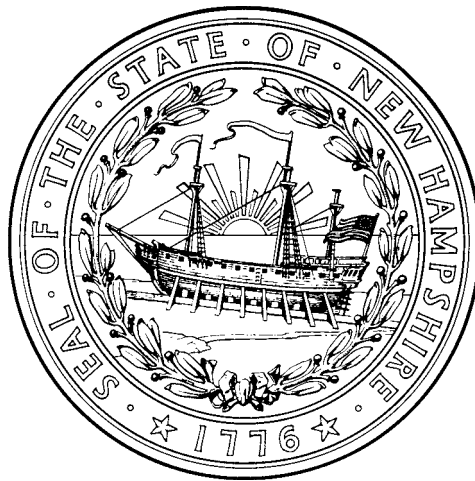


May 8, 2014
Nos. 11-12

STATE OF NEW HAMPSHIRE

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



**Second Year of the 163rd Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MAY 1, 2014 SESSION
COMMENCEMENT – MAY 8, 2014 SESSION**

SENATE JOURNAL 11 *(continued)*

May 1, 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 210, relative to registration of vehicles by motor vehicle manufacturers.

SB 239, relative to the statewide emergency notification system.

SB 242, relative to coverall bingo games.

SB 246-FN, relative to penalties for speeding.

SB 269, relative to the reporting requirements for dedicated funds.

SB 327-FN, relative to economic revitalization zone tax credits.

SB 339-FN, relative to instituting a credit card affinity program in which fees received are directed to offset the retirement system's unfunded liability.

SB 371-FN, requiring the establishment of a senior citizens bill of rights.

HOUSE MESSAGE

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

SB 203, relative to permissible uses of electronic benefit transfer (EBT) cards.

SB 228, relative to notice of changes to zoning districts.

SB 286, relative to abatements for prior years' property taxes.

HOUSE MESSAGE

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

SB 272, relative to notice of voter registration.

SB 329-FN, relative to advertising alcoholic beverages on billboards.

SB 360, relative to the comprehensive health care system.

SB 366-FN-A-L, relative to video lottery and table gaming.

SB 370-FN-L, relative to reimbursement of towns affected by the Merrimack River flood control compact and making an appropriation therefor.

HOUSE MESSAGE

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

SB 281-FN, relative to the siting of wind turbines.

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 153, establishing a committee to study the growth and sale of industrial hemp in New Hampshire.

HB 234, relative to occupational and professional boards and commissions procedures concerning military service and occupational experience or training.

HB 426, relative to payment of costs and fees in guardianship cases.

HB 534, establishing a commission to study the feasibility of sponsorship agreements including naming rights for certain structures.

HB 649-FN, relative to earned time credits for certain prisoners participating in educational and rehabilitative programming.

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 1132-FN, relative to school emergency response plans.

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

HB 1144, establishing a committee to study information included in arrest records and access to information on the disposition of criminal cases.

HB 1295, relative to the definition of livestock.

HB 1320, relative to incompatibility of town offices.

HB 1360, relative to use of certain electronic devices while driving.

HB 1370, providing for minority party membership on the executive committee of the county convention

HB 1453, relative to procedures of the board of podiatry.

HB 1545, relative to voting booths.

HB 1546, relative to insurance coverage for tractors.

HB 1559-FN, establishing a New Hampshire state house bicentennial commission and fund.

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

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

April 30, 2014

2014-1628-EBA

08/09

Enrolled Bill Amendment to SB 215-FN

The Committee on Enrolled Bills to which was referred SB 215-FN

AN ACT authorizing benefit corporations.

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 215-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 215-FN

Amend RSA 293-C:2, XI(a) as inserted by section 1 of the bill by replacing line 2 with the following:
the interests listed in RSA 293-C:7, I(a).

Amend RSA 293-C:5, I as inserted by section 1 of the bill by replacing line 2 with the following:
chapter by amending its articles of incorporation to delete the provision required by RSA 293-

Amend RSA 293-C:12, I(g)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) The benefit director, as required by RSA 293-C:8, VI.

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

April 30, 2014
2014-1633-EBA
08/03

Enrolled Bill Amendment to SB 298

The Committee on Enrolled Bills to which was referred SB 298

AN ACT establishing a permanent commission on post-traumatic stress disorder and traumatic brain injury.

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 298

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 298

Amend RSA 115-D:2, I(e) as inserted by section 2 of the bill by replacing it with the following:

(e) The director of the state office of veterans services, or designee.

Amend RSA 115-D:2, I(g) as inserted by section 2 of the bill by replacing line 2 with the following:
intervention, and treatment, or designee.

Amend RSA 115-D:2, I(t) as inserted by section 2 of the bill by replacing it with the following:

(t) A representative of the Community Behavioral Health Association, appointed by the association.

Amend RSA 115-D:2, I(u) as inserted by section 2 of the bill by replacing line 1 with the following:

(u) A representative of the New Hampshire Deployment Cycle Support

Amend RSA 115-D:4 as inserted by section 2 of the bill by replacing line 2 with the following:
among the members. The first meeting of the commission shall be called by the senate

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

April 30, 2014
2014-1644-EBA
06/10

Enrolled Bill Amendment to SB 326

The Committee on Enrolled Bills to which was referred SB 326

AN ACT relative to procedural requirements for certain residents of nursing and assisted living facilities.

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 326

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 326

Amend RSA 151-E:19, I as inserted by section 1 of the bill by replacing line 5 with the following:

(b) "Costs of care" means all costs of health care and lodging and all related costs,

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

April 28, 2014
2014-1585-EBA
03/05

Enrolled Bill Amendment to SB 351

The Committee on Enrolled Bills to which was referred SB 351

AN ACT relative to the requirement for notice of non-compete agreements prior to the start of employment.

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 351

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 351

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

AN ACT relative to the requirement for notice of noncompete agreements prior to the start of employment.

Amend the bill by replacing sections 1-2 with the following:

1 Noncompete Agreements. The subdivision heading preceding RSA 275:70 is repealed and reenacted to read as follows:

Noncompete Agreements

2 Notice of Noncompete Agreements. RSA 275:70 is repealed and reenacted to read as follows:

275:70 Noncompete Agreements. Any employer who requires an employee who has not previously been employed by the employer to execute a noncompete agreement as a condition of employment shall provide a copy of such agreement to the potential employee prior to the employee's acceptance of an offer of employment. A noncompete agreement that has not been disclosed to an employee as required by this section shall not be enforceable against the employee, but all other provisions of any employment, confidentiality, nondisclosure, trade secret, intellectual property assignment, or any other type of employment agreement or provision shall remain in full force and effect.

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

May 1, 2014

2014-1656-EBA

05/10

Enrolled Bill Amendment to SB 367-FN-A

The Committee on Enrolled Bills to which was referred SB 367-FN-A

AN ACT 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.

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 367-FN-A

This enrolled bill amendment makes a technical correction to the punctuation in the bill.

Enrolled Bill Amendment to SB 367-FN-A

Amend RSA 260:32-b, II(a) as inserted by section 3 of the bill by replacing it with the following:

(a) Debt service payments for bonds issued pursuant to RSA 6:13-d.

Amend RSA 260:32-b, II(d) as inserted by section 3 of the bill by replacing line 2 with the following: municipal bridges under RSA 234.

Amend RSA 260:32-b, III(a) and (b) as inserted by section 3 of the bill by replacing them with the following:

(a) Debt service payments for bonds issued pursuant to RSA 6:13-d.

(b) In addition to sums otherwise appropriated, \$6,800,000 for state bridge aid for municipal bridges under RSA 234.

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

April 28, 2014
2014-1579-EBA
06/09

Enrolled Bill Amendment to HB 227

The Committee on Enrolled Bills to which was referred HB 227

AN ACT relative to property and casualty insurance.

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 HB 227

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 227

Amend RSA 407:15 as inserted by section 6 of the bill by replacing line 2 with the following:
of coverage. The notice shall inform the insured that any action based upon the denial shall be
Sen. Kelly moved adoption of the Enrolled Bill Amendment. Adopted.

April 25, 2014
2014-1565-EBA
03/01

Enrolled Bill Amendment to HB 469

The Committee on Enrolled Bills to which was referred HB 469

AN ACT relative to time limits for certain regulatory boards and commissions to hold hearings on disciplinary proceedings, and establishing a statute of limitations for the initiation of disciplinary actions against an occupational licensee.

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 HB 469

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 469

Amend RSA 332-G:9, II as inserted by section 1 of the bill by replacing line 2 with the following:
during which a criminal action on the matter is pending in a trial court of this state, or of another
Amend RSA 541-A:31, II(b) as inserted by section 2 of the bill by replacing line 3 with the following:
of this state, or of another state, or of the United States, (2) during the time in which a
Sen. Kelly moved adoption of the Enrolled Bill Amendment. Adopted.

April 25, 2014
2014-1563-EBA
03/04

Enrolled Bill Amendment to HB 1224-FN

The Committee on Enrolled Bills to which was referred HB 1224-FN

AN ACT relative to pipeline operation safety.

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 HB 1224-FN

This enrolled bill amendment corrects a reference in the bill.

Enrolled Bill Amendment to HB 1224-FN

Amend RSA 363:22-a, I as inserted by section 2 of the bill by replacing line 1 with the following:

I. The commission shall apply annually to the Pipeline and Hazardous Materials Safety

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

April 29, 2014
2014-1620-EBA
09/05

Enrolled Bill Amendment to HB 1249

The Committee on Enrolled Bills to which was referred HB 1249

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

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 HB 1249

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 1249

Amend RSA 260:52-g, I as inserted by section 1 of the bill by replacing line 3 with the following:

general public, and the price of the motor fuel including the road toll is charged to a credit or

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

April 28, 2014
2014-1577-EBA
03/09

Enrolled Bill Amendment to HB 1290-FN

The Committee on Enrolled Bills to which was referred HB 1290-FN

AN ACT allowing nonresident full-time students to purchase licenses for hunting and fishing.

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 HB 1290-FN

This enrolled bill amendment clarifies a reference in the bill.

Enrolled Bill Amendment to HB 1290-FN

Amend RSA 214:5-b as inserted by section 1 of the bill by replacing line 3 with the following:

purchase a nonresident student license for hunting or fishing issued under the provisions of title XVIII, if

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

May 1, 2014
2014-1649-EBA
08/10

Enrolled Bill Amendment to HB 1555-FN

The Committee on Enrolled Bills to which was referred HB 1555-FN

AN ACT relative to the neglect of elderly, disabled, or impaired adults and relative to financial exploitation.

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 HB 1555-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1555-FN

Amend section 4 of the bill by replacing line 3 with the following:

631:9 Financial Exploitation of an Elderly, Disabled, or Impaired Adult.

Amend section 4 of the bill by replacing line 6 with the following:

RSA 631:10 if:

Amend section 4 of the bill by replacing line 32 with the following:

services, or his or her designees, relative to investigating reports of abuse, neglect, self-neglect, or

Amend section 4 of the bill by replacing line 42 with the following:

631:10 Penalties.

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

April 25, 2014
2014-1566-EBA
03/01

Enrolled Bill Amendment to HB 1572-FN

The Committee on Enrolled Bills to which was referred HB 1572-FN

AN ACT establishing a permanent subcommittee of the health and human services oversight committee relative to Alzheimer's disease and other related dementia and requiring certain training and education programs regarding Alzheimer's disease and other related dementia.

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 HB 1572-FN

This enrolled bill amendment renumbers a new RSA paragraph to prevent a conflict with SB 413-FN-A.

Enrolled Bill Amendment to HB 1572-FN

Amend RSA 126-A:15-a, IV as inserted by section 1 of the bill by replacing line 3 with the following:

services and elderly affairs committee, the speaker of the house of representatives, the president of

Amend section 2 of the bill by replacing lines 2-4 with the following:

Related Dementia. Amend RSA 126-A:5 by inserting after paragraph XXVI the following new paragraph:

XXVII. The commissioner, in collaboration with the commissioner of the department of

Amend RSA 188-F:28-a as inserted by section 3 of the bill by replacing line 5 with the following:

under RSA 126-A:5, XXVII and may include such additional components as may be appropriate to

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

May 1, 2014
2014-1650-EBA
03/10

Enrolled Bill Amendment to HB 1629

The Committee on Enrolled Bills to which was referred HB 1629

AN ACT 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.

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 HB 1629

This enrolled bill amendment corrects references in the bill.

Enrolled Bill Amendment to HB 1629

Amend section 1 of the bill by replacing lines 1-2 with the following:

1 New Subparagraphs; Committee to Study Options for Mitigating Damages Associated with Highway Noise; Duties of Committee. Amend 2013, 122:1, IV by inserting after subparagraph (c) the

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

Options for Mitigating Damages Associated with Highway Noise.

Amend paragraph II of section 3 of the bill by replacing line 2 with the following:

committee to study options for mitigating damages associated with highway noise the cost of any
Sen. Sanborn 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):

HB 366, relative to showing a ballot.

HB 495, relative to titles for motor vehicles.

HB 584, relative to covered prescription drugs.

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

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.

HB 1149, relative to motor vehicle registrations.

HB 1150, 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 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 1431, relative to the membership of the developmental services quality council.

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

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

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

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 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, relative to oil spill preparedness and response.

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

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

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

Senator Sanborn 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 12

May 8, 2014

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

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

Good morning. Well, in the Episcopal Church calendar, today is the day we remember the medieval mystic, Julian of Norwich, who was born in about 1342 and lived for around 75 years. And when Julian was thirty years old she became seriously ill and wasn't expected to live, but she did recover and then she experienced a series of fifteen divine visions, which inspired her to enter the religious life.

But Julian didn't just become a nun, she became an anchoress, which means that, for the rest of her life, over 40 years, she lived in a tiny hut attached to the church at Norwich. And she just spent all her time in prayer and contemplation, and providing counsel to all of the many people who came seeking her wisdom.

Now, most of us would not choose the kind of life that Julian chose, but in this very chaotic, very noisy, and commotion-filled life, it's good to withdraw occasionally and to seek out solitude and peace. And however we define our spiritual nature, it's a part of us that will always benefit from intentional reflection. Let us pray.

May we become people of stillness. May we empty ourselves and be filled with peace. May we learn to be quiet and to listen. May we have the courage to expose our uncertainty and our vulnerability, and may we be restored with wisdom and strength.
Amen.

Sen. Gilmour led the Pledge of Allegiance.

Recess. Out of recess.

INTRODUCTION OF GUESTS

Senator Larsen introduced Marta Rardin and Emily Thunberg, both from Concord High School, serving as Senate Pages for the day.

Senator Kelly introduced Fuller Elementary School of Keene, visiting in the balcony today.

MOTION OF RECONSIDERATION

Sen. Woodburn, having voted on the prevailing side, moved to reconsider the Third Reading and Final Passage vote on HB 1540.

The question is on Reconsideration of the Third Reading and Final Passage vote on HB 1540. Adopted
The Chair rescinded HB 1540 from Third Reading.

Sen. Woodburn, having voted on the prevailing side, moved to reconsider the Ought to Pass with Amendment vote on HB 1540.

The question is on Reconsideration of the Ought to Pass with Amendment vote on HB 1540. Adopted.

SPECIAL ORDER

Without objection HB 1540, HB 685, and HB 565 were Special-Ordered to the end of the calendar. Adopted by the necessary 2/3 vote.

CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

HB 1258, relative to fill and dredge permitting applications. Removed by Sen. Sanborn.

HB 1128, establishing a committee to study issues related to students receiving special education services while attending a chartered public school. Removed by Sen. Stiles.

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.

COMMERCE

HB 1168, relative to employer documentation of worker eligibility to work in the United States. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

This bill, as amended by the Committee, requires employers to obtain and keep on file, documentation of an employee's eligibility to work in the United States. State law is currently out of date and this bill includes the necessary update to comply with federal law. This bill in no way requires employers to collect information that they don't currently collect.

Commerce
April 29, 2014
2014-1613s
06/04

Amendment to HB 1168

Amend RSA 275-A:4-a as inserted by section 1 of the bill by replacing it with the following:

275-A:4-a Employment of ~~[Illegal Aliens]~~ **Undocumented Workers** Prohibited. No employer may employ ~~[an alien whom the employer knows is not a citizen of the United States and not in possession of Form I-151, Alien Registration Receipt Card or any other document issued by the United States Immigration and Naturalization Service or the Attorney General of the United States which authorizes him to work]~~ **any employee without obtaining documentation showing the employee's eligibility to work in the United States. The employer shall maintain such documentation for the period required by federal law. Acceptable documentation of eligibility to work in the United States shall include documents required by federal law or supporting documentation that satisfies the requirement of federal law.**

2014-1613s

AMENDED ANALYSIS

This bill requires employers to obtain and maintain documentation of an employee's eligibility to work in the United States.

HB 1283, relative to revival of a charter by a voluntary corporation or association. Ought to Pass with Amendment, Vote 5-0. Senator Hosmer for the committee.

This bill as amended by the committee requires those wishing to revive a charter that has been repealed, revoked, or annulled to file an application with the Secretary of State. The charter would then be revived following a hearing to make certain that the corporation had continued to operate and that the charter revival would be in the public good.

Commerce
April 29, 2014
2014-1612s
05/04

Amendment to HB 1283

Amend RSA 292:30, II(i) as inserted by section 1 of the bill by replacing it with the following:

(i) That such revival will be in the public good.

ENERGY AND NATURAL RESOURCES

HB 1312, establishing a committee to study offshore wind energy and the development of other ocean power technology. Ought to Pass, Vote 5-0. Senator Martha Fuller Clark for the committee.

This bill establishes a committee to study offshore wind energy and other ocean power technology designed for energy generation.

HB 1636, relative to eligibility guidelines for participation in the reduced fee companion animal population control program. Ought to Pass, Vote 5-0. Senator Russell Prescott for the committee.

This bill allows a New Hampshire resident dog or cat owner with an income at or below 130 percent of the Federal poverty guidelines eligible to participate in a reduced fee companion animal population control program.

HEALTH, EDUCATION AND HUMAN SERVICES

HB 572, establishing a commission to study public-private partnerships to fund medical care for abused and neglected children. Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This bill establishes a commission to study public-private partnerships to fund medical treatment of abused and neglected children. The committee believes that a commission is the best means to discover the most effective ways to fund those who seek to treat the abused and neglected children of New Hampshire.

HB 608, relative to the sale of certain uninspected poultry and rabbits to licensed restaurants. Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This bill allows for the sale of certain uninspected poultry and rabbits in licensed restaurants and defines "uninspected" to mean poultry or rabbits that are not individually marked as having passed inspection as prescribed by the United States Department of Agriculture or in accordance with RSA 427. All packaging containing uninspected poultry and rabbits shall be clearly labeled to include the name and address of the farm where the product originates and the date of slaughter. The Committee believes that this bill is a positive step in promoting the sale of local products in New Hampshire.

HB 1138, relative to homestead food producers selling food products at farm stands, farmers' markets, or at the homestead residence where they are produced. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

This bill raises the maximum annual gross sales for homestead food operations exempt from licensure from \$10,000 to \$20,000. The committee believes that this bill will help to promote the sale and production of local food in New Hampshire, without limiting sales of food producers after they apply for a license.

HB 1141, requiring chartered public schools to share enrollment information with school districts. Interim Study, Vote 5-0. Senator Sanborn for the committee.

This bill would require that a chartered public school share certain information about each child who enrolls with the child's resident district. The committee believes that referring the bill to interim study is the most efficient way to establish the best process of providing information between the charter schools and districts of New Hampshire.

HB 1238, relative to access to assessment materials. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

This bill requires the department of education to make available portions of a pupil's assessment on the department's website as soon as possible after the statewide assessment results are released. The committee believes that this bill is a positive step in ensuring parental involvement in the educational assessment of New Hampshire's students.

HB 1321, relative to reporting of Armed Services Vocational Aptitude Battery scores. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

This bill requires schools to notify high school students and parents of their score reporting options relative to the Armed Services Vocational Aptitude Battery. The majority of the students taking this examination are under the age of 18. The committee believes that it is important for parents to be involved in the decision of sending test results to military recruits.

HB 1534, establishing a commission to study fiscal disparities between public school districts. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

The bill as amended by the committee changes the study commission to include only one member of the senate, three representatives, and establishes that the commission will examine fiscal disparities between public school districts, the effective distribution of education funding, and the growth of chartered public schools and the financial obligation to the state.

Health, Education and Human Services

April 29, 2014

2014-1605s

04/06

Amendment to HB 1534

Amend RSA 198:62, I(a)-(b) as inserted by section 1 of the bill by replacing them with the following:

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

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

Amend RSA 198:62, III as inserted by section 1 of the bill by replacing it with the following:

III. The commission shall examine: (a) fiscal disparities between public school districts and (b) whether funds could be more effectively distributed in order to provide every child in the public schools the best opportunity for education. The commission shall also examine the growth of chartered public schools and the financial obligation of the state. The commission shall solicit input from any person or organization with information relevant to the commission's objective.

JUDICIARY

HB 1198, relative to the procedure for filing a child in need of services (CHINS) petition and relative to the definition of sexual abuse under the child protection act. Ought to Pass, Vote 5-0. Senator Lasky for the committee.

This bill corrects a technical error in the CHINS statute that was amended last year and was inadvertently left out. It also removes the need to prove that a sexual abuse act was harmful in the Child Protection Act. Sexual abuse is in and of itself a harm and this bill acknowledges that.

TRANSPORTATION

HB 1317, relative to driver education. Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill was requested by the Department of Safety. It clarifies the requirements for driver education regarding insurance and hour thresholds and also deletes obsolete references to the department of education. This bill has the support of the driver education community and is simply a housekeeping bill.

HB 1329, prohibiting the use of facial recognition technology in connection with driver's license photographs. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

This bill prohibits the use of facial recognition technology in connection with driver's license photographs. Although the Department of Safety does not currently do this, and has no plans to use the technology in the immediate future, the bill simply codifies in law that the Department must come before the Legislature should it plan to pursue utilization of the technology.

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

REGULAR CALENDAR REPORTS

COMMERCE

HB 1177, relative to the anti-rebating law. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

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

HB 1349, relative to the definition of employee for purposes of workers' compensation. Ought to Pass with Amendment, Vote 4-1. Senator Cataldo for the committee.

Commerce

April 29, 2014

2014-1615s

01/06

Amendment to HB 1349

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

AN ACT relative to the definition of employee for purposes of workers' compensation and establishing a commission to study and make recommendations for a common definition of employee.

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

2 New Section; Commission to Study a Common Definition of Employee. Amend RSA 273 by inserting after section 27 the following new section:

273:28 Commission to Study a Common Definition of Employee.

I. There is established a commission to study a common definition of employee and to make recommendations to the legislature.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the insurance department, or designee.
- (d) The commissioner of the department of labor, or designee.
- (e) The commissioner of the department of employment security, or designee.
- (f) The commissioner of the department of revenue administration, or designee.
- (g) A representative of the interests of labor, appointed by the speaker of the house of representatives.
- (h) A representative of the Associated General Contractors, appointed by the president of that organization.
- (i) A representative of the Business and Industry Association of New Hampshire, appointed by the president of that organization.
- (j) A representative of the New Hampshire Association of Insurance Agents, appointed by the chairman of the board of that association.

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

IV. The commission shall study the common definitions of employee that other states have adopted and make recommendations for a common definition to the legislature.

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

VI. The commission 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, 2014.

3 Repeal. RSA 273:28 relative to commission to study a common definition of employee is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2014.

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

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

Sen. Bragdon asserts Rule 6-25 on HB 1349.

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. Bradley

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

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

Yeas: 12 - Nays: 11

Adopted, bill ordered to Third Reading.

Sen. Bragdon asserts Rule 6-25 on HB 1349.

HB 1353, relative to recovery under uninsured motorist coverage. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Commerce
April 29, 2014
2014-1616s
03/06

Amendment to HB 1353

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

2 Effective Date. This act shall take effect January 1, 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 Third Reading.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1110, relative to the penalty for sales chasing by certified assessors. Ought to Pass, Vote 4-0. Senator Cataldo for the committee.

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

HB 1167, relative to exemptions from boiler inspection requirements. Ought to Pass with Amendment, Vote 4-0. Senator Watters for the committee.

Senate Executive Departments and Administration
April 30, 2014
2014-1640s
06/10

Amendment to HB 1167

Amend RSA 157-A:6, I as inserted by section 1 of the bill by replacing it with the following:

I. The inspection requirements of RSA 157-A:8, 9-a, and 10 shall not apply to ***buildings used exclusively as*** private residences or apartment houses of less than 3 family units.

2014-1640s

AMENDED ANALYSIS

This bill exempts buildings that are used exclusively as private residences and apartment houses of less than 3 family units from certain inspection requirements.

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 1478, relative to oversight of child day care agencies. Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Senate Executive Departments and Administration

April 30, 2014

2014-1638s

05/10

Amendment to HB 1478

Amend the bill by replacing section 1 with the following:

1 Record of Licenses; Investigatory and Monitoring Visits. Amend RSA 170-E:10 to read as follows:

170-E:10 Record of Licenses ***and Investigatory and Monitoring Visits.***

I. The department shall keep in a central depository records of licenses issued under this subdivision and all ***investigatory and*** monitoring reports, ***and final decisions relative to licensure*** that have been made relative to licensees. When a license is issued to a child day care agency, the department shall give notice to the health officer and fire department of the city or town in which the licensee is located stating the granting of such license and its terms. A like notice shall be given of any suspension or revocation of such license.

II. The license itself, [and] the findings of ***investigatory and*** monitoring visits, and final decisions relative to licensure of the child day care agency shall be considered public information, ***posted on the department's website, and*** available for review by members of the public; information submitted in the application process, however, shall be private, confidential, and not available for review.

III. At least 5 business days before posting the results or findings of an investigatory visit, monitoring visit, or a final decision relative to licensure on the department's website, the department shall provide the child day care agency with the results or findings by email or, if the child day care agency has not provided an email address, by United States mail. If the child day care agency submits a reasonable response to the department's findings, the child day care agency's response shall be posted with the department's findings on the website.

Amend RSA 170-E:10-a, I as inserted by section 2 of the bill by replacing it with the following:

I. The department shall offer an opportunity for informal dispute resolution to any child day care agency that disagrees with the results or findings of a monitoring visit. The child day care agency shall submit a written request for informal dispute resolution no later than 14 days from the date the findings were issued by the department. Within 30 days of receipt of a request for informal dispute resolution and receipt of information from the child day care agency, the department shall review the evidence presented and provide written notice of its decision to the child day care agency.

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.

FINANCE

HB 1203, repealing provisions relative to the sale of the former Laconia state school property. Ought to Pass with Amendment, Vote 4-2. Senator Bragdon for the committee.

Senate Finance

April 29, 2014

2014-1618s

05/03

Amendment to HB 1203

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect June 30, 2015.

The question is on the adoption of the Committee Amendment.

A division vote was requested.

Yeas: 15 - Nays: 9

Adopted.

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

HB 1229-FN, relative to the oil discharge and gasoline ether cleanup fund. Ought to Pass, Vote 6-0. Senator Odell for the committee.

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

HB 1403-FN, establishing a state minimum hourly wage. Inexpedient to Legislate, Vote 4-2. Senator Bragdon for the committee.

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

Recess/Out of recess

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

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

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

Yeas: 13 - Nays: 11

Adopted.

HB 1487-FN, relative to the uniform fine schedule for the division of forests and lands. Ought to Pass, Vote 6-0. Senator Odell for the committee.

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

HB 1488-FN, adopting the interstate compact on educational support for military children. Ought to Pass, Vote 6-0. Senator Larsen for the committee.

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

HB 1494-FN, relative to administration of the New Hampshire retirement system and authority of the board of trustees. Ought to Pass, Vote 5-1. 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.

HB 1581-FN-A, relative to the bonding of project costs for certain department of transportation bridge capital projects. Inexpedient to Legislate, Vote 4-2. Senator Forrester for the committee.

Recess/Out of Recess

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

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

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

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

Yeas: 13 - Nays: 11

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 6-0. Senator Odell for the committee.

Senate Finance
April 29, 2014
2014-1617s
05/04

Amendment to HB 1624-FN

Amend the bill by replacing section 22 with the following:

22 Release and Discharge from Youth Development Center. RSA 621:19, I-a is repealed and reenacted to read as follows:

I-a. The board shall release, pursuant to paragraph I, any child committed to its care for a delinquency adjudication based on an offense other than a violent crime as defined in RSA 169-B:35-a no later than 6 months from the date of the child's commitment pursuant to RSA 169-B:19, I(j), unless the board determines that continued commitment is necessary in order to protect the safety of the child or the community, and in such case declines to release the child. If the board declines to release a child pursuant to this paragraph, it shall provide written notice to the child of his or her right to seek review of the board's decision, of his or her right to the assistance of counsel during the review process, and of the procedure the child may follow to initiate such a review. Parole review and release under this paragraph are not required during the period that a child is the subject of a delinquency petition which is awaiting adjudication or disposition.

I-b. Any child denied parole under this section may petition the court that committed the child to order the child released on parole. Upon receipt of the petition, the court shall schedule the matter for hearing within 15 business days. At a hearing on the petition, the child shall be entitled to the assistance of counsel. At a hearing on the petition, the court shall consider the findings of the juvenile parole board, the offense and placement history of the child, and the need for continued commitment in order to protect the safety of the child or the community. Unless the court, after a hearing, finds by clear and convincing evidence that continued commitment is necessary in order to protect the safety of the child or the community, the court shall order that the child be released by the board on parole and take such further action the court may deem appropriate.

I-c. The right to counsel provided for in this section shall not be waived except following consultation between the child and a parent or counsel. Consultation between a child and parent is not sufficient to support waiver under this section if the parent was a victim or complainant in the underlying proceeding or has been a witness or provided information in support of the basis for revocation in a parole revocation proceeding involving the child. Children known to the department of health and human services or the court to have an emotional disorder, intellectual disability, or any other condition which may be expected to interfere with the child's ability to understand the proceedings, make decisions, or otherwise handle the proceedings without the assistance of counsel shall not waive the right to counsel guaranteed by this section.

Amend the bill by replacing section 28 with the following:

28 Effective Date.

I. Sections 22 and 27 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 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 Third Reading.

HEALTH, EDUCATION AND HUMAN SERVICES

HB 474, relative to eligibility for in-state tuition rates at the university system of New Hampshire. Interim Study, Vote 3-2. Senator Sanborn for the committee.

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

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

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

The following Senators voted No:

Yeas: 24 - Nays: 0

Adopted.

HB 1200, relative to student social media policies by educational institutions. Ought to Pass with Amendment, Vote 3-2. Senator Stiles for the committee.

Health, Education and Human Services

April 29, 2014

2014-1606s

04/06

Amendment to HB 1200

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

AN ACT relative to access to social media by educational institutions.

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

1 New Subdivision; State College and University System; Social Media Policy. Amend RSA 187-A by inserting after section 42 the following new subdivision:

Social Media Policy

187-A:43 Social Media Policy.

I. No educational institution shall adopt a policy to:

(a) Require or request a student or prospective student to disclose or to provide access to a personal social media account through the student's or prospective student's user name, password, or other means of authentication that provides access.

(b) Require or request a student or prospective student to access a personal social media account in the presence of any employee of the educational institution in a manner that enables the employee to observe the contents of the personal social media account.

(c) Compel a student or prospective student to add anyone to his or her list of contacts associated with a personal social media account or require, request, suggest, or cause a student or prospective student to change the privacy settings associated with a personal social media account.

(d) Take, or threaten to take any action against a student or prospective student to discipline or prohibit such student or prospective student from participation in curricular or extracurricular activities for refusal to disclose information or to take actions specified in subparagraphs (a)-(c).

(e) Fail or refuse to admit a prospective student as a result of the refusal by the prospective student to disclose information or to take actions specified in subparagraphs (a)-(c).

II. Nothing in this subdivision shall prohibit an educational institution from adopting a policy which permits:

(a) Conducting an investigation, without requiring or requesting access to a personal social media account through username, password, or other means of authentication, for the purpose of ensuring compliance with applicable law or school policies against student misconduct based on the receipt of specific information about activity associated with a student's social media account.

(b) Conducting an investigation pursuant to subparagraph (a) that requires the student to share specific content on a personal social media account with the school or school district in order for the educational institution to make a factual determination about that content. Student cooperation required under this subparagraph shall not include requiring the student to disclose his or her user name, password, or other means of authentication in order to provide access to the student's personal social media account to the educational institution.

(c) Revoking a student's access, in whole or in part, to equipment or computer networks owned or operated by the educational institution.

III. This subdivision shall not apply to personal social media accounts that are created or provided by the educational institution if the student has been provided advance notice that the account may be monitored at any time by employees of the educational institution.

IV. In this subdivision, “educational institution” means a public college, community college, or university that offers students, participants, or trainees an organized course of study or training that is academic, technical, or vocational. “Educational institution” shall not include kindergarten, elementary, or secondary school.

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

2014-1606s

AMENDED ANALYSIS

This bill regulates social media policies established by educational institutions.

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

Sen. Carson moved to Lay on the Table HB 1200. Adopted.

WAYS AND MEANS

HB 1549, relative to assessment of renewable generation facility property subject to a voluntary payment in lieu of taxes agreement. Ought to Pass, Vote 4-0. Senator Hosmer for the committee.

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

ENERGY AND NATURAL RESOURCES

HB 1258, relative to fill and dredge permitting applications. Ought to Pass with Amendment, Vote 5-0. Senator Prescott for the committee.

This bill modifies the process of submitting dredge and fill applications and providing notification. The amendment allows for qualified Federal employees to modify or repair culverts on land that is owned or managed by the federal government, and ensures mining projects are adequately regulated by this bill.

Energy and Natural Resources

April 30, 2014

2014-1637s

06/01

Amendment to HB 1258

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

2 New Paragraph; Fill and Dredge in Wetlands; Excavating and Dredging Permit; Certain Exceptions. Amend RSA 482-A:3 by inserting after paragraph XIV-a the following new paragraph:

XIV-b. A permit issued under this chapter that is associated with the excavation or mining of construction aggregate materials and quarry stone from the earth shall not expire for the life of the project identified in the permit application, provided that the permit holder submits revised project plans and a written update of the project’s status every 5 years from the date of the permit issuance using a form obtained from the department as specified in department rules. Permitted impacts to aquatic resources shall be postponed until such impacts become necessary for the operation of the excavation or mining area. If there has not been excavation or mining of construction aggregate materials and quarry stone during any 5 year period, the project shall be deemed abandoned and the permit deemed expired. When or if a new proposal to develop the property for a different use is proposed, a new application shall be submitted.

3 Fill and Dredge in Wetlands; Excavating and Dredging Permit; Certain Exceptions. Amend RSA 482-A:3, XVII to read as follows:

XVII. State and municipal public works employees who have fulfilled the requirements of a certification program developed by the department may maintain, repair, replace, or modify culverts up to a maximum diameter of 48 inches, or the hydraulic equivalent, as long as the structure can pass flows from the contributing watershed without causing damage to upstream or downstream properties, and in accordance with best management practices to protect water quality, without prior notification to the department. ***Federal employees who otherwise meet the requirements of the program developed by the department may maintain, repair, replace, or modify culverts as specified in this paragraph on any land within the state that is owned or managed by the federal government.***

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

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

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

HEALTH, EDUCATION AND HUMAN SERVICES

HB 1128, establishing a committee to study issues related to students receiving special education services while attending a chartered public school. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

This bill establishes a committee to study issues related to students receiving special education services while attending a chartered public school. The committee amendment changes the study committee to include only one member of the senate, four representatives, and establishes that two members of the committee constitute a quorum. The committee believes that this bill is important for studying how to best provide for students with special education needs in New Hampshire charter schools.

Health, Education and Human Services

April 29, 2014

2014-1608s

04/08

Amendment to HB 1128

Amend section 2 of the bill by replacing paragraph I with the following:

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

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

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

Amend the bill by replacing sections 3 and 4 with the following:

3 Duties. The committee shall study issues related to students receiving special education services who attend a chartered public school, including responsibility for funding and provision of special education services, including those services mandated under Section 504 of the Rehabilitation Act of 1973, and any other issue deemed relevant by the committee. The committee may solicit testimony from any person or organization with information relevant to the committee's objective.

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

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

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24

Sen. Reagan, Dist. 17

Sen. Kelly, Dist. 10

2014-1786s

May 7, 2014

04/01

Floor Amendment to HB 1128

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study issues related to services mandated under Section 504 of the Rehabilitation Act of 1973 and special education services for students who attend a chartered public school, including responsibility for funding and provision of special education services in a manner that ensures that children with disabilities have an equal opportunity to enroll and fully participate in a chartered public school and to seek all services in the child's individualized education plan. The committee may solicit testimony from any person or organization with information relevant to the committee's objective.

The question is on the adoption of Floor Amendment 1786s. Adopted.

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

Recess. Out of recess.

COMMERCE

HB 565, relative to the authority of the bank commissioner to investigate certain unfair or deceptive acts or practices. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

Commerce

April 29, 2014

2014-1614s

06/05

Amendment to HB 565

Amend RSA 383:10-d as inserted by section 1 of the bill by replacing it with the following:

383:10-d Consumer Complaints and Restitution. The commissioner shall have exclusive authority and jurisdiction to investigate conduct that ~~[is or may be an unfair or deceptive act or practice under RSA 358-A and exempt under RSA 358-A:3, I or that]~~ may violate any of the provisions of ***RSA 358-K, RSA 361-A, and*** Titles XXXV and XXXVI and administrative rules adopted thereunder. The commissioner may hold hearings relative to such conduct and may order restitution for a person or persons adversely affected by such conduct. The commissioner may request the assistance and services of the ~~[consumer protection and antitrust bureau of the]~~ department of justice ***and shall delegate to the department of justice the authority to investigate criminal conduct under this section.*** ~~[In the instance of conduct involving an alleged criminal offense,]~~ The commissioner shall ~~[refer to]~~ ***provide*** the department of justice ~~[all aspects]~~ ***information*** relevant to the criminal investigation ~~[and prosecution of such matter]~~ ***of such matters, if applicable, and shall cooperate with such investigation and prosecution.***

Amend RSA 383:10-h, II(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Any person who violates paragraph I, may, upon notice and opportunity for hearing, and in addition to any such other penalty provided for by law, be subject to suspension, revocation, or denial of any registration, license, or charter, including forfeiture of any application fee, and may be ordered to provide restitution for a person or persons adversely affected by such conduct.

Amend RSA 383:10-h, II(c) as inserted by section 2 of the bill by replacing it with the following:

(c) The commissioner may authorize, with or without prior administrative action, the department of justice to file a civil enforcement action that alleges any unfair method of competition or any unfair or deceptive act or practice under this section. The court may apply any of the remedies allowed under RSA 358-A:4, III.

2014-1614s

AMENDED ANALYSIS

This bill authorizes the bank commissioner to investigate and prosecute certain deceptive practices.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 7, 2014

2014-1753s

06/05

Floor Amendment to HB 565

Amend RSA 383:10-d as inserted by section 1 of the bill by replacing it with the following:

383:10-d Consumer Complaints and Restitution. The commissioner shall have exclusive authority and jurisdiction to investigate conduct that ~~[is or may be an unfair or deceptive act or practice under RSA 358-A and exempt under RSA 358-A:3, I or that]~~ may violate any of the provisions of ***RSA 361-A and*** Titles XXXV and XXXVI and administrative rules adopted thereunder. The commissioner may hold hearings relative to such conduct and may order restitution for a person or persons adversely affected by such conduct. The commissioner may request the assistance and services of the ~~[consumer protection and antitrust bureau of the]~~

department of justice **and shall delegate to the department of justice the authority to investigate criminal conduct under this section.** ~~[In the instance of conduct involving an alleged criminal offense,]~~ The commissioner shall ~~[refer to]~~ **provide** the department of justice ~~[all aspects]~~ **information** relevant to the criminal investigation ~~[and prosecution of such matter]~~ **of such matters, if applicable, and shall cooperate with such investigation and prosecution.**

Amend RSA 383:10-h, II(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Any person who violates paragraph I, may, upon notice and opportunity for hearing, and in addition to any such other penalty provided for by law, be subject to suspension, revocation, or denial of any registration, license, or charter, including forfeiture of any application fee, and may be ordered to provide restitution for a person or persons adversely affected by such conduct.

Amend RSA 383:10-h, II(c) as inserted by section 2 of the bill by replacing it with the following:

(c) The commissioner may authorize, with or without prior administrative action, the department of justice to file a civil enforcement action that alleges any unfair method of competition or any unfair or deceptive act or practice under this section. The court may apply any of the remedies allowed under RSA 358-A:4, III.

2014-1753s

AMENDED ANALYSIS

This bill authorizes the bank commissioner to investigate and prosecute certain deceptive practices.

The question is on the adoption of Floor Amendment 1753s. Adopted.

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

ENERGY AND NATURAL RESOURCES

HB 1540, relative to least cost integrated resource plans filed by an electric utility.

Sen. Woodburn offered a floor amendment.

Sen. Woodburn, Dist. 1

May 5, 2014

2014-1682s

06/09

Floor Amendment to HB 1540

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

1 Least Cost Energy Planning; Energy Policy. Amend RSA 378:37 through RSA 378:40 to read as follows:

378:37 New Hampshire Energy Policy. The general court declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources; ~~[the protection of]~~ **to maximize the use of cost effective energy efficiency and other demand side resources; and to protect** the safety and health of the citizens, the physical environment of the state, and the future supplies of ~~[nonrenewable]~~ resources~~;~~ **and**, **with** consideration of the financial stability of the state's utilities.

378:38 Submission of Plans to the Commission. Pursuant to the policy established under RSA 378:37, each electric **and natural gas** utility, **under RSA 362:2**, shall file a least cost integrated resource plan with the commission ~~[at least biennially]~~ **within 2 years of the commission's final order regarding the utility's prior plan, and in all cases within 5 years of the filing date of the prior plan.** Each such plan shall include, but not be limited to, the following, **as applicable**:

I. A forecast of future ~~[electrical]~~ demand for the utility's service area.

II. An assessment of demand-side energy management programs, including conservation, efficiency ~~[improvement]~~, and load management programs.

III. An assessment of supply options **including owned capacity, market procurements, renewable energy, and distributed energy resources.**

IV. An assessment of **distribution and** transmission requirements, **including an assessment of the benefits and costs of "smart grid" technologies.**

~~[V. Provision for diversity of supply sources.]~~

~~VI. Integration of demand-side and supply-side options.~~

~~VH.]~~ V. An assessment of plan integration and impact on state compliance with the Clean Air Act [Amendments] of 1990, **as amended, and other environmental laws that may impact a utility's assets or customers.**

~~[VIII. An assessment of plan integration and impact on state compliance with the National Energy Policy Act of 1992.]~~

~~IX.]~~ VI. An assessment of the plan's long- and short-term environmental, economic, and energy price and supply impact on the state.

VII. An assessment of plan integration and consistency with the state energy strategy under RSA 4-E:1.

378:38-a Waiver by Commission. The commission, **by order**, may waive **for good cause** any requirement ~~[to file least cost integrated resource plans by an electric utility under RSA 378:38, except for plans relating to transmission and distribution]~~ **under RSA 378:38, upon written request by a utility.**

378:39 Commission Evaluation of Plans. The commission shall review ~~[proposals for]~~ integrated least-cost resource plans in order to evaluate the ~~[adequacy]~~ **consistency** of each utility's ~~[planning process]~~ **plan with this subdivision, in an adjudicative proceeding.** In deciding whether or not **to approve** the utility's ~~[planning process is adequate]~~ **plan**, the commission shall consider potential environmental, economic, and health-related impacts of each proposed option. The commission is encouraged to consult with appropriate state and federal agencies, alternative and renewable fuel industries, and other organizations in evaluating such impacts. **The commission's approval of a utility's plan shall not be deemed a pre-approval of any actions taken or proposed by the utility in implementing the plan.** Where the commission determines the options have equivalent financial costs, equivalent reliability, and equivalent environmental, economic, and health-related impacts, the following order of **energy policy** priorities shall guide the commission's evaluation:

I. **Energy efficiency and other demand-side management resources;**

II. Renewable energy sources;

III. All other energy sources.

378:40 Plans Required. No rate change shall be approved or ordered with respect to any utility that does not have on file with the commission a plan that has been filed and ~~[reviewed]~~ **approved** in accordance with the provisions of RSA 378:38 and RSA 378:39. However, nothing contained in this subdivision shall prevent the commission from approving a change, otherwise permitted by statute or agreement, where the utility has made the required plan filing in compliance with RSA 378:38 and the process of review is proceeding in the ordinary course but has not been completed.

2 Definitions of Terms; Public Utility. Amend RSA 362:2, II to read as follows:

II. For the purposes of this title only, rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission pursuant to RSA 301:57 shall not be considered public utilities; provided, however, that the provisions of RSA 362-A, 363-B, 371, 374:2-a, 374:26, **374:48-56**, 374-A, 374-C, 374-F, and 378:37[-39] shall, unless otherwise provided herein, be applicable to rural electric cooperatives, without regard to whether a certificate of regulation or deregulation is on file with the public utilities commission. The provisions of RSA 374-A and the provisions of RSA 374-F:3, V(b) and (f) and RSA 374-F:7 shall be applicable to rural electric cooperatives for which a certificate of deregulation is on file with the public utilities commission to the same extent as municipal utilities.

3 Repeal. The following are repealed:

I. RSA 378:41, relative to conformity of plans.

II. RSA 378:42, relative to existing rate plans.

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

The question is on the adoption of Floor Amendment 1682s. Adopted.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 685, relative to state agency communications. Ought to Pass with Amendment, Vote 3-2. Senator Carson for the committee.

Senate Executive Departments and Administration

April 30, 2014

2014-1636s

01/09

Amendment to HB 685

Amend RSA 14:31, III-IV as inserted by section 1 of the bill by replacing them with the following:

III. Both the audit division and the budget division shall conduct such investigations, analyses, or research into the financial activities and condition or the financial management procedures, or any specific area thereof, of any department, board, institution, commission, agency, political subdivision, or entity authorized to expend state funds for the information of the legislature, as the fiscal committee shall specifically direct. The authority of the legislative budget assistant to investigate, analyze, or research non-state agencies shall be limited to 5 entities in a 5-year period. In making any such investigation, analysis, or research, the legislative budget assistant, **and any assistants appointed pursuant to RSA 14:34 and under the direction of the legislative budget assistant**, shall have the power to examine whatever **operations**, accounts or records of, or property or things of value held by, said department, board, institution, commission, agency, political subdivision, or entity authorized to expend state funds the [fiscal committee shall deem] **legislative budget assistant deems** useful to said investigation, analysis, or research.

III-a. No department, board, institution, commission, agency, or political subdivision shall assert the attorney-client privilege in response to a request for information or examination of operations, accounts, or records by the legislative budget assistant. The attorney-client privilege shall not be deemed waived by any department, board, institution, commission, agency, or political subdivision that provides attorney-client privileged materials to the legislative budget assistant pursuant to this section.

IV. All state departments, boards, institutions, commissions, agencies, and political subdivisions, and other entities authorized to expend state funds, shall be required to furnish to the legislative budget assistant any information, including confidential **and privileged** information, he or she may request in the course of carrying out the duties as prescribed by this section, RSA 14:31-a, and RSA 14:31-b, **including online access to such information in the state's integrated, multi-module, information technology system, and any related subsystems**, except that access to records, files, returns, or information deemed confidential information maintained by the department of revenue administration shall be controlled solely by the provisions of RSA 21-J:14. If the legislative budget assistant requires access to confidential **or privileged** information, the state entity shall furnish the information[~~except for work papers as described in RSA 91-A:4, V~~]. In such situations, the legislative budget assistant shall be subject to the same restrictions and penalties regarding disclosure of the information as the original custodian of the information. The work product of the legislative budget assistant shall also be confidential to the extent required to preserve confidentiality required by law. Disclosure of confidential information to the legislative budget assistant shall be only for the purpose of, and to the extent necessary for, conducting audits as are required **or permitted** by law. The legislative budget assistant shall notify the head of any state department, board, institution, commission, agency, or political subdivision, or other entity authorized to expend state funds, before requiring the state entity to furnish any confidential **or privileged** information which was obtained by the entity through an exchange of information agreement with another state or the federal government. This paragraph shall not be construed to authorize disclosure to any member of the legislature or to any expert consultants, including certified public accountants and data processing experts, hired by the legislative budget assistant to assist him or her in the carrying out of the duties, except such summaries and results which do not disclose any identity required by law to be confidential **or privileged, including the attorney-client privilege**. If any entity objects to providing confidential **or privileged** information under the provisions of this paragraph, the state entity may apply to the [attorney general] **fiscal committee of the general court** for disapproval of the request. [The attorney general may examine any confidential information to which the legislative budget assistant has requested access to determine whether or not it is necessary for the legislative budget assistant to examine the information to carry out his or her duties as required by law. If the attorney general finds that such examination is not necessary, he or she shall disapprove the request, and the agency shall not be required to provide such information. If the entity agrees to provide the requested information, or if the attorney general determines that it is necessary for the legislative budget assistant to examine the requested information, such information shall be provided to the legislative budget assistant in a mutually agreeable and compatible format.]

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 8, 2014

2014-1801s

09/04

Floor Amendment to HB 685

Amend RSA 14:31, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. No department, board, institution, commission, agency, or political subdivision shall assert the attorney-client privilege in response to a request for information or examination of operations, accounts, or records by the legislative budget assistant. The attorney-client privilege shall not be deemed waived by any department, board, institution, commission, agency, or political subdivision that provides attorney-client privileged materials to the legislative budget assistant pursuant to this section. ***Attorney-client communications obtained from regulated entities pursuant to authority granted in Title XXXV and Title XXXVII shall not be disclosed to the legislative budget assistant unless the commissioner of the respective department specifically authorizes such disclosure.***

The question is on the adoption of Floor Amendment 1801s. Adopted.

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. Bragdon.

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

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

Yeas: 13 - Nays: 11

Adopted, bill ordered to Third Reading.

Without objection, the clerk read the first complete house message and thereafter only the title of each bill.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 91, relative to drug use not approved by the Food and Drug Administration.

Senator Sanborn moved concurrence. Adopted.

SB 204-FN, relative to a benefit for certain medical conditions covered by workers' compensation and establishing a commission to study soft tissue injuries under workers' compensation and to study the feasibility of developing a first responder's critical injury fund.

Senator Sanborn moved concurrence. Adopted.

SB 292, relative to signatures required for applications for certain insurance.

Senator Sanborn moved concurrence. Adopted.

SB 306, establishing a commission to study New Hampshire mortgage foreclosure law, new federal regulations, and fair foreclosure practices.

Senator Sanborn moved concurrence. Adopted.

SB 340-FN, requiring the insurance department to hold public information sessions and provide a comment period before approval of products to be sold on the health exchange.

Senator Sanborn moved concurrence. Adopted.

SB 421, establishing a committee to study the law requiring all exceptions to prescription drug benefits under the managed care law to be approved within 48 hours.

Senator Sanborn moved concurrence. Adopted.

SB 141-FN, establishing the Granite State farm to plate program.

Senator Carson moved nonconcurrence and requested a Committee of Conference. Adopted.

President Morse noted that Committee of Conference conferees will be appointed during recess.

SB 205-FN, relative to the use of metal detection devices at supervised visitation centers and establishing a commission to study supervised visitation centers.

Senator Carson moved concurrence. Adopted.

SB 385, relative to examination requirements for chiropractors.

Senator Carson moved nonconcurrence and requested a Committee of Conference. Adopted.

President Morse noted that Committee of Conference conferees will be appointed during recess.

SB 193-FN, establishing a commission to study pathways to oral health care in New Hampshire.

Senator Stiles moved concurrence. Adopted.

SB 343, relative to the duties of the statewide education improvement and assessment program legislative oversight committee and repealing the school administrative unit legislative oversight committee.

Senator Stiles moved nonconcurrence and requested a Committee of Conference. Adopted.

President Morse noted that Committee of Conference conferees will be appointed during recess.

SB 350, relative to the transfer of adequacy aid calculation data from the department of education to the department of revenue administration.

Senator Stiles moved concurrence. Adopted.

SB 414-FN, relative to Medicaid-funded services provided as a part of a child's individualized education program.

Senator Stiles moved concurrence. Adopted.

SB 262-FN, revising the form for "summons instead of arrest" and prohibiting attachments in small claims actions.

Senator Carson moved concurrence. Adopted.

SB 373-FN, relative to procedure and jurisdiction of the superior courts.

Senator Carson moved concurrence. Adopted.

SB 419, establishing a medical malpractice panel and insurance oversight committee.

Senator Carson moved concurrence. Adopted.

SB 206-FN, relative to proof of identity by voters.

Senator Boutin moved concurrence. Adopted.

SB 236, relative to delivery of the final budget and recommendation of the municipal budget committee to the governing body and ratifying the approval of a bond by the town of Windham, requiring separate warrant articles for contingency funds, relative to the amendment of the operating budget warrant article in an official ballot referendum jurisdiction, and relative to the deadline for certain citizen petitions proposing bonds.

Senator Boutin moved concurrence. Adopted.

SB 372-FN-L, relative to a state infrastructure bank.

Senator Rausch moved concurrence. Adopted.

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 565, relative to the authority of the bank commissioner to investigate certain unfair or deceptive acts or practices.

HB 572, establishing a commission to study public-private partnerships to fund medical care for abused and neglected children.

HB 608, relative to the sale of certain uninspected poultry and rabbits to licensed restaurants.

HB 685, relative to state agency communications.

HB 1110, relative to the penalty for sales chasing by certified assessors.

HB 1128, establishing a committee to study issues related to students receiving special education services while attending a chartered public school.

HB 1138, relative to homestead food producers selling food products at farm stands, farmers' markets, or at the homestead residence where they are produced.

HB 1167, relative to exemptions from boiler inspection requirements.

HB 1168, relative to employer documentation of worker eligibility to work in the United States.

HB 1177, relative to the anti-rebating law.

HB 1198, relative to the procedure for filing a child in need of services (CHINS) petition and relative to the definition of sexual abuse under the child protection act.

HB 1203, repealing provisions relative to the sale of the former Laconia state school property.

HB 1229-FN, relative to the oil discharge and gasoline ether cleanup fund.

HB 1238, relative to access to assessment materials.

HB 1258, relative to fill and dredge permitting applications.

HB 1283, relative to revival of a charter by a voluntary corporation or association.

HB 1312, establishing a committee to study offshore wind energy and the development of other ocean power technology.

HB 1317, relative to driver education.

HB 1321, relative to reporting of Armed Services Vocational Aptitude Battery scores.

HB 1329, prohibiting the use of facial recognition technology in connection with driver's license photographs.

HB 1349 relative to the definition of employee for purposes of workers' compensation and establishing a commission to study and make recommendations for a common definition of employee.

HB 1353, relative to recovery under uninsured motorist coverage.

HB 1478, relative to oversight of child day care agencies.

HB 1487-FN, relative to the uniform fine schedule for the division of forests and lands.

HB 1488-FN, adopting the interstate compact on educational support for military children.

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

HB 1534, establishing a commission to study fiscal disparities between public school districts.

HB 1540, relative to least cost integrated resource plans filed by an electric utility.

HB 1549, relative to assessment of renewable generation facility property subject to a voluntary payment in lieu of taxes agreement.

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

HB 1636, relative to eligibility guidelines for participation in the reduced fee companion animal population control program.

LIST OF RULE 6-25'S FOR THE DAY

Sen. Bragdon: HB 1349.

ANNOUNCEMENTS

MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.