of municipal and property
HH	Insurance department	director of financial regulation

5 Compensation of Certain State Officials; Department of Administrative Services; Title of Position Amended. Amend the following position in RSA 94:1-a, I(b), salary grade HH, to read as follows:

HH	Department of administrative services	director of [ <del>plant and property management</del> ] <b>procurement and support services</b>
----	---------------------------------------	--

6 Insurance Department; Deputy Commissioner and Other Department Positions. Amend RSA 400-A:6, III-b to read as follows:

III-b. There shall be a director of [~~examinations~~] **financial regulation** who shall be appointed by the commissioner of insurance. He ~~or she~~ shall serve at the pleasure of the commissioner during good behavior. The director of [~~examinations~~] **financial regulation** shall perform such duties and exercise such powers of the commissioner pursuant to RSA Title XXXVII as the commissioner from time to time may authorize.

7 Insurance Department; Compensation. Amend RSA 400-A:8, I-II to read as follows:

I. Compensation. The salary of the commissioner, deputy commissioner, director of operations, director of [examinations] **financial regulation**, actuary, life, accident and health actuary, and assistants to the commissioner shall be as prescribed in RSA 94:1-a.

II. Expenses. The commissioner, deputy commissioner, director of operations, director of [examinations] **financial regulation**, actuary, life, accident and health actuary, and the assistants to the commissioner shall be allowed their traveling expenses while engaged in the performance of their duties.

8 Insurance Department; Deputy Commissioner and Other Department Positions. Amend RSA 400-A:6, VII to read as follows:

VII. The commissioner shall appoint, as the commissioner's assistants, a health care policy analyst, a health care statistician, a general counsel, an insurance fraud attorney, a senior insurance fraud investigator, an assistant property and casualty actuary, a compliance and enforcement counsel, **a chief financial examiner**, and a health reform coordinator, each of whom shall serve at the pleasure of the commissioner during good behavior. The health care policy analyst, health care statistician, general counsel, insurance fraud attorney, senior insurance fraud investigator, assistant property and casualty actuary, compliance and enforcement counsel, **chief financial examiner**, and health reform coordinator, shall perform such duties and exercise such powers as the commissioner may authorize.

9 Salary of Financial Examinations Supervisor. Amend 2013, 205:2 to read as follows:

205:2 Salary of [Financial Examinations Supervisor] **Insurance Department Position**. ~~[The salary of the financial examinations supervisor established in section 1 of this act shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and appointment of the financial examinations supervisor.]~~ Position 41776 shall be abolished to allow for the transition of this classified position with its available appropriations into the unclassified position of [financial examinations supervisor] **chief financial examiner**. Funding shall be transferred into expenditure class 014, within accounting unit 02-24-24-240010-2520.

10 Financial Examinations Supervisor Position; Effective Date Amended. Amend 2013; 205:4 to read as follows:

205:4 Effective Date.

~~I. Section 1 of this act shall take effect as provided in section 3 of this act.~~

~~H. The remainder of]~~ This act shall take effect upon its passage.

11 Repeal. The following are repealed:

I. 2013, 205:1, relative to the position of financial examinations supervisor in the insurance department.

II. 2013, 205:3, relative to the financial examinations supervisor position in the insurance department.

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

2014-1414s

#### AMENDED ANALYSIS

This bill:

I. Codifies the salaries of certain unclassified positions.

II. Amends the title of a position in the department of administrative services.

III. Amends 2013, 205 to repeal references to the financial examinations supervisor position in the insurance department.

This bill is a request of the joint committee on employee classification established in RSA 14:14-c.

HEALTH, EDUCATION AND HUMAN SERVICES

HB 1431, relative to the membership of the developmental services quality council. Ought to Pass, Vote 5-0.  
Senator Gilmour for the committee.

This bill replaces a member of the developmental services quality council with a member of the New Hampshire council on autism spectrum disorders. The Committee believes that replacing a member with someone who has an autism spectrum disorder or is a family member of such persons will be most effective in representing this group in New Hampshire.

HB 1447, prohibiting discrimination in educational standards for certain students. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

This bill prohibits a school district from discriminating against students based on economic status, especially related to educational programs or activities. The Committee believes that this bill will help to ensure that every student in the state of New Hampshire is not only not discriminated against, but given the full potential to succeed as a student in their school district.

#### JUDICIARY

HB 590, relative to the unauthorized practice of law. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill as amended allows landlords, if not an attorney, to represent their limited liability companies, corporations or partnerships in landlord-tenant matters in our circuit courts and provides an exception to the unauthorized practice of law.

Senate Judiciary

April 14, 2014

2014-1351s

01/06

#### **Amendment to HB 590**

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

1 New Section; Unauthorized Practice of Law; Exception; Certain Employees and Members of Limited Liability Companies, Corporations, or Partnership. Amend RSA 540 by inserting after section 29 the following new section:

540:30 Unauthorized Practice of Law; Exception; Certain Employees and Members of Limited Liability Companies, Corporations, or Partnerships. Notwithstanding RSA 311:7, a person of good character who is not approved to practice law in New Hampshire, but is a member or employee of a limited liability company, corporation, or partnership, which has 5 or fewer members, shall, with the proper written authorization from the organization, be authorized to represent the entity on matters in the circuit court of New Hampshire arising under this chapter; provided that each such appearance shall require a new written authorization.

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

2014-1351s

#### **AMENDED ANALYSIS**

This bill allows a person who is not authorized to practice law but who is a member, trustee or employee of a limited liability company, corporation, or partnership, which has 5 or fewer members, to represent the entity on matters in the circuit court of New Hampshire on landlord tenant issues.

HB 1137-FN, relative to annulment of certain obstruction of justice crimes and relative to the crime of escape. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill allows an individual in certain narrow circumstances to have a record expunged. The bill as amended prohibits individuals who attempt to escape from qualifying for this.

Senate Judiciary

April 11, 2014

2014-1348s

04/05

#### **Amendment to HB 1137-FN**

Amend the bill by replacing section 2 with the following:

2 Escape. Amend RSA 642:6 to read as follows:

642:6 Escape.

I. A person is guilty of an offense if [he] ***such person*** escapes from official custody.

II. "Official custody" means arrest, custody in a penal institution, an institution for confinement of juvenile offenders or other confinement pursuant to an order of a court.

III. The offense is a class A felony if the actor employs force against any person or threatens any person with a deadly weapon to effect the escape, except that if the deadly weapon is a firearm, [he] ***the actor*** shall be sentenced in accordance with RSA 651:2, II-g. ~~[Otherwise it]~~ ***The offense*** is a class B felony ***if the actor was on parole, subject to a bail order, was a prisoner at an adult or juvenile correction facility at the time, or had a prior conviction of the crime of escape. If no physical force was used by the actor and no persons other than the actor sustained bodily injury as a result of the escape, the offense is a class A misdemeanor.***

IV. If a person is convicted of the offense of escape under this section, the term of imprisonment authorized by RSA 651:2, II or RSA 651:6 shall be added to the portion of the term which remained unserved at the time of the commission of the offense.

HB 1567-FN, requiring a warrant to obtain electronic device location information.

Interim Study, Vote 5-0.

Senator Soucy for the committee.

This bill sought to require warrants for all tracking devices used by governmental entities as well as requiring individuals to obtain consent from someone if they wish to place a tracking device on their vehicle and get information. The Committee had concerns with the bill and feels it is not ready to go forward at this time.

HB 1618-FN, relative to review hearings in involuntary admission cases. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This bill sought to provide a Circuit Court hearing before a judge every two years for individuals who have been involuntarily committed. Because of Court rulings, the statutes must treat equally those who are committed by reason of insanity and unable to be tried for alleged acts. Because these two populations must be treated the same, the committee is not comfortable recommending this bill go forward.

HB 1620-FN, relative to the use of drones. Interim Study, Vote 5-0. Senator Cataldo for the committee.

This legislation sought to regulate the use of drones -- whether owned and operated by governmental entities or private citizens. Because this technology is so new we feel that this policy is premature.

#### PUBLIC AND MUNICIPAL AFFAIRS

HB 366-FN, relative to showing a ballot. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

HB 366-FN adds the prohibition of distributing or sharing a photograph or digital image of his or her marked ballot to RSA 659:35. The bill changes the penalty for willful violations of the prohibitions in the statute from a misdemeanor to a violation, and requires posters at each polling place highlighting the prohibitions.

HB 1156-FN, making certain changes to the right-to-know law and establishing the right-to-know oversight commission. Inexpedient to Legislate, Vote 5-0. Senator Pierce for the committee.

HB 1156-FN sought to, in the proponents' view, strengthen the transparency requirements of RSA 91-A. However, it became apparent during testimony that the bill as amended by the House differed significantly from the design and intent of the original bill's sponsors. Based on their opposition, the committee found the bill inexpedient to legislate.

Sen. Bragdon asserts Rule 6-25 on HB 1156-FN.

HB 1336, relative to the landlord's agent requirement. Inexpedient to Legislate, Vote 5-0. Senator Forrester for the committee.

This bill would establish a fine for failure to provide contact information for an agent for service of process as required under RSA 540:1-b. As SB 347 establishes a likewise provision but with a lesser fine, the sponsor of the bill was amenable to the lesser fine, and agreed to have his bill found inexpedient to legislate.

## TRANSPORTATION

HB 495-FN, relative to titles for motor vehicles. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

This bill changes the limits of the exemption of the certificate of title requirement for older vehicles from those whose manufacturer's model year is 'older than 15 years' to 'before the year 2000'. This is a consumer-friendly bill and it will increase state revenues.

Sen. Bragdon is in opposition to the motion of Ought to Pass on HB 495-FN.

HB 1149-FN, relative to motor vehicle registrations. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

This bill was requested by the Department of Safety. It simply corrects a difference in two separate statutes regarding the fee established for a certified copy of a registration. It also allows for municipal agents to use information contained in their electronic system instead of requiring a physical copy of the current certificate of registration for renewal purposes.

HB 1150-FN, relative to motor vehicle dealer and inspection station licenses. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

This bill was requested by the department of safety and it changes the term of motor vehicle dealer and inspection station licenses from 1 year to 2 years, without changing the cost of the license. This bill is supported by those within the industry and it will alleviate an unnecessary burden on NH's businesses.

HB 1249, relative to refunds of the road toll paid by an exempt governmental entity using a credit or fuel card. Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill is at the request of the department of safety to improve handling of fuel purchases with a credit card by exempt governmental entities at a fixed retail pump available to the general public. This ensures that the taxes paid on the fuel are able to be refunded to the appropriate entities.

HB 1301, relative to transportation of alcoholic beverages by a minor. Inexpedient to Legislate, Vote 5-0. Senator Watters for the committee.

This bill would have allowed a person under the age of 21 to transport as the driver alcoholic beverages when the beverages are in the possession of a legal age person. The committee feels that there is no hardship caused by the current law and that any changes would be detrimental to efforts to curb underage drinking in NH.

HB 1558-FN, relative to prevention of motor vehicle title fraud. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

This bill was requested by the department of safety in order to make various changes related to motor vehicle titles and fraud prevention. NH has been targeted by those looking to take advantage of our citizens and this bill reinforces protections against efforts to defraud NH businesses and the State.

HB 1629, adding duties and extending the reporting date of the committee to study options for mitigating damages associated with highway noise and relative to the department of transportation policy and procedural guidelines for the assessment and abatement of traffic noise for type I highway projects. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

This bill adds duties and extends the reporting date of the Committee to Study Options for Mitigating Damages Associated with Highway Noise, at their own request. It also modifies certain guidelines for the assessment and abatement of highway traffic noise that have no fiscal impact on the work of the department of transportation.

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

## REGULAR CALENDAR REPORTS

## COMMERCE

HB 1606, relative to assignment of legal costs in suits between condominium associations and condominium members. Ought to Pass, Vote 4-0. Senator Pierce for the committee.

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

## ENERGY AND NATURAL RESOURCES

HB 1532, relative to notification of radon and arsenic levels. Ought to Pass with Amendment, Vote 3-0. Senator Woodburn for the committee.

Energy and Natural Resources  
April 16, 2014  
2014-1434s  
05/10

#### Amendment to HB 1532

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

AN ACT requiring property sellers to provide an arsenic notice to buyers.

Amend the bill by replacing section 1 with the following:

1 Notification of Radon, Arsenic, and Lead Paint. Amend RSA 477:4-a to read as follows:

477:4-a Notification Required; Radon [Gas], ***Arsenic***, and Lead Paint.

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller's agent, shall provide the following notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy of such notification:

"Radon [Gas]: Radon [gas], the product of decay of radioactive materials in rock may be found in some areas of New Hampshire. [This] ***Radon*** gas may pass into a structure through the ground or through water from a deep well. Testing can establish its presence and equipment is available to remove it from the air or water.

***Arsenic: Arsenic is a common groundwater contaminant, occurring at unhealthy levels in certain areas of the state. Tests are available to determine whether arsenic is present.***

[¶]Lead Paint: Before 1977, paint containing lead may have been used in structures. The presence of flaking lead paint can present a serious health hazard, especially to young children and pregnant women. Tests are available to determine whether lead is present."

II. Nothing in this section shall be construed to have any impact on the legal validity of title transferred pursuant to a purchase and sale contract in paragraph I, or to create or place any liability with the seller or seller's agent for failure to provide the notification described in paragraph I.

2014-1434s

#### AMENDED ANALYSIS

This bill adds arsenic to the radon and lead paint notice sellers are required to provide buyers prior to the sale of real property.

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

Sen. Prescott asserts Rule 6-25 on HB 1532.

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

Sen. Prescott asserts Rule 6-25 on HB 1532.

HB 1600, relative to reporting of energy production for net metering. Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Energy and Natural Resources  
April 16, 2014  
2014-1430s  
06/03

#### Amendment to HB 1600

Amend RSA 362-F:6, II as inserted by section 1 of the bill by replacing it with the following:

II. The commission shall establish procedures by which electricity and useful thermal energy production not tracked by ISO-New England from customer-sited sources, including behind the meter production, may be included within the certificate program, provided such sources are located in New Hampshire. The procedures may include the aggregation of sources and shall be compatible with procedures of the certificate program administrator, where possible. The production shall be monitored and verified by an independent entity designated by the commission, which may include electric distribution companies, or by such other means as the commission finds adequate in verifying that such production is occurring. ***For customer-sited sources***

***under 15 kilowatts in capacity, the commission shall not require the independent monitors to perform an annual site visit, and shall allow the owner of the customer-sited source to electronically report production monthly to an independent monitor.***

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.

#### HEALTH, EDUCATION AND HUMAN SERVICES

HB 1280, permitting physician assistants to authorize walking disability plates and placards. Ought to Pass, Vote 3-0. Senator Kelly for the committee.

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

HB 1296, relative to membership of the therapeutic use of cannabis advisory council. Ought to Pass, Vote 4-1. Senator Sanborn for the committee.

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

#### JUDICIARY

HB 1122-FN, relative to the filing with a registry of deeds of a fraudulent document purporting to create a lien or claim against real property. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Judiciary

April 15, 2014

2014-1401s

10/03

#### **Amendment to HB 1122-FN**

Amend RSA 478:42, I as inserted by section 1 of the bill by replacing it with the following:

I. A person may not knowingly present for filing or cause to be presented for filing in a registry or other public office, any type of document that fraudulently purports to be a judgment or other document to memorialize or evidence an act, order, directive, or process of creating a lien without having been authorized under state law, the Constitution, or the laws of the United States.

Amend RSA 478:42, V as inserted by section 1 of the bill by replacing it with the following:

V. Any person who knowingly files a document or instrument to fraudulently create a lien on real or personal property shall be guilty of a class B felony.

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 1330-FN, relative to the protection from disclosure of privileged individual medical records. Interim Study, Vote 4-0. Senator Carson for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study. Adopted.

HB 1503-FN, relative to the penalties for negligent homicide and manslaughter causing a miscarriage or stillbirth and relative to miscarriage or stillbirth in second degree murder cases. Ought to Pass with Amendment, Vote 3-2. Senator Cataldo for the committee.

Senate Judiciary

April 10, 2014

2014-1336s

04/10

#### **Amendment to HB 1503-FN**

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

AN ACT including "fetus" in the definition of "another" for the purpose of certain criminal offenses.

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

1 Homicide; Capital Murder. Amend RSA 630:1, IV to read as follows:

IV. As used in this section [~~and RSA 630:1-a, 1-b, 2, 3 and 4~~], the meaning of “another” does not include a [~~fetus~~] **fetus**.

2 New Paragraphs; First Degree Murder; Definition of Another; Exemption for Abortion. Amend RSA 630:1-a by inserting after paragraph III the following new paragraphs:

IV. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, and RSA 630:4, the meaning of “another” shall mean another person, or a fetus as defined in subparagraph V(b).

V.(a) Nothing in this section or RSA 630:1-b, RSA 630:2, RSA 630:3, or RSA 630:4 shall apply to any act committed by the woman pregnant with the fetus, to any medical procedure, including abortion, performed by a physician or other licensed medical professional at the request of the pregnant woman or her legal guardian, or to the lawful dispensation or administration of lawfully prescribed medication. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, or RSA 630:4, “abortion” means the act of using or prescribing any instrument, medicine, drug, or any other substance, device, or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the fetus. Such use, prescription, or means is not an abortion if done with the intent to save the life or preserve the health of a fetus, or to remove a dead fetus caused by spontaneous abortion, or to remove an ectopic pregnancy.

(b) In this section, “fetus” means an unborn offspring, from the embryo stage which is the end of the eighth week after conception or, in the case of in vitro fertilization, the end of the eighth week after implantation, until birth.

3 Effective Date. This act shall take effect January 1, 2015.

2014-1336s

#### AMENDED ANALYSIS

This bill provides that a fetus shall be included in the definition of “another” for the purpose of first and second degree murder, manslaughter, negligent homicide, and causing or aiding suicide.

Sen. Lasky moved to Lay on the Table HB 1503-FN.

The question is on the motion to Lay on the Table HB 1503-FN.

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

The following Senators voted Yes: Watters, Pierce, Kelly, Gilmour, Lasky, Larsen, Soucy, D’Allesandro, Fuller Clark, Stiles.

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

Yeas: 10 - Nays: 13

Motion failed.

Sen. Hosmer is excused.

The question is on the adoption of the Committee Amendment.

Recess. Out of recess.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Sen. Cataldo, seconded by Sen. Bragdon.

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

The following Senators voted No: Woodburn, Watters, Pierce, Odell, Kelly, Gilmour, Lasky, Larsen, Soucy, Rausch, D’Allesandro, Fuller Clark, Stiles.

Yeas: 10 - Nays: 13

Committee Amendment failed.



Sen. Hosmer is excused.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

April 23, 2014

2014-1539s

04/09

### Floor Amendment to HB 1503-FN

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

AN ACT including “viable fetus” in the definition of “another” for the purposes of certain criminal offenses.

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

1 Homicide; Capital Murder; Definition of Unborn Child. Amend RSA 630:1, IV to read as follows:

IV. As used in this section [~~and RSA 630:1-a, 1-b, 2, 3 and 4~~], the meaning of “another” [~~does~~] **shall** not include a [~~fetus~~] **viable fetus**.

2 New Paragraphs; First Degree Murder; Definition of Another; Exemption for Abortion. Amend RSA 630:1-a by inserting after paragraph III the following new paragraphs:

IV. For the purposes of this section and RSA 630:1-b, RSA 630:2, RSA 630:3, and RSA 630:4, the meaning of “another” shall include a viable fetus as defined in paragraph V.

V.(a) Nothing in this section or RSA 630:1-b shall apply to:

(1) Any act committed by the pregnant woman;

(2) Any act committed at the request or direction of the pregnant woman or for the benefit of the pregnant woman;

(3) Any act performed by a physician or other medical professional in the course of such physician’s or medical professional’s professional duties, including but not limited to, an act that results in the termination of a pregnancy; or

(4) Any act taken in furtherance of the lawful dispensation or administration of prescription or nonprescription medication.

(b) In this section:

(1) “Fetus” means a developing human that has attained the basic attributes of its species.

(2) “Pregnant” means the female reproductive condition of having one or more developing embryos or fetuses implanted in the uterus or elsewhere in the female body.

(3) “Pregnancy” means one or more developing embryos or fetuses implanted in the uterus or elsewhere in the female body.

(4) “Viable fetus” means a fetus that is implanted in a female uterus and has reached such a stage of development as to be capable of sustained extrauterine survival.

3 Effective Date. This act shall take effect January 1, 2015.

2014-1539s

### AMENDED ANALYSIS

This bill provides that a viable fetus shall be included in the definition of “another” for the purposes of first and second degree murder, manslaughter, negligent homicide, and causing or aiding suicide.

The question is on the adoption of Floor Amendment 1539s.

Recess. Out of recess.

The question is on the adoption of Floor Amendment 1539s.

Recess. Out of recess.

The question is on the adoption of Floor Amendment 1539s.

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

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

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

Yeas: 11 - Nays: 12

Floor amendment failed.

Sen. Hosmer is excused.

Recess. Out of recess.

The question is on the motion of Ought to Pass.

Sen. Bradley moved to Lay on the Table HB 1503-FN.

The question is on the motion to Lay on the Table HB 1503-FN.

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

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

The following Senators voted No: Lasky, Soucy.

Yeas: 21 - Nays: 2

Adopted.

Sen. Hosmer is excused.

HB 1533-FN, requiring a warrant to search information in a portable electronic device. Ought to Pass with Amendment, Vote 4-0. Senator Lasky for the committee.

Senate Judiciary

April 15, 2014

2014-1368s

04/01

#### **Amendment to HB 1533-FN**

Amend the bill by replacing section 1 with the following:

1 New Section; Breaches of the Peace and Related Offenses; Searches of Portable Electronic Devices. Amend RSA 644 by inserting after section 20 the following new section:

644:21 Searches of Portable Electronic Devices.

I. Definitions. In this section:

(a) "Government entity" means a federal, state, county, or local government agency, including but not limited to a law enforcement agency or any other investigative entity, agency, department, division, bureau, board, or commission, or an individual acting or purporting to act for, or on behalf of, a federal, state, county, or local government agency. "Government entity" shall not apply to a federal government agency to the extent that federal statute preempts state statute.

(b) "Information" includes any information concerning the substance or meaning or purported substance or meaning of a communication, including without limitation the name and address of the sender and receiver and the time, date, location, and duration of the communication.

(c) "Portable electronic device" means any portable device that is capable of creating, receiving, accessing, or storing electronic data or communications, including but not limited to cellular telephones.

II. No information contained in a portable electronic device shall be subject to search by a government entity, including a search incident to a lawful arrest or for inventory purposes, except pursuant to a warrant signed by a judge and based on probable cause, or pursuant to a legally-recognized exception to the warrant requirement. A portable electronic device searched pursuant to this paragraph shall be returned to its owner as expeditiously as possible.

III. Evidence obtained in violation of this section shall not be admissible in a criminal, civil, administrative, or other proceeding, except as proof of a violation of this section.

IV. A person injured by a government entity as a result of a violation of this section may file civil suit against the government entity.

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 1548-FN, eliminating separate penalties for crack cocaine. Interim Study, Vote 4-1. Senator Carson for the committee.

The question is on the adoption of committee recommendation of Refer to Interim Study. Adopted.

HB 1555-FN, relative to the neglect of elderly, disabled, or impaired adults and relative to financial exploitation. Ought to Pass, Vote 3-0. Senator Lasky for the committee.

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

HB 1619-FN, prohibiting the acquisition, collection, or retention of certain information. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Judiciary  
April 16, 2014  
2014-1403s  
05/04

#### **Amendment to HB 1619-FN**

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

AN ACT establishing an expectation of privacy in certain personal information.

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

1 New Chapter; Expectation of Privacy. Amend RSA by inserting after chapter 507-G the following new chapter:

#### **CHAPTER 507-H EXPECTATION OF PRIVACY**

507-H:1 Expectation of Privacy. An individual shall have an expectation of privacy in personal information, including personal identifiers, content, and usage, given or available to third-party providers of information and services, including cellular and land-line telephone, cable, electric, water, and other utility services; internet service providers; social media providers; email service providers; banks and financial institutions; insurance companies; and credit card companies.

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

2014-1403s

#### **AMENDED ANALYSIS**

This bill establishes an expectation of privacy in certain personal information given to third-party providers of information and services.

Sen. Carson moved to Lay on the Table HB 1619-FN.

The question is on the motion to Lay on the Table HB 1619-FN. Adopted.

HB 1624-FN, modernizing the juvenile justice system to ensure rehabilitation of juveniles and preservation of juvenile rights. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Judiciary  
April 15, 2014  
2014-1405s  
05/10

#### **Amendment to HB 1624-FN**

Amend the bill by replacing section 27 with the following:

27 Department of Health and Human Services; Juvenile Justice Services Report. The department of health and human services shall review the services provided by the state for juveniles and determine if the services, placements, and programs provided are consistent with current evidence-based practice, and cost effective when compared to other states and service alternatives. Such review shall consider the cost of services on a per person basis compared to other states and service alternatives, and the effectiveness of those services in reducing juvenile delinquency and recidivism. The results of the review shall include a ranking of the services by age group, based on effectiveness, cost per person, and total cost. The department shall report the results of the review to the house and senate finance committees, the house children and family law committee, and the senate health, education and human services committee, and the senate judiciary committee no later than January 15, 2015.

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 the Committee on Finance (Rule 4-5).

HB 1631-FN, relative to debt collection and small claims. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

Senate Judiciary  
April 16, 2014  
2014-1404s  
08/10

#### **Amendment to HB 1631-FN**

Amend RSA 524 as inserted by section 1 of the bill by deleting RSA 524:6-a, II and renumbering the original RSA 524:6-a, III to read as RSA 524:6-a, II.

2014-1404s

#### **AMENDED ANALYSIS**

This bill restricts income which is available for periodic payment of judgments or for collection of debts. This bill also increases the maximum amount for small claims actions.

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.

#### **COMMERCE**

HB 1308-FN, adding a member to the advisory council on workers' compensation. Ought to Pass with Amendment, Vote 5-0. Senator Cataldo for the committee.

Commerce  
April 9, 2014  
2014-1302s  
01/08

#### **Amendment to HB 1308-FN**

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

AN ACT revising the membership of the advisory council on workers' compensation.

Amend the bill by replacing section 1 with the following:

1 Advisory Council on Workers' Compensation; Membership. RSA 281-A:62, I is repealed and reenacted to read as follows:

I. There is hereby established an advisory council on workers' compensation. The advisory council shall consist of 10 members: the commissioner or designee; one member of the house of representatives, appointed by the speaker of the house; one member of the senate, appointed by the president of the senate; one member representing a large employer who shall not be in the insurance industry, appointed by the president of the senate; one member representing a small employer who shall not be in the insurance industry, appointed by the speaker of the house of representatives; two members representing the interests of labor, appointed by the governor and council; one member representing insurance interests of commercial workers' compensation carriers, appointed by the speaker of the house of representatives; one member representing self-funded

employers, appointed by the president of the senate; and one member representing health care providers, appointed by the governor and council. The legislative members of the advisory council and the 7 appointed members shall be familiar with the workers' compensation laws of New Hampshire. Any person appointed to the council who is not qualified or who ceases to be qualified in the capacity in which such person is serving on the advisory council shall be replaced by the appropriate appointing authority. The advisory council shall discuss problems related to the administration of this chapter and shall discuss policy goals. The advisory council shall also ratify managed care programs established under RSA 281-A:23-a. Except for the legislative members and the commissioner, the term of office of each appointed member shall be 3 years and until a successor is appointed and qualified. Vacancies shall be filled in the same manner and for the unexpired terms. Each member of the advisory council shall be reimbursed for necessary travel and other necessary expenses.

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

Sen. Bragdon asserts Rule 6-25 on HB 1308-FN.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

April 22, 2014

2014-1498s

01/09

### **Floor Amendment to HB 1308-FN**

Amend RSA 281-A:62, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established an advisory council on workers' compensation. The advisory council shall consist of 11 members: the commissioner or designee; *the insurance commissioner, or designee*; one member of the house of representatives, appointed by the speaker of the house; one member of the senate, appointed by the president of the senate; one member representing a large employer who shall not be in the insurance industry, appointed by the president of the senate; one member representing a small employer who shall not be in the insurance industry, appointed by the speaker of the house of representatives; 2 members representing the interests of labor, appointed by the governor and council; one member representing insurance interests of commercial workers' compensation carriers, appointed by the speaker of the house of representatives; one member representing self-funded employers, appointed by the president of the senate; and one member representing health care providers, appointed by the governor and council. The legislative members of the advisory council and the 7 appointed members shall be familiar with the workers' compensation laws of New Hampshire. Any person appointed to the council who is not qualified or who ceases to be qualified in the capacity in which such person is serving on the advisory council shall be replaced by the appropriate appointing authority. The advisory council shall discuss problems related to the administration of this chapter and shall discuss policy goals. The advisory council shall also ratify managed care programs established under RSA 281-A:23-a. Except for the legislative members and the commissioners, the term of office of each appointed member shall be 3 years and until a successor is appointed and qualified. Vacancies shall be filled in the same manner and for the unexpired terms. Each member of the advisory council shall be reimbursed for necessary travel and other necessary expenses.

The question is on the adoption of Floor Amendment 1498s. Adopted.

Sen. Bragdon asserts Rule 6-25 on HB 1308-FN.

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

Sen. Bragdon asserts Rule 6-25 on HB 1308-FN.

Recess. Out of recess.

### **HEALTH, EDUCATION AND HUMAN SERVICES**

HB 1116, relative to the membership of the advanced manufacturing education advisory council. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

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

### **PUBLIC AND MUNICIPAL AFFAIRS**

HB 422, relative to the adoption, revision, and amendment of municipal charters. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

Public and Municipal Affairs  
April 17, 2014  
2014-1439s  
08/10

**Amendment to HB 422**

Amend RSA 49-B:4, VI(a) as inserted by section 2 of the bill by replacing it with the following:

(a) The charter commission shall file with the municipal clerk a preliminary report including the text of the charter which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting it. The commission shall also file the preliminary report with the attorney general and the commissioner of the department of revenue administration as provided in RSA 49-B:4-a, I.

Amend RSA 49-B:4-a as inserted by section 2 of the bill by replacing it with the following:

**49-B:4-a Review and Approval by State Departments.**

I. The chairman of the charter commission, if any, and otherwise the municipal clerk shall file a report, which shall include the name and address of the clerk and the chairman of the charter commission, with the attorney general and the commissioner of the department of revenue administration as follows:

(a) The chairman of the charter commission shall file a copy of the preliminary report relative to any new municipal charter or charter revision at the same time the preliminary report is filed with the municipal clerk pursuant to RSA 49-B:4, VI;

(b) Within 10 days after the filing of the report relative to any charter amendment, if initiated by the municipal officers, the municipal clerk shall file a certified copy of the report.

(c) Promptly after the filing of the petitioners' affidavit relative to a charter amendment, the municipal clerk shall file a certified report consisting of a copy of said affidavit.

(d) Within 14 days of receipt of such report the attorney general and the commissioner of the department of revenue administration shall notify in writing the municipal clerk and the chairman of the charter commission, if any, of his or her receipt. Within 45 days after the receipt of the report the attorney general and commissioner of the department of revenue administration shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state, and shall give notice to the municipal clerk approving or disapproving the proposed charter.

II. If the attorney general or the commissioner of the department of revenue administration does not approve, the proposed charter question shall not be placed on the municipal ballot unless the objections to the proposed charter are resolved as provided in this section. If the proposed charter amendment was initiated by a petition, official petition forms shall not be provided. The attorney general and commissioner of the department of revenue administration shall specify their objections in writing to the municipal clerk, and to the petitioners' committee if relative to a charter amendment initiated by such petitioners' committee, within the period of time allowed for review and shall offer recommendations for changes in language which would correct any inconsistencies they may find in the proposed charter to be voted upon. Failure to specify objections to a proposed charter within 45 days shall constitute approval by the attorney general or the commissioner of the department of revenue administration.

III. Upon receiving notice of such objections, the charter commission may make such changes as appear necessary and resubmit the proposed charter within 30 days to the official or officials who raised the objections. Such officials shall thereafter make reasonable efforts to review the changes and provide notice of approval or disapproval to the municipal clerk in time to enable the charter commission to file its final report by the deadline stated in RSA 49-B:4-b.

IV. The governing body of the municipality may seek judicial review of a decision of the attorney general or the commissioner of the department of revenue administration by appeal in superior court, pursuant to RSA 49-B:10, IV.

Amend the introductory paragraph of RSA 49-B:4-b, I as inserted by section 2 of the bill by replacing it with the following:

I. Upon approval from the attorney general and commissioner of the department of revenue administration under RSA 49-B:4-a, the charter commission shall submit to the municipal officers its final report, which shall include the full text and explanation of the proposed new charter, such comments as the commission deems desirable, an indication of the major differences between the current form of government and the proposed charter, and a written opinion by an attorney admitted to the bar of this state that the proposed charter is not in conflict with the constitution or the general laws. Minority reports, if filed, shall not exceed 1,000 words. The submission of the final report and minority reports, if any, shall be accomplished by the date indicated below:

Amend RSA 49-B:4-c, II(a) as inserted by section 2 of the bill by replacing it with the following:

(a) If a preliminary report has not previously been filed with the attorney general and the commissioner of the department of revenue administration under RSA 49-B:4-a, a preliminary report shall be filed with such officials on or before June 15 preceding the state election;

Amend RSA 49-B:5, I-II as inserted by section 2 of the bill by replacing it with the following:

I. The municipal officers may determine that one or more amendments to the municipal charter are necessary and, by order, provide for notice and hearing on them in the same manner as provided in RSA 49-B:5, V(a). Within 7 days after receiving approval from the attorney general and the commissioner of the department of revenue administration under RSA 49-B:4-a, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers may order amendments to be placed on the ballot at either the next regular municipal election or the next state biennial election, whichever occurs earlier, that occurs not less than 60 days after the order.

(a) Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject.

(b) Alternative statements of a single amendment are prohibited.

II. On the written petition of a number of voters equal to at least 20 percent of the number of votes cast in a municipality at the last regular municipal election, but in no case fewer than 10 voters, the municipal officers shall, by order, provide that proposed amendments to the municipal charter be placed on a ballot in accordance with the procedures set out below:

(a) Each amendment shall be limited to a single subject but more than one section of the charter may be amended as long as it is germane to that subject.

(b) Alternative statements of a single amendment are prohibited.

Amend RSA 49-B:5, V(b)-(c) as inserted by section 2 of the bill by replacing it with the following:

(b) Within 7 days after the last public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the final draft of the proposed amendment and a written opinion by an attorney admitted to the bar of this state that the proposed amendment is not in conflict with the general laws or the constitution. In the case of a committee report, a copy shall be filed with the municipal officers. Upon such filing, the provisions of RSA 49-B:4-a shall apply in the same manner as for a charter adoption; provided, however, that the municipal officers or the appointed committee shall be substituted for the charter commission for purposes of RSA 49-B:4-a, III.

(c) Within 7 days after the approval by the attorney general and the commissioner of the department of revenue administration, or within 7 days after the last public hearing in the case of an amendment submitted by voter petition, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers shall order the amendments to be placed on the ballot at either the next regular municipal election or the next state biennial election, whichever occurs earlier, that occurs not less than 60 days after the date of the order.

General Provisions Applicable to Charter Actions

Amend RSA 49-B:10, IV as inserted by section 4 of the bill by replacing it with the following:

IV. Any municipality aggrieved by the decision of the ~~[secretary of state]~~ **attorney general or the commissioner of the department of revenue administration** under RSA ~~[49-B:5-a]~~ **49-B:4-a** may seek review by way of appeal in superior court to determine the lawfulness of the ~~[secretary's]~~ decision. The clerk shall schedule a hearing on any such appeal within 10 days of the filing of such petition.

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Transition Provision. In the case of any process to adopt, revise, or amend a municipal charter that was commenced, either by order of the municipal officers or by the submission of a petition, prior to the effective date of this act, the provisions of RSA 49-B:2, IV and RSA 49-B:3 through RSA 49-B:6 as in effect prior to the effective date of this act shall continue to apply until the conclusion of that process.

Sen. Pierce moved to Lay on the Table HB 422.

The question is on the motion to Lay on the Table HB 422.

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

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

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

Yeas: 7 - Nays: 16

Motion failed.

Sen. Hosmer is excused.

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

Sen. Boutin offered a floor amendment.

Sen. Boutin, Dist. 16

April 24, 2014

2014-1550s

08/10

#### **Floor Amendment to HB 422**

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Applicability. The amendments to RSA 49-B made by section 1 of this act shall not affect municipal charters in existence or processes to adopt, revise, or amend municipal charters started before the effective date of this act.

Recess. Out of recess.

Sen. Boutin withdrew Floor Amendment 1550s.

#### **SPECIAL ORDER**

Without objection, HB 422 is special ordered to the end of the calendar. Adopted by the necessary 2/3 vote.

#### **TRANSPORTATION**

HB 650-FN-A, relative to instituting a bus service between Claremont, New Hampshire and Lebanon, New Hampshire. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

Senate Transportation

April 10, 2014

2014-1339s

06/10

#### **Amendment to HB 650-FN-A**

Amend the bill by replacing section 1 with the following:

1 Department of Transportation; Bus Service Between Claremont and Lebanon; Authority to Expend State Funds.

I. The Community Alliance Transportation Services in Newport, with the support of the department of transportation, may actively solicit federal funds for the purpose of covering start-up costs, including the purchase of 2 buses and 3 years of operating expenses, relative to instituting a bus service between Claremont, New Hampshire and Lebanon, New Hampshire.

II. The Community Alliance Transportation Services may actively solicit private or local funds, or both, for the purpose of providing any required match for the receipt of federal funds described in paragraph I. If sufficient funding is not raised by June 30, 2017, any private or local matching funds received under this paragraph, plus interest, shall be returned to the contributing entities.



2014-1339s

**AMENDED ANALYSIS**

This bill permits the Community Alliance Transportation Services in Newport to actively solicit federal and private funds to start a bus service between Claremont and Lebanon.

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.

**MOTION TO REMOVE FROM THE TABLE**

Sen. Bradley moved to remove HB 1244 from the table. Motion adopted.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

HB 1244, relative to the disclosure of the names of lottery winners.

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

Recess. Out of recess.

**PUBLIC AND MUNICIPAL AFFAIRS**

HB 422, relative to the adoption, revision, and amendment of municipal charters.

Sen. Boutin offered a floor amendment.

Sen. Boutin, Dist. 16

April 24, 2014

2014-1555s

08/05

**Floor Amendment to HB 422**

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Applicability. The amendments to RSA 49-B made by sections 1, 2 and 4 of this act shall not affect municipal charters in existence or processes to adopt, revise, or amend municipal charters started before the effective date of this act.

Recess. Out of recess.

The question is on the adoption of Floor Amendment 1555s. Adopted.

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

Recess. Out of recess.

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

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

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

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

Yeas: 15 - Nays: 7

Adopted.

Sen. Hosmer and Sen. Gilmour were excused.

**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 366-FN, relative to showing a ballot.

HB 422, relative to the adoption, revision, and amendment of municipal charters.

HB 495-FN, relative to titles for motor vehicles.

HB 584-FN, relative to covered prescription drugs.

HB 590, relative to the unauthorized practice of law.

HB 650-FN-A, relative to instituting a bus service between Claremont, New Hampshire and Lebanon, New Hampshire.

HB 1116, relative to the membership of the advanced manufacturing education advisory council.

HB 1122-FN, relative to the filing with a registry of deeds of a fraudulent document purporting to create a lien or claim against real property.

HB 1137-FN, relative to annulment of certain obstruction of justice crimes and relative to the crime of escape.

HB 1149-FN, relative to motor vehicle registrations.

HB 1150-FN, relative to motor vehicle dealer and inspection station licenses.

HB 1193, relative to flood coverage notification.

HB 1217, allowing wholesale distributors to purchase beverages from nano brewery licensees.

HB 1244, relative to the disclosure of the names of lottery winners.

HB 1249, relative to refunds of the road toll paid by an exempt governmental entity using a credit or fuel card.

HB 1280, permitting physician assistants to authorize walking disability plates and placards.

HB 1296, relative to membership of the therapeutic use of cannabis advisory council.

HB 1308-FN, revising the membership of the advisory council on workers' compensation.

HB 1431, relative to the membership of the developmental services quality council.

HB 1447, prohibiting discrimination in educational standards for certain students.

HB 1532, requiring property sellers to provide an arsenic notice to buyers.

HB 1533-FN, requiring a warrant to search information in a portable electronic device.

HB 1555-FN, relative to the neglect of elderly, disabled, or impaired adults and relative to financial exploitation.

HB 1558-FN, relative to prevention of motor vehicle title fraud.

HB 1600, relative to reporting of energy production for net metering.

HB 1606, relative to assignment of legal costs in suits between condominium associations and condominium members.

HB 1629, adding duties and extending the reporting date of the committee to study options for mitigating damages associated with highway noise and relative to the department of transportation policy and procedural guidelines for the assessment and abatement of traffic noise for type I highway projects.

HB 1631-FN, relative to debt collection and small claims.

#### LIST OF RULE 6-25'S FOR THE DAY

Sen. Bragdon: HB 1156-FN, HB 1308-FN.

Sen. Prescott: HB 1532.

#### ANNOUNCEMENTS

(None)

#### 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.