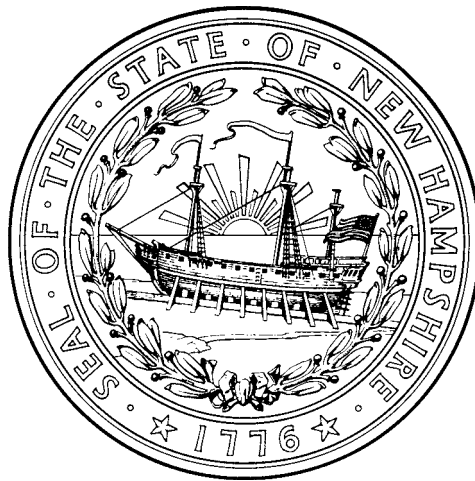


May 15, 2014  
Nos. 12-13

# **STATE OF NEW HAMPSHIRE**

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

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – MAY 8, 2014 SESSION  
COMMENCEMENT – MAY 15, 2014 SESSION**

# SENATE JOURNAL 12 *(continued)*

*May 8, 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 207-FN, relative to paycheck equity.

SB 221, relative to private postsecondary career schools and relative to the authority of the board of barbering, cosmetology, and esthetics.

SB 230, relative to the definition of utility terrain vehicles.

SB 240-FN, relative to authorizing temporary registrations of off-highway recreational vehicles for nonresidents.

SB 267, extending the effective date for integrated land development permits.

SB 337, relative to the recovery of submerged vehicles by the department of environmental services.

SB 368-FN, increasing the maximum fine for lead remediation.

SB 388, establishing a committee to study the current status of land conservation in New Hampshire and the state's role in encouraging voluntary protection of land in the future.

SB 390, prohibiting discrimination against employees who are victims of domestic violence and establishing a committee to study the protection of employees from domestic violence.

SB 400-FN, relative to the penalty for violations of the taking of American eels.

SB 409-FN-A-L, making an appropriation to the department of safety for disaster assistance grants.

SB 417, relative to information provided to electric utility customers.

## HOUSE MESSAGE

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

SB 415-FN, transferring surplus revenues to the revenue stabilization reserve account.

## 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 212, relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces.

SB 336-FN, prohibiting the taking of deer from baited areas on state-owned lands.

SB 395-FN, relative to the retirement classification of the director of the division of forests and lands.

SB 416-FN-A, relative to highway fund appropriations and establishing a committee to study the effectiveness and efficiency of the department of transportation.

## HOUSE MESSAGE

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

HB 255-FN, establishing a commission to study medical costs and payments under workers' compensation law.

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

HB 1349, relative to the definition of employee for purposes of workers' compensation.

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

HB 624-FN, waiving the residency requirement for in-state tuition rates for veterans attending institutions in the university system of New Hampshire and the community college system of New Hampshire and relative to funding for New Hampshire hospital psychiatric crisis beds.

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

HB 657-FN, requiring state agencies to submit efficiency expenditure requests as part of the biennial budget process.

HB 1146, establishing a committee to study the feasibility of funding a kindergarten to college/career ready program and a universal college savings account.

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

HB 1183, relative to display of antique motor vehicle plates.

HB 1196, relative to applications for abatements and authority to abate prior years' property taxes.

HB 1258, relative to fill and dredge permitting applications.

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

HB 1353, relative to recovery under uninsured motorist coverage.

HB 1371, relative to grading and improving subdivision streets.

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

HB 1489-FN-A, establishing a committee to study the establishment of a fund to reimburse costs associated with firefighters who have cancer.

HB 1579-FN, relative to penalties for violations of trapping laws and relative to education requirements for issuance of a trapping license.

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

## COMMITTEE OF CONFERENCE CONFEREES NAMED

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

The President appointed Senators Carson, Reagan, Fuller Clark.

SB 261, allowing the commissioner of administrative services to administer the health benefits of certain retirees of the State Employees' Association of New Hampshire.

The President appointed Senators Odell, Forrester, D'Allesandro.

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.

The President appointed Senators Stiles, Cataldo, Gilmour.

SB 345, repealing the prospective repeal of the annual public hearing and report on health insurance costs and trends.

The President appointed Senators Sanborn, Cataldo, Hosmer.

SB 385, relative to examination requirements for chiropractors.

The President appointed Senators Reagan, Carson, Watters.

May 6, 2014  
2014-1729-EBA  
04/03

Enrolled Bill Amendment to SB 266

The Committee on Enrolled Bills to which was referred SB 266

AN ACT relative to membership on the exotic aquatic weeds and species committee.

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 266

This enrolled bill amendment corrects a reference to the department of agriculture, markets, and foods.

Enrolled Bill Amendment to SB 266

Amend RSA 487:30, II(a)(9) as inserted by section 1 of the bill by replacing it with the following:

(9) The commissioner of the department of agriculture, markets, and food, or designee.

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

May 7, 2014  
2014-1754-EBA  
06/03

Enrolled Bill Amendment to SB 303-FN

The Committee on Enrolled Bills to which was referred SB 303-FN

AN ACT relative to bad faith assertions of patent infringement.

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 303-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 303-FN

Amend RSA 359-M:2, II(h) as inserted by section 2 of the bill by replacing line 2 with the following:

one or more lawsuits based on the same or a similar claim of patent infringement; and

Amend RSA 359-M:2, III(e)(1) as inserted by section 2 of the bill by replacing line 1 with the following:

(1) The inventor or joint inventor of the patent or, in the case of a patent filed by and

Amend RSA 359-M:3 as inserted by section 2 of the bill by replacing line 2 with the following:

a reasonable likelihood that a person has made a bad faith assertion of patent infringement in

Amend RSA 359-M:4, III as inserted by section 2 of the bill by replacing line 1 with the following:

III. This chapter shall not be construed to limit any remedies available to the state of

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

May 8, 2014  
2014-1805-EBA  
08/05

Enrolled Bill Amendment to SB 310-FN

The Committee on Enrolled Bills to which was referred SB 310-FN

AN ACT authorizing tenant brewing.

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 310-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 310-FN

Amend line 3 of section 8 of the bill by replacing it with the following:

VII. A nano brewery licensee may be issued a tenant brewer license under RSA 178:12-b if the Senator Kelly moved adoption of the Enrolled Bill Amendment. Adopted.

May 8, 2014  
2014-1807-EBA  
03/01

Enrolled Bill Amendment to SB 324

The Committee on Enrolled Bills to which was referred SB 324

AN ACT relative to the assessment of public utilities and other entities to fund the expenses of the public utilities commission.

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 324

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 324

Amend RSA 363-A:2, I(c) as inserted by section 2 of the bill by replacing lines 4-5 with the following:

IP-enabled service as defined in RSA 362:7, I(e) that provides the voice capabilities described in RSA 362:7, I(d)(1) and (3), other than a cellular mobile radio communications service provider;

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

May 8, 2014  
2014-1806-EBA  
05/01

Enrolled Bill Amendment to SB 348

The Committee on Enrolled Bills to which was referred SB 348

AN ACT establishing a commission to study sexual abuse prevention education in elementary and secondary schools.

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 348

This enrolled bill amendment inserts a contingency to renumber a new RSA section to prevent a conflict with HB 1587.

Enrolled Bill Amendment to SB 348

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

3 Contingent Renumbering. If HB 1587 of the 2014 legislative session becomes law, RSA 189:65 as inserted by section 1 of this act and as referenced in section 2 of this act shall be renumbered as RSA 189:69.

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

May 8, 2014  
2014-1804-EBA  
06/09

Enrolled Bill Amendment to SB 353

The Committee on Enrolled Bills to which was referred SB 353

AN ACT recodifying RSA 168-B, relative to surrogacy.

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 353

This enrolled bill amendment makes grammatical and technical corrections.

Enrolled Bill Amendment to SB 353

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

carrier arrangements and agreements, and facilitates the use of assisted reproductive technologies

Amend RSA 168-B:1, XI as inserted by section 2 of the bill by replacing line 6 with the following:

child will be solely the legal child of the intended parent or parents.

Amend RSA 168-B:18, III as inserted by section 2 of the bill by replacing line 3 with the following:

intended parent or parents of the intended parent's or parents' obligations imposed by this chapter.

Amend the bill by replacing section 3 with the following:

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

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

May 6, 2014  
2014-1716-EBA  
03/09

Enrolled Bill Amendment to SB 375

The Committee on Enrolled Bills to which was referred SB 375

AN ACT establishing a committee to study the creation of a flood mitigation fund for private and municipal property owners.

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 375

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 375

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

3 Duties. The committee shall study the creation of a flood mitigation fund for private and

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

May 7, 2014  
2014-1756-EBA  
06/04

Enrolled Bill Amendment to SB 387

The Committee on Enrolled Bills to which was referred SB 387

AN ACT relative to exemptions from the land sales full disclosure act and relative to local land use citations.

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 387

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to SB 387

Amend RSA 356-A:3, I-a(a) as inserted by section 1 of the bill by replacing line 1 with the following:

I-a(a) A subdivider of subdivided lands of no more than 50 lots, parcels, units, or interests

Amend RSA 356-A:3, I-a(b)(8) as inserted by section 1 of the bill by replacing line 2 with the following:

improvements, roads, sewers, water, gas or electric service, or recreational amenities will be

Amend RSA 356-A:3, I-a(b)(10)(A) as inserted by section 1 of the bill by replacing line 2 with the following:

committed in this state, would constitute a felony.

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

May 12, 2014  
2014-1817-EBA  
05/03

Enrolled Bill Amendment to HB 153

The Committee on Enrolled Bills to which was referred HB 153

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

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 153

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to HB 153

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

industrial hemp in New Hampshire. For the purposes of this act, "industrial hemp" means all

Amend subparagraph I(a) of section 2 of the bill by replacing line 2 with the following:

speaker of the house of representatives.

Amend subparagraph I(b) of section 2 of the bill by replacing line 2 with the following:

appointed by the speaker of the house of representatives.

Amend subparagraph I(c) of section 2 of the bill by replacing it with the following:

(c) One member of the house finance committee, appointed by the speaker of the house of representatives.

Amend subparagraph I(d) of section 2 of the bill by replacing line 2 with the following:

appointed by the speaker of the house of representatives.

Amend subparagraph I(e) of section 2 of the bill by replacing line 2 with the following:

the speaker of the house of representatives.

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

identifying potential buyers and purposes for industrial hemp products and requirements for

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

May 12, 2014  
2014-1823-EBA  
08/10

Enrolled Bill Amendment to HB 234

The Committee on Enrolled Bills to which was referred HB 234

AN ACT relative to occupational and professional boards and commissions procedures concerning military service and occupational experience or training.

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 234

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 234

Amend RSA 332-G:7, I as inserted by section 1 of the bill by replacing line 4 with the following:

RSA 21:50, II, toward the qualifications required to receive the license, certificate, or

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

May 7, 2014  
2014-1755-EBA  
08/03

Enrolled Bill Amendment to HB 319-FN

The Committee on Enrolled Bills to which was referred HB 319-FN

AN ACT relative to benefits for state employees serving in the armed forces.

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 319-FN

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 319-FN

Amend RSA 112:9, II as inserted by section 1 of the bill by replacing line 3 with the following:

***defined in RSA 110-B:37, IV(a), for any additional military drill or training under***

Amend section 2 of the bill by replacing lines 1-3 with the following:

2 New Subparagraph; Pay and Allowance. Amend RSA 110-B:37, IV, by inserting after subparagraph (d) the following new subparagraph:

(e) Upon the employee's return to state employment after active duty service, he or

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

May 8, 2014  
2014-1799-EBA  
06/09

Enrolled Bill Amendment to HB 533

The Committee on Enrolled Bills to which was referred HB 533

AN ACT relative to the mathematics requirement for high school graduation.

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 533

This enrolled bill amendment deletes repetitive language.

Enrolled Bill Amendment to HB 533

Amend RSA 186:8, VII as inserted by section 1 of the bill by replacing line 1 with the following:

VII. Requiring a

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

May 7, 2014

2014-1779-EBA

08/10

Enrolled Bill Amendment to HB 1250

The Committee on Enrolled Bills to which was referred HB 1250

AN ACT relative to security at state-owned park-and-ride 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 HB 1250

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to HB 1250

Amend RSA 236:130, III(g) as inserted by section 1 of the bill by replacing lines 12-21 with the following:

- (1) I-93 Exit 2 in Salem.
- (2) I-93 Exit 4 in Londonderry.
- (3) I-93 Exit 5 in Londonderry.
- (4) I-93 Exit 14 in Concord.
- (5) I-95 Exit 3 in Portsmouth.
- (6) Spaulding Turnpike Exit 9 in Dover.
- (7) Everett Turnpike Exit 8 in Nashua.
- (8) I-89 Exit 12 in New London.
- (9) NH Route 101 Exit 7 in Epping.
- (10) Any future state-owned park and ride facilities that provide regularly scheduled

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

May 7, 2014

2014-1782-EBA

05/10

Enrolled Bill Amendment to HB 1444

The Committee on Enrolled Bills to which was referred HB 1444

AN ACT recognizing the month of April as Genocide Awareness Month.

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 1444

This enrolled bill amendment inserts a contingency to renumber a new RSA section to prevent a conflict with HB 1451.

Enrolled Bill Amendment to HB 1444

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

2 Contingent Renumbering. If HB 1451 of the 2014 legislative session becomes law, RSA 4:13-s as inserted by section 1 of this act shall be renumbered to RSA 4:13-t.

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

May 12, 2014  
2014-1821-EBA  
06/09

Enrolled Bill Amendment to HB 1559-FN

The Committee on Enrolled Bills to which was referred HB 1559-FN

AN ACT establishing a New Hampshire state house bicentennial commission and fund.

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 1559-FN

This enrolled bill amendment makes a grammatical correction and removes repetitive language.

Enrolled Bill Amendment to HB 1559-FN

Amend RSA 17-R:1, V as inserted by section 3 of the bill by replacing line 1 with the following:

V. The commission may accept any gifts, donations, or grants from any source provided. Said

Amend RSA 17-R:3 as inserted by section 3 of the bill by replacing lines 2 and 3 with the following:

Established. There is hereby established in the office of the state treasurer a fund to be known as the New Hampshire state house bicentennial education

Senator Kelly 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 227, relative to property and casualty insurance.

HB 469, 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.

HB 1224, relative to pipeline operation safety.

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

HB 1290, allowing nonresident full-time students to purchase licenses for hunting and fishing.

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

HB 1572, 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.

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.

Senator Kelly 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 13

*May 15, 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. Earlier this week the Episcopal Church honored Frances Perkins, who was Secretary of Labor from 1933-1945; she was the first woman appointed to the Cabinet, and she believed passionately in the living out of her faith in practical ways. She was involved in establishing social security and unemployment insurance, and laws regulating child labor, and the federal minimum wage. And previous to this Frances was head of the New York Consumers League, she was Chair of New York State Industrial Commission, and she was Industrial Commissioner for the State of New York. And she expanded factory investigations, and she addressed workweek hours. She championed minimum wage and unemployment insurance laws.

And I remind you of all of this, as I'm sure you know all about Frances, because in this week when we are grieving with the people of Turkey following the disaster at the mine in Soma, we give thanks for Frances Perkins, and so many others like her, including members of this Senate, whose commitment to the regulation of working conditions has provided safety and security to American workers.

Let us pray.

*Creator God, you cherish the people of this world and long for us all to enjoy your gift of abundant life. We give thanks for the people who devote their lives and their skills to the care and protection of their fellow human beings, allowing us all to share in the abundance of your provisions. Amen.*

And nowhere are there more people who devote their lives and their gifts to the safety and protection of all of us than in our police force. So, I hand over to Senator Morse for a tribute.

PRESIDENT MORSE: Thank you, Kate. This week New Hampshire lost a member of our law enforcement community, who continue to put their lives at risk to protect us every day. Brentwood police officer Steven Arkell was shot and killed while responding to a call on Tuesday afternoon. The New Hampshire Senate extends our thoughts and prayers to Officer Arkell's family, and I would ask you to observe a moment of silence.

Amen.

Sen. Lasky led the Pledge of Allegiance.

## INTRODUCTION OF GUESTS

Sen. Hosmer introduced Holy Trinity School of Laconia, visiting in the balcony today.

Thank you, Mister President. I'd like to introduce to you a group of students from Holy Trinity School in Laconia, New Hampshire, who are visiting us today. I'm a little biased towards this class because my daughter's a member of the school, and she's up there right now. But what makes this a special visit for them is on April 12th they won National History Day in New Hampshire, both the 7th and the 8th grade, for the projects they completed. And they will be traveling to Maryland in June to represent the State of New Hampshire for the National Competition of National History Day. I also want to point out their teacher, Karen Sullivan, who is with them today, was the middle school history teacher of the year awarded by the National History Day group. And it's just a great privilege to have them here, and I want to thank them for all their hard work, and wish them luck in the coming opportunities in June. So, I'd like you all to welcome them.

Senator Bragdon introduced Sean Emerson and Elizabeth Curless, both from Milford High School, serving as Senate Pages for the day.

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

**SPECIAL ORDER**

Without objection, HB 532 and HB 1602 in Energy and Natural Resources 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 1376, establishing a committee to study pipeline safety and development in the state of New Hampshire. Removed by Sen. Woodburn.

HB 1157, relative to establishment of fees by certain regulatory boards. Removed by Sen. Bragdon.

HB 1400, establishing the New Hampshire "First-in-the-Nation" presidential primary centennial anniversary commission. Removed by Sen. Bragdon.

HB 312, restricting the collection of biometric data by state agencies, municipalities, and political subdivisions. Removed by Sen. Carson.

HB 1410, including household and domesticated animals under the domestic violence protection statute. Removed by Sen. Carson.

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

**ENERGY AND NATURAL RESOURCES**

HB 1151, establishing a committee to study the solid waste operator training program and financial assurance for corrective action at solid waste landfills. Interim Study, Vote 5-0. Senator Bradley for the committee.

This bill would require a committee to study the solid waste operator training program and financial assurance for corrective action at solid waste landfills. Stakeholders could not reach consensus on this matter and the committee believes that referring the bill to interim study will allow all parties to consider this subject further.

HB 1383, relative to municipal monitoring of large groundwater withdrawals. Ought to Pass with Amendment, Vote 5-0. Senator Prescott for the committee.

This bill limits the time the department of environmental services may require a municipality to collect data relative to seasonal river overflow streams. The bill also exempts certain municipalities from filing conservation management plan reports after a well is permitted. The amendment modifies the requirements for the installation, repair, and replacement of backflow devices, and clarifies when testing of such devices shall occur based on the level of hazard associated with the device.

Energy and Natural Resources

May 7, 2014

2014-1762s

06/04

**Amendment to HB 1383**

Amend RSA 485:11 as inserted by section 4 of the bill by replacing it with the following:

485:11 Backflow Device Requirements and Tests, Installations, Repairs and Replacements. There shall be a backflow prevention device installed at every connection to a public water system if the facility connected may pose a hazard to the quality of water supplied by the public water system as determined by the department. Where applicable, the facility receiving water from a public water supply shall be responsible for having such drinking water distribution system protective backflow prevention devices inspected and tested by individuals certified by a third party who has been approved by the department to conduct backflow device inspection and testing certification. The facility shall also have backflow devices installed, maintained, repaired, and replaced by individuals qualified by either a plumbers license or by certification by the department under RSA 332-E:3, III proving competency in distribution system operation. The activities to be conducted by qualified individuals shall be specifically limited to the inspection and testing, maintenance, repair or replacement, and installation of the water meters, meter horns, backflow preventers, and assembly devices directly adjacent to and required as part of the protection for the drinking water distribution system. Testing of drinking water distribution system protective backflow prevention devices, where applicable, shall occur after installation or repair to ensure that new and repaired devices are working properly. Testing shall also occur twice annually

for existing devices unless the public water supplier determines that the facility poses a low hazard, in which case testing shall occur annually. A residential property shall not be considered a low hazard facility but may be considered a high hazard facility if it has an irrigation system, private well connection, or other feature that may cause a public health risk. If an outside irrigation system is the sole reason a residential property is considered a hazard to the public water supply distribution system, such irrigation system shall be tested annually during the period when the irrigation system is operated. The facility receiving water from a public water supplier is responsible for ensuring that the backflow prevention device is working properly to prevent backflow into the public water system.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 421, relative to regulation of real estate brokerage and sales by the real estate commission. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill was requested by the New Hampshire Real Estate Commission and makes various changes to the real estate practice act and regulation by the NH Real Estate Commission, including the investigation and prosecution of unlicensed practice. The amendment adds notification to a buyer and seller of a real estate transaction in which the commission determined the individual was practicing unlawful brokerage activity.

Senate Executive Departments and Administration  
May 7, 2014  
2014-1771s  
10/05

#### Amendment to HB 421

Amend RSA 331-A:30, III as inserted by section 8 of the bill by replacing it with the following:

III. The decisions of the commission shall be reached in a timely manner and shall be in writing and officially signed by the hearing panel as set forth under RSA 331-A:29, V. The original of such decisions, when signed, shall be filed in the office of the commission. Copies of the decision shall be mailed to the ~~[broker, associate broker or salesperson]~~ **licensee, accredited individual, institution or organization, or person charged with practicing unlawful brokerage activity** addressed to the place of business, ~~[and]~~ to the complainant, if any, **and to each party in a transaction in which the commission determined the individual was practicing unlawful brokerage activity**, within 2 days after the filing.

HB 1186, relative to rulemaking authority of certain occupational boards concerning examinations. Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This bill removes requirements that rules of certain occupational boards under the joint board establish the time and place for examinations of applicants. The legislation was requested by the Joint Board for Licensure and Certification.

HB 1331, relative to the membership and reporting date of the interbranch criminal and juvenile justice council. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill adds members to and changes the reporting date of the interbranch criminal and juvenile justice council. It requires the council to review and report on the effectiveness of changes made to probation and parole procedures and to the sentencing of offenders implemented by SB 500-FN (Chapter Law 0247) in 2010. In addition, it establishes a committee to study state procurement.

Senate Executive Departments and Administration  
May 7, 2014  
2014-1776s  
04/10

#### Amendment to HB 1331

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

AN ACT relative to the membership and reporting date of the interbranch criminal and juvenile justice council and establishing a committee to study state procurement.

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

4 Committee to Study State Procurement Established. There is established a committee to study state procurement.

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

(a) Two members of the senate, appointed by the president of the senate, one of whom shall be a member of the senate executive departments and administration committee and one of whom shall be a member of the senate finance committee.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the house executive departments and administration committee and one of whom shall be a member of the house finance committee.

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

III. The committee shall study and develop standards and methods for a centralized system of state procurement. The study shall include examination of procurement procedures of other states; identification of potential conflicts within New Hampshire state procurement laws; and consideration of the State of New Hampshire Service Contracting Performance Audit Report, dated March 2009.

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

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2014.

5 Effective Date.

I. Sections 1-3 of this act shall take effect 60 days after its passage.

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

2014-1776s

AMENDED ANALYSIS

This bill:

I. Adds members to and changes the reporting date of the interbranch criminal and juvenile justice council.

II. Requires the council to review and report on the effectiveness of changes made to probation and parole procedures and to the sentencing of offenders implemented by 2010, 247.

III. Establishes a committee to study state procurement.

JUDICIARY

HB 1115, excluding condominium assessments from homestead rights. Ought to Pass, Vote 5-0. Senator Soucy for the committee.

This legislation adds the exclusion of condominium assessments to the list of exemptions under the Homestead Act RSA 480:4. The legislation would affect only the deeded owner of the unit. Most importantly the legislation creates fairness within condominium associations.

HB 1226, establishing a committee to study end-of-life decisions. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This bill has been introduced in various forms during the past years with last year's bill being vetoed by the Governor. This is even more expansive than that legislation so the Committee sees no need to pass this at this time.

HB 1227, making changes to parole and parole board procedures. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill makes changes to the probation and parole procedures used by the Adult Parole Board and was requested by them. The Committee amendment is a request of the Judicial Branch so that the Superior Court judges can use the established procedures in both Class A misdemeanor as well as felony cases.

Senate Judiciary  
May 6, 2014  
2014-1731s  
04/10

### Amendment to HB 1227

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

AN ACT making changes to parole and parole board procedures and relative to jail sentences as a condition of probation.

Amend the bill by inserting after section 9 the following and renumbering the original sections 10-11 to read as 11-12, respectively:

10 Sentences; Sentences and Limitations. Amend RSA 651:2, V(i) to read as follows:

(i) The court may include, as a condition of probation ~~[for a felony offense]~~, a jail sentence of up to 30 days that a probation/parole officer may impose in segments of one to 7 days over the course of the probation period, in response to any violation of a condition of probation, in lieu of a violation of probation hearing. Such jail sanction shall be served at the county jail facility closest to or in reasonable proximity to where the probationer is under supervision.

2014-1731s

### AMENDED ANALYSIS

This bill makes various changes to the procedures for parole of prisoners and allows the court to include a jail sentence to be imposed by a probation/parole officer as a condition of probation for felony and misdemeanor offenses.

HB 1237, prohibiting residency restrictions on registered sex offenders and offenders against children. Interim Study, Vote 5-0. Senator Carson for the committee.

This bill sought to prohibit residency restrictions for registered sex offenders. At this time only 5 communities in the State have these local ordinances on their books. While two courts have struck down local ordinances in two communities, the current process is working and our communities should be able to deal with this at the local level.

HB 1248, relative to the acceptance of risk in outdoor recreational activities. Interim Study, Vote 5-0. Senator Carson for the committee.

This bill sought to deal with the risk of outdoor recreational activities. While the Committee totally supports our vast array of accessible recreational trails which are provided over privately-held lands, our thinking is that RSA 215-A:5-c and 215-C:55 already provide needed protections.

HB 1343, relative to guardian ad litem fees. Ought to Pass with Amendment, Vote 5-0. Senator Cataldo for the committee.

This bill deals with the fees that Guardians ad Litem can charge in family cases. The Committee amendment moves the language to the proper statutory section, directs the judge to establish the fee limit at the time of appointment and requires that any need to exceed the court-established limit must be approved in advance by the presiding judge.

Senate Judiciary  
May 7, 2014  
2014-1750s  
05/03

### Amendment to HB 1343

Amend the bill by replacing section 1 with the following:

1 Guardian Ad Litem; Appointment and Cost of Services. Amend RSA 461-A:16, IV to read as follows:

**IV. When a guardian ad litem is appointed pursuant to this section, the court shall establish a maximum fee for the appointment. The guardian ad litem may exceed the maximum fee for the appointment, or additional fees may be authorized, only with the prior approval of the presiding judge and when all parties have been notified.** The fees for services for the guardian ad litem and others utilized by the guardian and approved by the court shall be a charge against the parties in a proportional amount as the court may determine.

2014-1750s

## AMENDED ANALYSIS

This bill directs the court to establish a maximum fee for a guardian ad litem appointed under RSA 461-A and requires notice to the parties and prior approval of the court before the fee may be exceeded.

HB 1442, relative to mental health courts. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill is enabling legislation that allows any Superior or Circuit Court in the State to establish a mental health court. These courts provide a holistic approach to individuals who appear in court and also have mental health diagnoses. While more time intensive, the success rate for the individuals going through these programs is significant.

## TRANSPORTATION

HB 1220, relative to limitations on ethanol in gasoline. Interim Study, Vote 5-0. Senator Watters for the committee.

This bill would have restricted the addition of corn-based ethanol gasoline to no more than 10 percent of the mixture of gasoline. The Committee believed that due to concerns regarding unintended consequences brought forward by the biotech industry and potential issues with enforcement that it would be appropriate to further study this issue.

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

## REGULAR CALENDAR REPORTS

## COMMERCE

HB 1188, relative to paycheck equity. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Commerce  
May 6, 2014  
2014-1741s  
06/04

**Amendment to HB 1188**

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

1 Discrimination in the Workplace; Definitions; Equal Pay. RSA 275:37 is repealed and reenacted to read as follows:

275:37 Equal Pay.

I. No employer or person seeking employees shall discriminate between employees on the basis of sex by paying employees of one sex at a rate less than the rate paid to employees of the other sex for equal work that requires equal skill, effort, and responsibility and is performed under similar working conditions, except where such payment is made pursuant to:

- (a) A seniority system;
- (b) A merit or performance-based system;
- (c) A system which measures earnings by quantity or quality of production;
- (d) Expertise;
- (e) Shift differentials;
- (f) A demonstrable factor other than sex, such as education, training, or experience.

II. An employer who is paying wages in violation of this section shall not reduce the wage rate of any other employee in order to comply with this section.

2 Enforcement. Amend RSA 275:38 to read as follows:

275:38 Enforcement. The labor commissioner shall have the power and it shall be his *or her* duty to enforce the provisions of this subdivision ***through appropriate actions in response to complaints.***

3 New Section; Non-Retaliation Provision. Amend RSA 275 by inserting after section 38 the following new section:



## 275:38-a Non-retaliation Provision.

I. No employer shall discharge or in any other manner discriminate against any employee because he or she:

(a) Makes a charge, files any complaint, or institutes or causes to be instituted any investigation, proceeding, hearing, or action under or related to this subdivision, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing, or action.

(b) Inquired about, discussed, or disclosed his or her wages or those of another employee.

II. This section shall not apply to any employee who has access to the wage information of other employees as a part of such employee's essential job functions who discloses the wages of such other employees to individuals who do not otherwise have access to such information, unless such disclosure is in response to a complaint or charge or in furtherance of an investigation, proceeding, hearing, or action under RSA 275:41-a including an investigation conducted by the employer. Nothing in this section shall be construed to limit the rights of an employee provided under any other provision of law.

## 4 Penalties. Amend RSA 275:40 to read as follows:

275:40 Penalties. Any employer who violates ~~[any provision hereof, or who discharges or in any other manner discriminates against any employee because such employee has made a complaint to his employer, the labor commissioner, or any other person, or instituted, or caused to be instituted any proceedings under or related to this subdivision, or has testified or is about to testify in any such proceeding, shall be]~~ ***the provisions of RSA 275:37, RSA 275:38-a, or RSA 275:41-b shall be guilty of a violation if a natural person or guilty of a misdemeanor if any other person, and notwithstanding RSA 651:2, IV(a), subject to a fine of not more than \$2,500.***

## 5 Procedures for Hearings and Appeals. Amend RSA 275:41-a to read as follows:

275:41-a Procedures for Hearings and Appeals. In a claim under RSA 275:37, the commissioner shall notify the employer by serving a copy of such claim and an order to file with the commissioner within ~~[10]~~ **30** days from the receipt of such notice any objections to such claim specifying the grounds therefor. ~~[Any claim under this section shall be commenced within one year of the accrual thereof and not afterwards.]~~ Service may be by certified mail with return receipt. If objection is not made within ~~[10]~~ **30** days, the commissioner may order that payment be made in accordance with the claim. If requested, a hearing shall be afforded at which time any party may appear, with counsel if desired, and present evidence and cross examine opposing witnesses. Any party, at the party's own expense, may cause a record to be made of the hearing. A written decision shall be made within 30 days after the hearing stating the decision and specifying the facts and conclusions upon which the decision is based. If wages are found to be due, an order for payment shall be issued. Any party aggrieved by the decision may appeal to the superior court not later than 20 days thereof by petition, setting forth that the decision is erroneous, in whole or in part, and specifying the grounds upon which the decision is claimed to be in error. Upon the filing of an appeal, the commissioner shall transfer to the court the record of the proceeding or a certified copy thereof. The scope of review by the superior court shall be limited to questions of law. After hearing and upon consideration of the record, the court may affirm, vacate, or modify in whole or in part the decision of the commissioner, or may remand the matter to the commissioner for further findings. In the absence of a ~~[reasonable]~~ ***timely*** appeal, the decision and order shall be final, shall be entered upon the docket of the superior court at the request of the prevailing party, may be enforced as judgment of said court, and shall be a lien upon the property of the employer situated in the state for a period of 3 years from the time of the decision. It is a requirement of this subdivision for purposes of RSA 275:37 that a final order be immediately satisfied by the employer.

6 New Sections; Pay Disclosure; Data Collection. Amend RSA 275 by inserting after section 41-a the following new sections:

## 275:41-b Pay Disclosure.

I. No employer shall require the following as a condition of employment:

(a) That an employee refrain from disclosing the amount of his or her wages.

(b) That an employee sign a waiver or other document that purports to deny the employee the right to disclose the amount of his or her wages, salary, or paid benefits.

II. No employer shall discharge, formally discipline, or otherwise discriminate against an employee who discloses the amount of his or her wages, salary, or paid benefits.

275:41-c Pay Equity Information. The commissioner shall make available on the department of labor website, and through any other forum that the department may use to distribute compensation differentials information, accurate information on compensation differentials, including statistics, explanations of employee rights, historical analyses of such differentials, instructions for employers on compliance, and any other information that will assist the public in understanding and addressing such differentials. The commissioner of labor and the commissioner of employment security shall jointly compile and produce such information.

275:41-d Notice Required. The commissioner shall make available on the department of labor website the following notice: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an internet link to RSA 275:37.

7 New Paragraph; Notification, Posting, and Records. Amend RSA 275:49 by inserting after paragraph VI the following new paragraph:

VII. Keep posted in a place accessible to his or her employees the following: "It is illegal in New Hampshire under both state and federal law to pay employees different wages for the same work based solely on sex. If you think that your employer has violated this provision, please contact the New Hampshire Department of Labor." This notice shall also include the address, phone number, and email address of department personnel to be contacted with complaints under this subdivision, as well as an internet link to RSA 275:37.

8 Limitations of Actions. Amend RSA 275:41 to read as follows:

275:41 Limitation of Actions. Any action to recover unpaid wages and liquidated damages based on violation of RSA 275:37, ~~[must]~~ **shall** be commenced within ~~[one year of the accrual thereof and not afterwards]~~ **3 years of discovery of the violation. No action brought under this section shall include any violation that occurred more than 4 years prior to the commencement of such action.**

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

2014-1741s

#### AMENDED ANALYSIS

This bill modifies provisions of law regarding pay equity.

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 1407, relative to privacy in the workplace. Ought to Pass with Amendment, Vote 5-0. Senator Hosmer for the committee.

Commerce  
May 7, 2014  
2014-1745s  
06/01

#### Amendment to HB 1407

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Use of Social Media and Electronic Mail. Amend RSA 275 by inserting after section 70 the following new subdivision:

#### Use of Social Media and Electronic Mail

275:71 Definition. In this subdivision, "personal account" means an account, service, or profile on a social networking website that is used by a current or prospective employee primarily for personal communications unrelated to any business purposes of the employer. This definition shall not apply to any account, service, or profile created, maintained, used, or accessed by a current or prospective employee for business purposes of the employer or to engage in business-related communications.

275:72 Use of Social Media and Electronic Mail.

I. No employer shall request or require that an employee or prospective employee disclose login information for accessing any personal account or service through an electronic communication device.

II. No employer shall compel an employee or applicant to add anyone, including the employer or the employer's agent, to a list of contacts associated with an electronic mail account or personal account or require an employee or applicant to reduce the privacy settings associated with any electronic mail or personal account that would affect a third party's ability to view the contents of the account.

III. No employer shall take or threaten to take disciplinary action against any employee for such employee's refusal to comply with a request or demand by the employer that violates this subdivision.

IV. Nothing in this subdivision shall limit an employer's right to:

(a) Adopt and enforce lawful workplace policies governing the use of the employer's electronic equipment, including policies regarding Internet use, social networking site use, and electronic mail use.

(b) Monitor usage of the employer's electronic equipment and electronic mail.

(c) Request or require an employee to disclose login information for access to:

(1) An account or service provided by virtue of the employee's employment relationship with the employer; or

(2) An electronic communications device or online account paid for or supplied by the employer.

V. If, through the use of an electronic device or program that monitors an employer's network or the use of employer provided devices, an employer inadvertently receives an employee's password, or other authentication information, the employer is not liable for having this information, but shall not use this information to access an employee's personal accounts.

VI. Nothing in this section shall prohibit an employer from:

(a) Obtaining information about an employee or prospective employee that is in the public domain;

(b) Conducting an investigation:

(1) To ensure compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct based on information about activity on an employee's personal account or service received from an employee or other source.

(2) Of an employee's actions based on the receipt of specific information about the unauthorized transfer of an employer's proprietary information, confidential information, or financial data to a personal online account or service by an employee or other source.

VII. In any investigation conducted under paragraph VI, the employer may require the employee's cooperation to share only the content that has been received by the employer, in order to make a factual determination.

VIII. Nothing in this section shall be construed to prevent an employer from complying with the requirements of state or federal statutes, rules or regulations, case law, or rules of self-regulatory organizations.

275:73 Penalty. Any employer violating RSA 275:72 shall be subject to a civil penalty, to be imposed by the labor commissioner in accordance with the procedures established in RSA 273:11-a. An employer aggrieved by the commissioner's assessment of such penalty may appeal in accordance with RSA 273:11-c.

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 1615, relative to emergency prescriptions. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Commerce  
May 7, 2014  
2014-1748s  
08/04

### Amendment to HB 1615

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

AN ACT relative to allocation from the annual license renewal fee for pharmacists to the impaired pharmacist program.

Amend the bill by replacing sections 1-2 with the following and renumbering the original section 3 to read as 2:

1 Impaired Pharmacist Program. Amend RSA 318:29-a, VI(b) to read as follows:

(b) The board may allocate [\$3] ***an amount determined by the board*** from each pharmacist annual license renewal fee it collects to provide funding for the impaired pharmacist program as set forth in subparagraph VI(a).

2014-1748s

### AMENDED ANALYSIS

This bill allows the New Hampshire pharmacy board to determine the allocation from annual license renewal fee for pharmacists to the impaired pharmacist program.

The Chair ruled Committee Amendment 1748s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 1748s to HB 1615. Adopted by the necessary 2/3 vote.

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

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

### ENERGY AND NATURAL RESOURCES

HB 286, relative to broadband infrastructure. Interim Study, Vote 4-1. Senator Prescott for the committee.

Recess. Out of recess.

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

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

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

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Sanborn, Kelly, Lasky, Larsen, Soucy, Fuller Clark.

Yeas: 14 - Nays: 10

Adopted.

Recess. Out of recess.

HB 569, relative to the placement of all new electric transmission lines in New Hampshire. Ought to Pass with Amendment, Vote 3-2. Senator Woodburn for the committee.

Energy and Natural Resources  
May 7, 2014  
2014-1761s  
06/01

### Amendment to HB 569

Amend RSA 162-H:2-a as inserted by section 1 of the bill by replacing it with the following:

162-H:2-a Criteria for Approving Transmission Lines for Certificates. In determining that a transmission line as described in RSA 162-H:2, VII(d) and (e) meets the criteria for a certificate under this chapter, the committee may take into consideration the following:

I. Use of existing public rights of way, or, when unavailable, of private rights of way may be an option for locating all new electric transmission lines.

II. Burial of electric transmission lines may be an option for all elective electric transmission lines with supports over 50 feet.

III. The committee may presume that any line not required for system reliability and not proposed to be substantially buried will have an unreasonably adverse effect on aesthetics. The applicant may, by a preponderance of the evidence, demonstrate that an above-ground line should be approved due to particular circumstances, including but not limited to, engineering feasibility, adverse environmental impact, substantially disproportionate cost factors, and lack of negative impact for the route involved.

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

2 New Section; State-Owned Rights of Way. Amend RSA 162-H by inserting after section 5 the following new section:

162-H:5-a State-Owned Rights of Way.

I. The department of transportation shall facilitate the option to bury electric transmission lines in state-owned rights of way.

II. Any revenue generated through the use of state-owned rights of way shall be deposited in the highway fund.

Recess. Out of recess.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Cataldo, Kelly, Bragdon, Fuller Clark, Morse.

The following Senators voted No: Watters, Pierce, Hosmer, Odell, Sanborn, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Prescott, Stiles.

Yeas: 8 - Nays: 16

Failed.

Sen. Bradley moved to Lay on the Table HB 569.

The question is on the motion to Lay on the Table HB 569. Adopted.

HB 1129, requiring the development of an energy efficiency implementation plan. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Energy and Natural Resources

May 7, 2014

2014-1778s

08/10

#### **Amendment to HB 1129**

Amend section 1 of the bill by deleting paragraph III.

Amend the bill by replacing section 4 with the following:

4 Report Required. The office of energy and planning shall submit an interim report of its findings and recommendations to the speaker of the house of representatives, the president of the senate, the senate energy and natural resources committee, the house science and technology committee, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014, and a final report on or before 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.

HB 1314, establishing a committee to study implementation of a public interest standard for a telecommunication utility merger, consolidation, reorganization, or sale by the public utilities commission. Interim Study, Vote 3-2. Senator Odell for the committee.

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

HB 1385, relative to changes and additions to energy facilities. Inexpedient to Legislate, Vote 4-1. Senator Prescott for the committee.

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

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1210, correcting certain references to divisions of the department of revenue administration. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

Senate Executive Departments and Administration

May 7, 2014

2014-1768s

03/04

#### **Amendment to HB 1210**

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

AN ACT    correcting certain references to divisions of the department of revenue administration and legalizing a Hanover school district bond warrant article.

Amend the bill by replacing all after section 6 with the following:

7 Hanover School District; Bond Warrant Article. All votes and proceedings related to bond warrant Article #2 that was passed by a 3/5 vote at the annual meeting of the Hanover school district held on March 4, 2014, and in particular, (1) the bond hearing proceedings that resulted in a violation of the RSA 33:8-a, I requirement that the school district hold a separate public bond hearing and that notice of such public hearing on the bond be published in a newspaper of general circulation within the school district at least 7 days prior to the day of the hearing and (2) the posting of the warrant for such annual meeting that resulted in a violation of the RSA 197:7 requirement that an attested copy of the warrant be posted at the place of the meeting, are hereby legalized, ratified, and confirmed.

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

2014-1768s

#### AMENDED ANALYSIS

This bill corrects statutory references to divisions of the department of revenue administration to reflect changes enacted in 2013, 247. This bill also legalizes a Hanover school district bond warrant article.

The Chair ruled Committee Amendment 1768s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 1768s to HB 1210. Adopted by the necessary 2/3 vote.

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

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

Sen. Kelly, Dist. 10

May 14, 2014

2014-1850s

03/04

#### **Floor Amendment to HB 1210**

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

AN ACT    correcting certain references to divisions of the department of revenue administration and legalizing a Hanover school district bond warrant article and relative to the elements of the crime of burglary.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Unauthorized Entries; Burglary. Amend RSA 635:1, I to read as follows:

I. A person is guilty of burglary if he ***or she*** enters ***or remains unlawfully in*** a building or occupied structure, or separately secured or occupied section thereof, with purpose to commit a crime therein, unless the premises are at the time open to the public or the actor is licensed or privileged to enter. It is an affirmative defense to prosecution for burglary that the building or structure was abandoned.

2014-1850s

#### AMENDED ANALYSIS

This bill:

I. Corrects statutory references to divisions of the department of revenue administration to reflect changes enacted in 2013, 247.

II. Legalizes a Hanover school district bond warrant article.

III. Amends the burglary statute to include cases where a person remains unlawfully in a building or occupied structure.

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

Recess. Out of recess.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 14, 2014

2014-1851s

03/09

#### Floor Amendment to HB 1210

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

AN ACT correcting certain references to divisions of the department of revenue administration and legalizing a Hanover school district bond warrant article and relative to notice of changes to zoning districts.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Notice Requirements for Public Hearing. Amend RSA 675:7, I to read as follows:

I. Notice shall be given for the time and place of each public hearing held under RSA 675:2-4 and RSA 675:6 at least 10 calendar days before the hearing. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places. ***If a proposed amendment to a zoning ordinance would change a boundary of a zoning district or the uses, setbacks, or lot sizes in a district and the change would affect 500 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owners of each affected property. Notice by mail shall be sent to the address used for mailing local property tax bills.***

2014-1851s

#### AMENDED ANALYSIS

This bill:

I. Corrects statutory references to divisions of the department of revenue administration to reflect changes enacted in 2013, 247.

II. Legalizes a Hanover school district bond warrant article.

III. Requires notice by first class mail to owners of properties affected by certain changes to zoning district boundaries and uses, setbacks, or lot sizes permitted in a district.

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

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

HB 1368, relative to consideration of criminal records for occupational and professional licensing. Ought to Pass with Amendment, Vote 4-1. Senator Reagan for the committee.

Senate Executive Departments and Administration  
May 7, 2014  
2014-1783s  
06/03

#### **Amendment to HB 1368**

Amend RSA 332-G:8 as inserted by section 1 of the bill by replacing it with the following:

332-G:8 Criminal Conviction. No board or commission shall disqualify a person from practicing, pursuing, or engaging in any occupation, trade, vocation, profession, or business for which a license, permit, certificate, or registration is required under this title, nor suspend or revoke such license, certificate, or registration because of a prior conviction of a crime in and of itself. However, a board or commission may deny a license or certificate, or the renewal of a license or certificate, or may suspend or revoke such license or certificate, because of a prior conviction after considering the nature of the crime and whether there is a substantial and direct relationship to the occupation, trade, vocation, or profession for which the person has applied, and may consider information about the rehabilitation of the convicted person, and the amount of time that has passed since the conviction or release.

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

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

Sen. Carson is in opposition to the motion of Ought to Pass with Amendment on HB 1368.

#### **FINANCE**

HB 256-FN, relative to establishing a voluntary hike safe card for fish and game search and rescue operations, relative to deputy fish and game conservation officers, and relative to the commission on sustainability of the fish and game department. Ought to Pass, Vote 5-0. 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 292-FN-A, relative to registration fees for commercial, private, and pleasure vessels. Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

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

Sen. Prescott and Sen. Sanborn are in opposition to the motion of Ought to Pass on HB 292.

HB 496-FN, relative to driving privileges for certain first-time DWI offenders. Ought to Pass, Vote 3-2. 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 654-FN, relative to licensure and renewal fees. Ought to Pass, Vote 5-0. 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 658-FN, relative to registration for medical technicians. Ought to Pass with Amendment, Vote 6-0. Senator Odell for the committee.

Senate Finance  
May 8, 2014  
2014-1811s  
01/04

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

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



1 New Chapter; Board of Registration of Medical Technicians. Amend RSA by inserting after chapter 328-H the following new chapter:

## CHAPTER 328-I

### BOARD OF REGISTRATION OF MEDICAL TECHNICIANS

328-I:1 Definitions. In this chapter:

- I. "Board" means the board of registration of medical technicians.
- II. "Commissioner" means the commissioner of the department of health and human services.
- III. "Department" means the department of health and human services.
- IV. "Health care facility" means health care facilities licensed under RSA 151.
- V. "Medical establishment" means a setting where health care services are provided to patients, including, but not limited to, the office of a physician, dentist, naturopath, advanced practice registered nurse, optometrist, podiatrist, or a clinic, laboratory, or place not licensed under RSA 151.
- 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.

328-I:2 Board, Membership, Terms, Administrative Attachment.

I. There shall be a board of registration of medical technicians consisting of 5 members. The members shall be:

- (a) The commissioner, or designee.
- (b) Four members appointed by the governor with the consent of the council as follows:
  - (1) Three licensed health care providers, one of whom shall have experience supervising medical technicians and one of whom shall be a licensed physician.
  - (2) One public member, who shall be a person who is not, and never was, a member of a health care profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to health care.

II. The members under subparagraph (b) shall be appointed to a term of 5 years. The commissioner shall serve coterminous with his or her term of office. No member shall serve more than 2 consecutive terms.

III. Appointed members of the board shall receive \$50 for each day actually engaged in the duties of the board and shall be reimbursed for all actual travel necessarily incurred in carrying out the provisions of this chapter.

IV. The board shall be an administratively attached agency, under RSA 21-G:10, to the department. In addition, the board shall be subject to the provisions of RSA 126-A:10-a.

328-I:3 Powers and Duties of the Board. The board shall:

- I. Accept applications for certificates of registration under this chapter, and approving or denying such applications.
- II. Renew certificates of registration.
- III. Suspend or revoke certificates of registration upon the grounds listed in RSA 328-I:9, and conduct hearings regarding the denial, suspension, revocation and renewal of certificates as provided in RSA 328-I:11.
- IV. Accept written complaints against registrants, conduct necessary investigations upon such written complaints, and resolve complaints.
- V. Publicize the complaint procedure.
- VI. Adopt rules pursuant to RSA 328-I:4.

VII. Maintain a database of registered medical technicians and share all information received with other licensing boards or advisory committees within this state, and with appropriate boards out of state and with any law enforcement entity, as allowed by RSA 91-A and in accordance with RSA 328-I:11, I.

VIII. Post a list of registrants and their status on its website.

IX. Prepare reports on any matter within the scope of this chapter.

X. Establish late fees and fees for transcribing and transferring records and other services.

328-I:4 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The registration application form and content, and the registration application procedures.

II. The application form, content, and procedure for a renewal or reinstatement of a registration to work as a medical technician.

III. The establishment of fees required under RSA 328-I:3, X.

IV. The conduct of investigations and hearings, in accordance with RSA 328-I:11.

V. Procedures for notice and hearing prior to denial, suspension, or revocation of a registration, and the imposition of administrative fines.

VI. Procedures for the handling and resolving complaints.

VII. Procedures for the approval or denial of an application.

VIII. Procedures for suspension or revocation of a registration.

IX. Procedures for appeal of decisions made pursuant to the provisions of this chapter and rules adopted pursuant to this chapter.

X. Procedures for sharing information with other in-state boards, out-of-state boards and law enforcement entities.

328-I:5 Registration of Medical Technicians Required.

I. Persons engaging in work as a medical technician in New Hampshire shall be registered in accordance with this chapter.

II. Any person who is not registered as a medical technician under this chapter, advertises himself or herself as being a medical technician, practices as a medical technician, or engages in such acts after receiving notice that such person's registration has been revoked shall be guilty of a misdemeanor.

III. The board, after hearing and upon making an affirmative finding under paragraph II, that the person is engaged in unlawful practice, may take action in any one or more of the following ways:

(a) A cease and desist order in accordance with paragraph IV.

(b) The imposition of an administrative fine not to exceed \$50,000.

(c) The imposition of an administrative fine for continuation of unlawful practice in the amount of \$1,000 for each day the activity continues after notice from the board that the activity shall cease.

(d) The denial or conditional denial of a license application, application for renewal, or application for reinstatement.

IV. The board is authorized to issue a cease and desist order against any person or entity engaged in unlawful practice. The cease and desist order shall be enforceable in superior court.

V. The attorney general, the board, or the prosecuting attorney of any county or municipality where the act of unlawful practice takes place may maintain an action to enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to the board.

VI. In addition, every health care facility and medical establishment employing medical technicians, shall ensure that such technicians are registered in compliance with this chapter. Any health care facility violating this paragraph shall be subject to appropriate fines and penalties pursuant to RSA 151.

### 328-I:6 Initial Registration; Application, Fees.

I. The board may register any person who submits a completed application. The fee for registration under this chapter shall be \$110.

II. Completed applications shall include:

- (a) Payment of the non-refundable registration fee;
- (b) Reports of any pending criminal charges, criminal convictions, plea agreements in lieu of convictions, or complaints made to or dispositions made by licensing, certification or registration boards.
- (c) A complete set of fingerprints and a notarized criminal history record release form pursuant to RSA 328-I:7.
- (d) The applicant's work history over the last 10 years.

III. All applications shall include at a minimum, the applicant's name, social security number, place and date of birth, place of employment in New Hampshire and the home address and shall be duly signed and verified. Applications shall be available for public inspection.

IV. Upon approval of the application by the board, the applicant shall be registered as a medical technician for 2 years. Such registration shall take effect within 90 days after the filing of such completed application.

V. Any medical technician who changes his or her name, place or status of employment in New Hampshire, or residence shall notify the board in writing within 30 days. For failure to report such a change within 30 days, the board may suspend the medical technician's registration.

### 328-I:7 Criminal History Record Checks.

I. Every applicant for initial registration or reinstatement shall submit to the board a notarized criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the board.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The board shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board.

IV. The board shall review the criminal record information prior to making a registration decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the board. The fee for renewal of certificates of registration shall be \$110. Certificates of registration for medical technician shall be renewed upon the payment of the renewal fee.

### 328-I:9 Refusal to Issue or Renew Certificate; Return of Certificate.

I. The board may deny the application for registration or refuse to issue a renewal thereof if it is determined after hearing that such applicant or registrant:

- (a) Has made a material false statement or concealed or omitted a material fact in connection with his or her application for registration;
- (b) Had a registration issued under this chapter suspended previously;
- (c) Has been convicted of a felony under the laws of the United States or any state or any offense involving moral turpitude;

(d) Has willfully or repeatedly failed to comply with any other provision of this chapter or any rules adopted by the board; or

(e) Is a habitual user of drugs or intoxicants.

II. Upon the suspension or revocation of a certificate of registration by the board and the issuance of a notice thereof, the registrant shall within 5 days, not including Sundays and holidays, deliver to the board the certificate of registration. If surrendered by mail, the certificate of registration shall be sent by registered or certified mail, postmarked no later than 3 days, not including Sundays and holidays, following notice of suspension or revocation. Failure to return a certificate of registration which has been revoked or suspended hereunder within the prescribed time shall constitute a misdemeanor.

328-I:10 Disciplinary Action; Remedial Proceedings.

I. The board is authorized to undertake investigations and disciplinary proceedings upon:

(a) The board's initiative.

(b) A written complaint made by any person complaining that a registrant has committed an act of misconduct and specifying the nature of the misconduct.

(c) A written complaint made by any person that a person is engaged in unauthorized practice.

(d) Notification by a licensing or certifying agency of this state that a registrant has been disciplined by that agency.

(e) Notification by the regulatory authority of another domestic or foreign jurisdiction that a registrant has been disciplined in that jurisdiction.

(f) A report made pursuant to the obligation to report imposed by this chapter.

II. The board may undertake non-disciplinary remedial proceedings (a) upon its own initiative or (b) upon written complaint of any person which charges that a person registered by the board is afflicted with a condition as set forth in paragraph VII and which specifies the grounds therefor.

III. Every facility administrator, or designee, for any licensed hospital, health clinic, ambulatory surgical center, or other health care facility within the state shall report to the board any disciplinary or adverse action, within 30 days after such action is taken, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person registered by the board. Disciplinary or adverse action shall include the requirement that a registrant undergo counseling or be subject to any policy with regard to disruptive behavior.

IV. In cases involving imminent danger to life or health, the board may order suspension of a license pending hearing for a period of no more than 120 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 328-I:11. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension commensurate with the additional time extended.

V. The board, after hearing, may take disciplinary action against any person registered by it upon finding that the person:

(a) Has knowingly provided false information during any application for registration or employment, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.

(b) Is a habitual user of drugs or intoxicants.

(c) Has engaged in dishonest or unprofessional conduct, or has negligently or intentionally injured a patient while practicing as a medical technician or performing such ancillary activities.

(d) Has willfully or repeatedly violated any provision of this chapter or any substantive rule of the board.

(e) Has been convicted of a felony under the laws of the United States or any state.

VI. The board may take non-disciplinary remedial action against any person registered by it upon finding that the person is afflicted with physical or mental disability, disease, disorder, or condition deemed dangerous to the public health. Upon making an affirmative finding, the board, may take non-disciplinary remedial action:

(a) By suspension, limitation, or restriction of a registration for a period of time as determined reasonable by the board.

(b) By revocation of registration.

(c) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.

(d) By requiring the person to practice under the direction of a physician in a public institution, public or private health care program, or private practice for a period of time specified by the board.

VII. The board, upon making an affirmative finding under paragraph V, may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of a registration or probation for a period of time as determined reasonable by the board.

(c) By revocation of registration.

(d) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.

(e) By assessing administrative fines in amounts established by the board which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.

VIII. The board may issue a non-disciplinary confidential letter of concern to a registrant advising that, the board believes the medical technician should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the board may result in action against the registrant's registration. This letter shall not be released to the public or any other licensing authority, except that the letter may be used as evidence in subsequent disciplinary proceedings by the board.

IX. Disciplinary or non-disciplinary remedial action taken by the board under this section may be appealed to the supreme court under RSA 541.

X. No civil action shall be maintained against the board or any member of the board or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

XI. The board shall send all notices of hearing, and notices of suspension or revocation of registration to the department of health and human services and the department of safety.

XII. Allegations of professional misconduct or other violations of this chapter enforceable by the board shall be brought within 6 years from the time the board could reasonably have discovered the act, omission or failure complained of, except that conduct which resulted in a criminal conviction or in a disciplinary action by a relevant licensing authority in another jurisdiction may be considered by the board without time limitation in making registration or disciplinary decisions if the conduct would otherwise be a ground for discipline under this chapter. The board may also consider registrant conduct without time limitation when the ultimate issue before the board involves a pattern of conduct or the cumulative effect of conduct which becomes apparent as a result of conduct which has occurred within the 6-year limitation period prescribed by this paragraph.

XIII. When an investigation of a complaint against a registrant is determined to be unfounded, the board shall dismiss the complaint and explain in writing to the complainant and the registrant its reason for dismissing the complaint. The board shall destroy all information collected during the course of the investigation after 6 years. The board shall retain a record only noting that an investigation was conducted and that the board determined the complaint to be unfounded. For the purpose of this paragraph, a complaint shall be deemed to be unfounded if it does not fall within the jurisdiction of the board, does not relate to the actions of the registrant, or is determined by the board to be frivolous.

**328-I:11 Investigations; Procedure for Complaints; Hearings; Judicial Review.**

I. The board may investigate possible misconduct by registrants and applicants for registration, as well as the unauthorized practice under this act and other matters within the scope of this chapter. Board investigations and the information gathered in such investigations, including information provided to the board under RSA 328-I:10, I and III and paragraphs III and V, shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders.

II. No certificate of registration shall be suspended or revoked until after a hearing before the board, which shall be held in accordance with RSA 541-A, and upon written notice mailed to the registrant by certified or registered mail. If, when a notice of hearing is mailed to a registrant at the address shown in the records of the board, such a registrant fails to attend such hearing, then the board may suspend his or her registration without a hearing pending his or her attendance at such hearing.

III. Upon the denial of an application for a certificate of registration, the board shall grant a hearing to an applicant therefor upon receipt of a request for a hearing made within 30 days after the applicant is notified of denial. The board shall have the power to require the attendance of witnesses and issue subpoenas duces tecum in the conduct of such hearing.

IV. If a certificate of registration is revoked or suspended or an application is denied, no such certificate shall be issued to such former registrant or applicant for at least 6 months, or thereafter, except in the discretion of the board.

V. The applicant or registrant may be heard in person or by counsel. The board shall notify the applicant of the time and place of the hearing. The board shall have the power to subpoena any person in this state, or document, record or other relevant evidence, and administer an oath to and take the testimony of any such person or cause his or her deposition to be taken.

**328-I:12 Civil Claims.** Any person injured by the actions of a person engaged as a medical technician in violation of any of the provisions of this chapter may bring a civil action to recover damages suffered by reason of the violation.

**328-I:13 Administrative Fines.** The board after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine in an amount which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater, upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the board shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter.

**328-I:14 Investigative Costs.** For any order issued in resolution of a disciplinary proceeding by the board, where the board has found misconduct sufficient to support disciplinary action, including but not limited to a violation of this chapter or an administrative rule adopted under this chapter, the board may require the registrant who is the subject of such finding to pay the board a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum shall not exceed \$5,000. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the board as part of the penalty. The investigative and prosecution costs shall be assessed by the board and any sums recovered shall be credited to the board's fund and disbursed by the board for any future investigations of complaints and activities that violate this chapter or rules adopted under this chapter.

**328-I:15 Annual Report.** The board shall make an annual report commencing on November 1, 2016 relative to the conduct of activities under this chapter to the speaker of the house of representatives, the president of the senate, and the governor and council.

**2 New Section; Verification of Medical Technician Registration.** Amend RSA 151 by inserting after section 3-c the following new section:

**151:3-d Verification of Medical Technician Registration.** Every facility administrator, or designee, for any health care facility licensed under this chapter shall verify with the board of registration of medical technicians established under RSA 328-I:2, prior to employing a medical technician, as defined in RSA 328-I:1, VI, that such medical technician is registered with the board.

Amend the bill by deleting section 5 and renumbering the original sections 6-7 to read as 5-6, respectively.

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 1135-FN, relative to penalties for driving without a license. Inexpedient to Legislate, Vote 3-2. Senator Odell for the committee.

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

Sen. Odell moved Ought to Pass.

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24

May 13, 2014

2014-1837s

03/04

### **Floor Amendment to HB 1135-FN**

Amend the bill by replacing section 1 with the following:

1 License Required; Penalty. Amend RSA 263:1 to read as follows:

263:1 License Required; ***Penalty.***

***I.*** No person, except those expressly exempted under RSA 263:25 or other provisions of this title, shall drive any motor vehicle upon any way in this state unless such person has a valid driver's license, as required under the provisions of this chapter, for the class or type of vehicle being driven. ~~[Except as otherwise herein provided, any person who drives a motor vehicle in this state without having a valid driver's license of the appropriate class or type shall be guilty of a violation, provided that any person convicted of such offense for the second time in a 12 month period shall be guilty of a misdemeanor.]~~

***II. Any person who held a driver's license of the appropriate class or type but whose driver's license has been expired for not more than 12 months shall be guilty of a violation or, for a second or subsequent offense shall be guilty of a class B misdemeanor.***

***III. Any person who drives a motor vehicle in this state and who has never had a license shall be guilty of a class B misdemeanor.***

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

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

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

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: (None)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

HB 1142-FN-A, relative to the road toll for alternative fuels. Ought to Pass, Vote 3-2. 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.

Sen. Prescott and Sen. Sanborn are in opposition to the motion of Ought to Pass on HB 1142-FN-A.

HB 1282-FN, relative to prepaid contracts for home heating fuel. Ought to Pass, Vote 5-0. Senator Larsen for the committee.

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9  
Sen. Larsen, Dist. 15  
Sen. Hosmer, Dist. 7  
Sen. Kelly, Dist. 10  
Sen. Forrester, Dist. 2  
May 14, 2014  
2014-1856s  
05/04

### **Floor Amendment to HB 1282-FN**

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

AN ACT relative to prepaid contracts for home heating fuel and relative to reimbursement for towns affected by the Merrimack River flood control compact and making an appropriation therefor.

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

6 Findings. The general court finds that:

I. On January 17, 2014 the state of New Hampshire and the Commonwealth of Massachusetts reached a settlement agreement relative to moneys owed to the state of New Hampshire under the Merrimack River flood control compact under RSA 484:7. The settlement agreement resulted in a payment of \$1,112,377.74 to the state of New Hampshire to resolve all outstanding debt under the compact up to and including state fiscal year 2012.

II. The state received a check for this amount on January 31, 2014.

7 Department of Revenue Administration; Appropriation.

I. The sum of \$1,085,344 from the \$1,112,377.74 settlement agreement dated January 17, 2014 under the Merrimack River flood control compact is hereby appropriated to the department of revenue administration. The governor is authorized to draw a warrant for the purpose of reimbursing the towns affected by the compact for state fiscal years 2012 and 2013. The department shall distribute the moneys in the manner prescribed in RSA 122:4, I. This appropriation is in addition to any other appropriations to the department. The remainder of the settlement moneys shall lapse to the general fund.

II. The department of revenue administration shall fund, under RSA 122:4, I, any shortfall in fiscal year 2015 flood control payments.

8 Repeal. 2013, 144:126, relative to flood control payments, is repealed.

9 Effective Date.

I. Sections 1-5 of this act shall take effect January 1, 2015.

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

2014-1856s

### **AMENDED ANALYSIS**

This bill:

I. Establishes minimum inventory, registration, and reporting requirements for home heating oil, kerosene, or liquefied petroleum gas dealers who offer prepaid contracts.

II. Makes the failure to deliver home heating fuel in accordance with a prepaid contract a violation of the consumer protection act.

III. Appropriates settlement agreement moneys to towns affected by the Merrimack River flood control compact.

Recess. Out of recess.

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

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



**SPECIAL ORDER**

Without objection HB 1415-FN was Special-Ordered to directly after lunch. Adopted by the necessary 2/3 vote.  
Recess. Out of recess.

HB 1372-FN-A, making an appropriation for the pediatric sexual assault nurse examiner training program. Interim Study, Vote 3-2. Senator Forrester for the committee.

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

Sen. Bragdon moved Ought to Pass.

Sen. Odell offered a floor amendment.

Sen. Odell, Dist. 8

May 14, 2014

2014-1863s

04/03

**Floor Amendment to HB 1372-FN-A**

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

1 Department of Justice; Appropriation for Pediatric Sexual Assault Nurse Examiner Training Program. The sum of \$20,000 for the fiscal year ending June 30, 2016 is hereby appropriated to the department of justice, grants management unit for the pediatric sexual assault nurse examiner training program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 2015.

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

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

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

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: (None)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

HB 1465-FN, authorizing special permits for movement of uninspected semi-trailers. Ought to Pass, Vote 5-0. Senator D'Allesandro for the committee.

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

HB 1499-FN, increasing the maximum weekly benefit amount of unemployment benefits; amending the definitions of "full-time" and "part-time" work; and establishing a commission study the effect on the unemployment compensation trust fund of the contribution rate reduction trigger levels in RSA 282-A:82 and RSA 282-A:82-a and the elimination of some or all of the waiting periods required to be served pursuant to RSA 282-A:31, I(h). Ought to Pass with Amendment, Vote 3-2. Senator Odell for the committee.

Senate Finance

May 8, 2014

2014-1808s

08/01

**Amendment to HB 1499-FN**

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

AN ACT amending the definitions of "full-time" and "part-time" work; and establishing a committee to study the unemployment trust fund.

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

1 Definitions; Employment. Amend RSA 282-A:9, VIII-IX to read as follows:

VIII. "Full-time work" is ~~[work in employment of at least 37.5 hours a week]~~ ***services for the number of hours that is considered full-time by the industry in which the individual is seeking work, or by the person or entity for which services are or will be performed, but not less than 35 hours per week.***

IX. "Part-time work" is ~~[work in employment of at least 20 hours a week but less than 37.5 hours a week]~~ ***services of at least 20 hours per week but for fewer hours in a week than full-time work as defined by paragraph VIII. Such services shall include self-employment.***

2 New Subdivision; Unemployment Trust Fund Study Committee. Amend RSA 282-A by inserting after section 82-a the following new subdivision:

Unemployment Trust Fund Study Committee

282-A:82-b Unemployment Trust Fund Study Committee.

I. There is established a committee to study the unemployment trust fund.

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

(a) Three members of the senate, 2 of whom shall be appointed by the president of the senate, and one of whom shall be appointed by the senate minority leader.

(b) Three members of the house of representatives, 2 of whom shall be appointed by the speaker of the house of representatives, and one appointed by the minority leader of the house of representatives.

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

IV. The committee shall study the effect on the unemployment compensation trust fund of the contribution rate reduction trigger levels in RSA 282-A:82 and RSA 282-A:82-a, as well as the effect of increasing benefits paid to recipients.

V. The chairperson of the committee shall be the first named senate member, who shall call the first meeting within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

3 Repeal. RSA 282-A:82-b, relative to the unemployment trust fund study committee 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 60 days after its passage.

2014-1808s

AMENDED ANALYSIS

This bill:

I. Amends the definitions of "full-time" and "part-time" work.

II. Establishes a committee to study the unemployment trust fund.

Recess. Out of recess.

The question is on the adoption of the Committee Amendment.

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

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.

Sen. Bragdon asserts Rule 6-25 on HB 1499-FN.

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

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

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 1499-FN.

Recess. Out of recess.

#### SPECIAL ORDER

Without objection HB 1415-FN was Special-Ordered to the call of the Chair. Adopted by the necessary 2/3 vote.

HB 1630-FN-A, relative to gaming in New Hampshire. Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance  
May 8, 2014  
2014-1810s  
01/05

#### **Amendment to HB 1630-FN-A**

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Section 4 of this act shall take effect 60 days after its passage.

II. Section 5 of this act shall take effect on December 15, 2015.

III. The remainder of this act shall take effect on 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.

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

Senate Finance  
May 6, 2014  
2014-1709s  
04/10

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

Amend the bill by inserting after section 11 the following and renumbering the original section 12 to read as 13:

12 Contingency. If the position of director of plant and property management in the department of administrative services is filled on or before the effective date of section 5 of this act and if SB 222 of the 2014 legislative session becomes law, the person in that position shall, subject to the provisions of RSA 4:1 and any other applicable law, serve as the director of procurement and support services in the department of administrative services for the remainder of his or her term of office.

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

Sen. Forrester offered a floor amendment.

Sen. Forrester, Dist. 2  
May 12, 2014  
2014-1827s  
04/01

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

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

AN ACT relative to the salaries of certain unclassified positions and relative to transferring surplus revenues to the revenue stabilization reserve account.

Amend the bill by replacing all after section 12 with the following:

13 Transfer of Surplus to Revenue Stabilization Reserve Account. Notwithstanding RSA 9:13-e, II, and upon completion of the official audit performed pursuant to RSA 21-I:18, II(a) for the fiscal year ending June 30, 2014, the state treasurer shall transfer \$15,300,000 to the revenue stabilization reserve account, established in RSA 9:13-e.

14 Effective Date.

I. Sections 1-12 of this act shall take effect 60 days after its passage.

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

2014-1827s

### **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.

IV. Requires the state treasurer to transfer budget surplus moneys to the revenue stabilization reserve account.

Recess. Out of recess.

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

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

HB 1635-FN-A, relative to community mental health programs and making appropriations therefor. Ought to Pass with Amendment, Vote 6-0. Senator Bragdon for the committee.

Senate Finance  
May 8, 2014  
2014-1809s  
01/08

### **Amendment to HB 1635-FN-A**

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

AN ACT relative to community mental health programs and making appropriations therefor and relative to disposition of funds obtained by the attorney general.

Amend paragraph II of section 1 of the bill by replacing it with the following:

II. The appropriations in paragraph I shall be made available for the sole purpose of expanding and enhancing mental health service capacity in integrated community settings pursuant to the comprehensive settlement agreement with the United States Department of Justice concerning Amanda D., et al. v. Hassan, et al.; United States v. New Hampshire, No.1:12-CV-53 (SM) and in accordance with RSA 14:35-b. The governor is hereby authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. General fund moneys appropriated under this paragraph may be offset by funds received from the Medicaid section 1115 demonstration waiver authorized under RSA 126-A:67. Sums appropriated in this section shall not be expended for any other purpose and shall not lapse.

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

2 New Section; Disposition of Funds Obtained by the Attorney General. Amend RSA 7 by inserting after section 6-d the following new section:

7:6-e Disposition of Funds Obtained by the Attorney General.

I. No money received by the attorney general, on behalf of the state or its citizens as a result of any civil judgment, settlement of a claim, settlement of threatened litigation, suit, petition, or other action or threatened action, shall be expended or otherwise distributed until authorized by the fiscal committee of the general court, except in those instances where the disposition of money received by the attorney general is already provided for in statute. Additionally, whenever the department of justice receives judgment or settlement money in excess of \$1,000,000, the first 10 percent of those funds shall be transferred to the revenue stabilization reserve account established in RSA 9:13-e.

II. Upon resolving a matter described in paragraph I, the attorney general shall promptly report to the fiscal committee of the general court any money received under this section. All reports under this paragraph shall include, but shall not be limited to:

- (a) The date of the judgment or settlement.
- (b) The reason for the judgment or settlement.
- (c) The purpose for which the judgment or settlement is to be used.
- (d) The amount of the judgment or settlement.
- (e) An accounting of the allocation of each judgment or settlement.

III. This section shall not apply to fines received by the attorney general in criminal cases, penalty assessment funds, drug forfeiture funds as provided in RSA 318-B:17-b through RSA 318-B:17-d, fines or civil penalties authorized by state law as a result of enforcement actions taken by state agencies or the attorney general, and money received on behalf of a victim or the state as restitution.

3 Effective Date.

I. Section 2 of this act shall take effect 60 days after its passage.

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

2014-1809s

AMENDED ANALYSIS

This bill makes appropriations to the department of health and human services and the department of justice to pay costs related to mental health services in integrated community settings pursuant to a comprehensive settlement agreement with the United States Department of Justice.

This bill also:

I. Requires the fiscal committee of the general court to approve the expenditure or distribution of monetary settlements received by the state.

II. Requires the deposit of a portion of judgments over a specified amount in the revenue stabilization reserve account.

III. Requires the attorney general to submit a report to the fiscal committee of the general court relative to all legal settlements received by the state.

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 1434, relative to surrogate health care decision making by a family member or friend. Ought to Pass with Amendment, Vote 4-1. Senator Gilmour for the committee.

Health, Education and Human Services  
May 6, 2014  
2014-1719s  
01/04

#### **Amendment to HB 1434**

Amend the bill by inserting after section 13 the following and renumbering the original section 14 to read as 15:

14 Directives for Medical Decisions; Requirement to Act in Accordance With Principal's Wishes and Best Interests. Amend RSA 137-J:6 to read as follows:

137-J:6 Requirement to Act in Accordance With Principal's Wishes and Best Interests. After consultation with the attending physician or APRN and other health care providers, the agent ***or surrogate*** shall make health care decisions in accordance with the agent's ***or surrogate's*** knowledge of the principal's wishes and religious or moral beliefs, as stated orally or otherwise communicated by the principal, or, if the principal's wishes are unknown, in accordance with the agent's ***or surrogate's*** assessment of the principal's best interests and in accordance with accepted medical practice.

#### **SPECIAL ORDER**

Without objection HB 1434 was Special-Ordered to the end of the calendar. Adopted by the necessary 2/3 vote.

HB 1449, relative to the requirements for filing a charter school application. Inexpedient to Legislate, Vote 5-0. Senator Reagan for the committee.

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

HB 1632, relative to child support orders for children with disabilities. Ought to Pass, Vote 3-2. 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.

Sen. Stiles is in opposition to the motion of Ought to Pass on HB 1632.

#### **JUDICIARY**

HB 498, permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Judiciary  
May 7, 2014  
2014-1744s  
04/01

#### **Amendment to HB 498**

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

AN ACT permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays, relative to preferences for veterans and disabled veterans in public employment, and repealing the prospective repeal of the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury.

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

1 New Paragraph; Unauthorized Use of Firearms and Firecrackers; Exception. Amend RSA 644:13 by inserting after paragraph II the following new paragraph:

III. Paragraph I shall not apply to the firing or discharge of a cannon, gun, pistol, or other firearm within the compact part of a town or city for the following events, provided that the person responsible for organizing the event notifies the police department of the following events:

(a) The celebration of, or practice for the celebration of, military events, military funerals, national holidays, or other military or veterans commemorations, conducted by United States armed forces personnel; or

(b) Military re-enactors registered with the secretary of state's office; or

(c) Funerals or commemorative events conducted by law enforcement agencies, fire departments, emergency medical services, or other public safety agencies.

2 New Chapter; Veterans' Preference in Public Employment. Amend RSA by inserting after chapter 273-C the following new chapter:

#### CHAPTER 273-D

##### VETERANS' AND DISABLED VETERANS' PREFERENCE IN PUBLIC EMPLOYMENT

273-D:1 Veterans' Preference in Public Employment. The state of New Hampshire shall grant a preference in hiring to veterans and disabled veterans.

273-D:2 Definitions. In this chapter:

I. "Active duty" means full-time duty under Title 10 of the United States Code as an enlisted member, or as a commissioned or warrant officer, in any branch of the armed forces of the United States. Active duty shall not include attendance at a school under military orders, except schooling incident to an active enlistment or a regular tour of duty, or normal military training as a reserve officer or member of an organized reserve or a national guard unit.

II. "Armed forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including:

- (a) The Army Reserve.
- (b) The Navy Reserve.
- (c) The Marine Corps Reserve.
- (d) The Air Force Reserve.
- (e) The Coast Guard Reserve.
- (f) The Army National Guard of the United States.
- (g) The Air National Guard of the United States.

III. "Civil service position" means a position that requires merit-based selection and promotion to be ascertained by competitive examination. Such positions need not be denominated "civil service" positions.

IV. "Combat zone" means an area designated by the President of the United States by executive order in which, on the dates designated by executive order, the armed forces of the United States are or have engaged in combat.

V. "Disabled veteran" means:

(a) A person entitled to disability compensation under the laws administered by the United States Department of Veterans Affairs;

(b) A person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty; or

(c) A person who was awarded the Purple Heart for wounds received in combat.

VI. "Public employer" means the state or any agency or political subdivision of the state and any person authorized to act on behalf of the state or any agency or political subdivision of the state with respect to control, management, or supervision of any employee.

VII. "Spouse of a disabled veteran" means:

(a) The current legal spouse of a veteran who has been determined to be permanently and totally disabled by the United States Department of Veterans Affairs; or

(b) The unremarried legal spouse of a veteran who died while, and as a result of, serving in the armed forces.

VIII. "Veteran" means a person who:

- (a) Served on active duty with the armed forces of the United States:

- (1) For more than 178 consecutive days and was honorably discharged or released from active duty;
- (2) For 178 days or less and was honorably discharged or released from active duty; or
- (3) For at least one day in a combat zone and was honorably discharged or released from active duty; or

(b) Received a combat or campaign ribbon for service in the armed forces of the United States.

#### 273-D:3 Eligibility for Employment Preference.

I. A veteran or disabled veteran may use the preference for a civil service position at any time after discharge or release from service in the armed forces of the United States.

II. A veteran or disabled veteran may claim the preference an unlimited number of times.

#### 273-D:4 Application Process.

I. At each stage of the application process, a public employer shall grant a preference to an otherwise qualified veteran or disabled veteran who successfully completes an initial application screening and an application examination, or a civil service test administered by the public employer to establish eligibility for a vacant civil service position.

II. For an initial application screening used to develop a list of persons for interviews, the public employer shall add 5 preference points to a veteran's score and 10 preference points to a disabled veteran's score.

III. For an application examination, administered after the initial application screening that results in a score, the public employer shall add 5 preference points to a veteran's and 10 preference points to a disabled veteran's total combined examination score without allocating the points to any single feature or part of the examination. The veteran or disabled veteran shall pass the examination with a qualifying score to be eligible to receive the veterans preference.

IV. If a public employer uses an application examination that does not result in a score, the public employer shall devise and apply methods by which it gives special consideration in the hiring decision to veterans and disabled veterans.

#### 273-D:5 Appointment to a Position.

I. A public employer shall appoint an otherwise qualified veteran or disabled veteran to a vacant civil service position if the results of a veteran's or disabled veteran's application examination, when combined with the veteran's or disabled veteran's preference, are equal to or higher than the results of an application examination for an applicant who is not a veteran or disabled veteran.

II. A public employer may base a decision not to appoint the veteran or disabled veteran solely on the veteran's or disabled veteran's merits or qualifications with respect to the vacant civil service position.

III. A public employer that does not appoint a veteran or disabled veteran to a vacant civil service position, shall upon written request of the veteran or disabled veteran, provide an explanation of its decision.

#### 273-D:6 Proof of Eligibility.

I. A public employer shall require an applicant, at the time of application, to provide proof that the applicant is an eligible veteran or disabled veteran in order to be eligible for the veterans or disabled veterans preference.

II. An applicant for a position with a public employer who claims a veteran's or disabled veteran's preference shall submit as proof of eligibility:

(a) A copy of a qualifying document as outlined in RSA 21:50, I(b) with the application for employment; and

(b) Disabled veterans shall submit a copy of their veteran's summary of benefits letter from the United States Department of Veterans Affairs, unless the information is included in the appropriate federal discharge documents.

III. If an applicant's record appears to show service qualifying for the preference, the public employer may provisionally designate an applicant as an eligible veteran or disabled veteran. However, before the applicant can be appointed, he or she shall submit proof of entitlement to the preference.



273-D:7 Rulemaking. The department of labor shall adopt rules pursuant to RSA 541-A to implement the provisions of this chapter.

3 Repeal. 2011, 84:2, relative to the prospective repeal of the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans, is repealed.

4 Contingency. If SB 298 of the 2014 regular legislative session becomes law, then section 3 of this act shall take effect upon its passage. If SB 298 of the 2014 regular legislative session does not become law, then section 3 of this act shall not take effect.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 4 of this act.

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

2014-1744s

#### AMENDED ANALYSIS

This bill:

I. Permits an exception to the unauthorized use of firearms and firecrackers law for the firing or discharge of a cannon, gun, pistol, or other firearm within the compact part of a town or city for approved military or veterans events, commemorative events, funerals, or national holidays.

II. Requires the state to give a preference in hiring to veterans and disabled veterans in public employment.

III. Repeals the prospective repeal of the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury suffered in the line of duty by members of the armed forces and veterans, contingent upon the passage of SB 298 of the 2014 regular legislative session.

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 582, relative to early offers for medical injury claims. Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

Senate Judiciary

May 7, 2014

2014-1746s

06/01

#### Amendment to HB 582

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

1 Procedure. Amend RSA 519-C:2, XII to read as follows:

XII. ~~[A claimant who rejects an early offer and who does not prevail in an action for medical injury against the medical care provider by being awarded at least 125 percent of the early offer amount, shall be responsible for paying the medical care provider's reasonable attorney's fees and costs incurred in the proceedings under this chapter. The claimant shall certify to the court that a bond or other suitable security for payment of the medical care provider's reasonable attorney's fees and costs has been posted before the court shall consider the case.]~~ ***No waiver signed by a claimant prior to 30 days from the date of medical injury shall be held valid.***

2 Notice and Waiver of Rights. Amend RSA 519-C:13, I to read as follows:

I. Claimants electing to pursue resolution of a medical injury under this chapter shall execute a notice and waiver of rights which contains the following wording:

#### WAIVER OF RIGHTS

By agreeing to submit a notice of injury to the medical care provider, I understand that my rights to seek legal remedies and a jury trial for my injuries guaranteed by Part I, Articles 14 and 20 of the New Hampshire Constitution may be affected.

I understand that I have the right to consult and retain an attorney to represent me regarding this matter, and that if an early offer settlement is reached, my attorney will be paid pursuant to RSA 519-C:5, I by the health care provider, in addition to any amount that is paid for my economic loss.

If I do not have an attorney when I sign this waiver form, the medical provider will appoint a neutral advisor to assist me in the early offer process and to explain, among other things, the differences between proceeding under this chapter or as provided in RSA 507-E and RSA 519-B. I HAVE THE RIGHT TO WITHDRAW THIS WAIVER AND THE NOTICE OF INJURY ANY TIME PRIOR TO MIDNIGHT OF THE ~~[FIFTH BUSINESS]~~ **TWENTY-FIRST** DAY AFTER MY FIRST MEETING WITH THE ADVISOR, WHICH MUST OCCUR NO LATER THAN 10 BUSINESS DAYS FROM MY NOTIFICATION OF THE IDENTITY OF THE NEUTRAL ADVISOR.

If after submitting a notice of injury, the medical care provider does NOT extend an early offer (RSA 519-C:1, III), I am free to pursue my legal remedies as defined in New Hampshire law without restriction.

If after submitting a notice of injury, the medical care provider does extend an early offer (RSA 519-C:1, III), I may either:

(1) Accept the early offer;

(2) Request a hearing before a hearing officer to determine whether the early offer includes all of the economic loss I am entitled to under the statute, and if necessary, the hearing officer may order the medical care provider to increase the early offer to meet the requirements of the early offer law; or

(3) Reject the early offer and seek legal remedies ***without penalty or consequence***.

~~I understand that [if I reject an early offer and am later awarded economic damages equal to or less than 125 percent of the amount of the early offer, I will be responsible for paying the medical care provider's reasonable attorney's fees and costs incurred in proceedings under this chapter.~~

~~—I understand that if an early offer is made by the medical care provider and I accept that offer, disputes regarding the early offer can be resolved only in accordance with RSA 519-C:10 by a hearing officer listed with the judicial branch office of mediation and arbitration, at my request or the request of the medical care provider. If either party believes that the decision of the hearing officer is unlawful, that party may seek discretionary review in the New Hampshire court system; however, there is no assurance that the courts will undertake such review] I may seek a remedy through the courts of the state of New Hampshire without penalty or consequence.~~

Date \_\_\_\_\_ Signature \_\_\_\_\_

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

2014-1746s

#### AMENDED ANALYSIS

This bill:

I. Requires any waiver of rights by an injured patient to be signed 30 days or more after the medical injury.

II. Modifies time limits regarding waiver of rights.

Recess. Out of recess.

The question is on the adoption of the Committee Amendment.

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

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

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

Yeas: 11 - Nays: 13

Failed.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3  
 May 14, 2014  
 2014-1853s  
 06/01

### **Floor Amendment to HB 582**

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

1 Early Offers for Medical Injury Claims; Unrepresented Client; Waiver of Rights. Amend RSA 519-C:3, II to read as follows:

II. A claimant who was unrepresented at the time the claimant submitted the notice and waiver of rights shall have the right to withdraw the notice of injury and the notice and waiver of rights within ~~[5-business]~~ **21** days after the claimant's first meeting with the neutral advisor, which shall occur no later than 10 business days from claimant's notification of the identity of the neutral advisor. In the event the claimant withdraws the notice of injury, the early offer process shall be terminated and both parties shall proceed as if the notice of injury was never filed.

2 Procedure. RSA 519-C:2, XII is repealed and reenacted to read as follows:

XII. A claimant who rejects an early offer and who does not prevail in an action for medical injury against the medical care provider by being awarded at least 125 percent of the early offer amount, shall be responsible for paying the medical care provider's reasonable attorney's fees and costs incurred in the proceedings under this chapter. The claimant shall certify to the court that a bond or other suitable security for payment of the medical care provider's reasonable attorney's fees and costs has been posted before the court shall consider the case. No waiver signed by a claimant prior to 30 days from the date of medical injury shall be held valid.

3 Notice and Waiver of Rights. RSA 519-C:13, I is repealed and reenacted to read as follows:

I. Claimants electing to pursue resolution of a medical injury under this chapter shall execute a notice and waiver of rights which contains the following wording:

#### **WAIVER OF RIGHTS**

By agreeing to submit a notice of injury to the medical care provider, I understand that my rights to seek legal remedies and a jury trial for my injuries guaranteed by Part I, Articles 14 and 20 of the New Hampshire Constitution may be affected.

I understand that I have the right to consult and retain an attorney to represent me regarding this matter, and that if an early offer settlement is reached, my attorney will be paid pursuant to RSA 519-C:5, I by the health care provider, in addition to any amount that is paid for my economic loss.

If I do not have an attorney when I sign this waiver form, the medical provider will appoint a neutral advisor to assist me in the early offer process and to explain, among other things, the differences between proceeding under this chapter or as provided in RSA 507-E and RSA 519-B. **I HAVE THE RIGHT TO WITHDRAW THIS WAIVER AND THE NOTICE OF INJURY ANY TIME PRIOR TO MIDNIGHT OF THE TWENTY-FIRST DAY AFTER MY FIRST MEETING WITH THE ADVISOR, WHICH MUST OCCUR NO LATER THAN 10 BUSINESS DAYS FROM MY NOTIFICATION OF THE IDENTITY OF THE NEUTRAL ADVISOR.**

If after submitting a notice of injury, the medical care provider does NOT extend an early offer (RSA 519-C:1, III), I am free to pursue my legal remedies as defined in New Hampshire law without restriction.

If after submitting a notice of injury, the medical care provider does extend an early offer (RSA 519-C:1, III), I may either:

(1) Accept the early offer;

(2) Request a hearing before a hearing officer to determine whether the early offer includes all of the economic loss I am entitled to under the statute, and if necessary, the hearing officer may order the medical care provider to increase the early offer to meet the requirements of the early offer law; or

(3) Reject the early offer and seek legal remedies.

I understand that if I reject an early offer and am later awarded economic damages equal to or less than 125 percent of the amount of the early offer, I will be responsible for paying the medical care provider's reasonable attorney's fees and costs incurred in proceedings under this chapter.

I understand that if an early offer is made by the medical care provider and I accept that offer, disputes regarding the early offer can be resolved only in accordance with RSA 519-C:10 by a hearing officer listed with the judicial branch office of mediation and arbitration, at my request or the request of the medical care provider. If either party believes that the decision of the hearing officer is unlawful, that party may seek discretionary review in the New Hampshire court system; however, there is no assurance that the courts will undertake such review.

Date \_\_\_\_\_ Signature \_\_\_\_\_

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

2014-1853s

#### AMENDED ANALYSIS

This bill:

I. Requires any waiver of rights by an injured patient to be signed 30 days or more after the medical injury.

II. Modifies time limits regarding waiver of rights.

The question is on the adoption of the Floor Amendment.

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

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.

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

HB 1409, expanding the law against discrimination to prohibit housing discrimination against recipients of rental assistance and victims of domestic violence, sexual assault, or stalking. Ought to Pass with Amendment, Vote 3-2. Senator Boutin for the committee.

Senate Judiciary

May 6, 2014

2014-1733s

05/03

#### Amendment to HB 1409

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

AN ACT establishing a commission to study housing discrimination against individuals who receive federal housing assistance or who have been victims of domestic violence, stalking, or sexual assault.

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

1 New Section; Commission to Study Housing Discrimination Against Individuals Who Receive Federal Housing Assistance or Who Have Been Victims of Domestic Violence, Stalking, or Sexual Assault. Amend RSA 354-A by inserting after section 26 the following new section:

354-A:27 Commission to Study Housing Discrimination Against Individuals Who Receive Federal Housing Assistance or Who Have Been Victims of Domestic Violence, Stalking, or Sexual Assault.

I. There is established a commission to study housing discrimination against individuals who receive federal housing assistance or who have been victims of domestic violence, stalking, or sexual assault.

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

(a) The president of Families in Transition, or designee.

(b) The executive director of the New Hampshire housing finance authority, or designee.

- (c) The executive director of New Hampshire Legal Assistance, or designee.
- (d) The executive director of the New Hampshire Coalition Against Domestic and Sexual Violence, or designee.
- (e) The president of the New Hampshire Association of Realtors, or designee.
- (f) The executive director of The Way Home, or designee.
- (g) Two small property owners who are members of the New Hampshire Property Owners Association, appointed by the president of the senate.
- (h) One large property owner who is not a member of the New Hampshire Property Owners Association, appointed by the speaker of the house of representatives.
- (i) Two members of the house judiciary committee, appointed by the speaker of the house of representatives.
- (j) One member of the senate judiciary committee, appointed by the president of the senate.

III. Members of the commission shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study housing discrimination against individuals who receive federal housing assistance or who have been victims of domestic violence, stalking, or sexual assault. The commission shall consider:

(a) Whether the state law against discrimination, RSA 354-A, should be amended to prohibit discrimination against individuals who receive federal housing assistance or who have been victims of domestic violence, stalking, or sexual assault; and

(b) How to best protect tenants from such discrimination in a manner that does not unfairly burden landlords.

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

2 Repeal. RSA 354-A:27, relative to the commission to study housing discrimination against individuals who receive federal housing assistance or who have been victims of domestic violence, stalking, or sexual assault, is repealed.

### 3 Effective Date.

I. Section 2 of this act shall take effect December 1, 2014.

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

2014-1733s

### AMENDED ANALYSIS

This bill establishes a commission to study housing discrimination against individuals who receive federal housing assistance or who have been victims of domestic violence, stalking, or sexual assault.

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

Sen. Soucy offered a floor amendment.

Sen. Soucy, Dist. 18

May 15, 2014

2014-1873s

05/04

### Floor Amendment to HB 1409

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

AN ACT expanding the law against discrimination to prohibit housing discrimination against victims of domestic violence, sexual assault, or stalking and establishing a commission to study housing discrimination against individuals who receive federal housing assistance, including veterans receiving federal Veterans Affairs Supportive Housing assistance.

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

1 New Paragraphs; State Commission for Human Rights; Definition of Victim of Domestic Violence Added. Amend RSA 354-A:2 by inserting after paragraph XV the following new paragraph:

XVI.(a) "Victim of domestic violence, sexual assault, or stalking" means a person who has a current, final protective order under RSA 173-B:5 or RSA 633:3-a, III-a or who had such an order within the previous 5 years.

(b) A victim of domestic violence, sexual assault, or stalking as defined in subparagraph (a) shall be entitled to the protections of this chapter only if the unlawful discriminatory act was directly related to the domestic violence, sexual assault, or stalking underlying the final protective order under RSA 173-B:5 or RSA 633:3-a, III-a.

2 Equal Housing Opportunity Without Discrimination a Civil Right. Amend RSA 354-A:8 to read as follows:

354-A:8 Equal Housing Opportunity Without Discrimination a Civil Right. The opportunity to obtain housing without discrimination because of age, sex, race, creed, color, marital status, familial status, **having been a victim of domestic violence, sexual assault or stalking**, physical or mental disability, or national origin is hereby recognized and declared a civil right. In addition, no person shall be denied the benefit of the rights afforded by this section on account of that person's sexual orientation.

3 Unlawful Discriminatory Practices. Amend RSA 354-A:10 to read as follows:

354-A:10 Unlawful Discriminatory Practices. It shall be an unlawful discriminatory practice for any person, being the owner, lessee, sublessee, assignee, managing agent, or other person having the right to rent or lease a dwelling or commercial structure or being in the business of selling or renting dwellings or commercial structures:

I. To refuse to sell or rent after the receipt of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or commercial structure to any person because of age, sex, race, color, marital status, familial status, physical or mental disability, religion, or national origin, **or because such person is or has been a victim of domestic violence, sexual assault, or stalking**. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

II. To discriminate against any person in the terms, conditions, or privilege of sale or rental of a dwelling or commercial structure, or in the provision of services or facilities in connection therewith, because of age, sex, race, color, marital status, familial status, physical or mental disability, religion, or national origin, **or because such person is or has been a victim of domestic violence, sexual assault, or stalking**. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

**II-a. Nothing in this chapter shall restrict the rights of any residential rental property owner from banning a visitor who is a perpetrator of domestic violence, sexual assault, or stalking from entering the person's property, or from contacting law enforcement to request the arrest for criminal trespass of a visitor who is a perpetrator of domestic violence, sexual assault, or stalking.**

III. To make, print, or publish, or cause to be made, printed, or published, any notice, statement, or advertisement, with respect to the sale or rental of a dwelling or commercial structure that indicates any preference, limitation, or discrimination based on age, sex, race, color, marital status, familial status, physical or mental disability, religion, or national origin, **or because such person is or has been a victim of domestic violence, sexual assault, or stalking**, or an intention to make any such preference, limitation, or discrimination. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

IV. To represent to any person because of age, sex, race, color, marital status, familial status, physical or mental disability, religion, or national origin, **or because such person is or has been a victim of domestic violence, sexual assault, or stalking** that any dwelling or commercial structure is not available for inspection, sale, or rental when such dwelling is in fact so available. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

V. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular age, sex, race, color, marital status, familial status, physical or mental disability, religion, [or] national origin, **or who are victims of domestic violence, sexual assault, or stalking**. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

VI. To evict a tenant solely on the grounds that the person has acquired immune deficiency syndrome (AIDS) or is regarded to have acquired immune deficiency syndrome.

VII. For any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of age, race, color, religion, sex, disability, familial status, marital status, or national origin, **or because such person is or has been a victim of domestic violence, sexual assault, or stalking**. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

VIII. To deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against that person in the terms or conditions of such access, membership, or participation, on account of age, familial status, sex, race, color, creed, disability, national origin, marital status, or sexual orientation.

4 New Section; Commission to Study Housing Discrimination Against Individuals Who Receive Federal Housing Assistance. Amend RSA 354-A by inserting after section 26 the following new section:

354-A:27 Commission to Study Housing Discrimination Against Individuals Who Receive Federal Housing Assistance, Including Veterans Receiving Federal Veterans Affairs Supportive Housing Assistance.

I. There is established a commission to study housing discrimination against individuals who receive federal housing assistance, including veterans receiving federal Veterans Affairs Supportive Housing Assistance.

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

- (a) The president of Families in Transition, or designee.
- (b) The executive director of the New Hampshire housing finance authority, or designee.
- (c) The executive director of New Hampshire Legal Assistance, or designee.
- (d) The executive director of Harbor Homes, or designee.
- (e) The executive director of Housing Action NH, or designee.
- (f) The president of the New Hampshire Association of Realtors, or designee.
- (g) Two residential rental property owners, appointed by the president of the senate.
- (h) One residential rental property owner, appointed by the speaker of the house of representatives.
- (i) Two members of the house judiciary committee, appointed by the speaker of the house of representatives.
- (j) One member of the senate judiciary committee, appointed by the president of the senate.

III. Members of the commission shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study housing discrimination against individuals who receive federal housing. The commission shall consider:

- (a) Whether the state law against discrimination, RSA 354-A, should be amended to prohibit discrimination against individuals who receive federal housing assistance, including veterans receiving Veterans Affairs Supportive Housing assistance; and
- (b) How best to promote equal housing opportunity while maintaining a fair and appropriate balance between the interest of tenants and those of residential rental property owners.

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

5 Repeal. RSA 354-A:27, relative to the commission to study housing discrimination against individuals who receive federal housing assistance, is repealed.

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2015.

II. Section 5 of this act shall take effect December 1, 2014.

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

2014-1873s

#### AMENDED ANALYSIS

This bill prohibits housing discrimination against victims of domestic violence, sexual assault, or stalking. The bill also establishes a commission to study housing discrimination against individuals who receive federal housing assistance, including veterans receiving federal Veterans Affairs Supportive Housing assistance.

The question is on the adoption of the Floor Amendment.

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

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

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

Yeas: 10 - Nays: 14

Failed.

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

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

The following Senators voted Yes: 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: Woodburn

Yeas: 23 - Nays: 1

Adopted.

#### MOTION OF RECONSIDERATION

Sen. Bradley, having voted on the prevailing side, moved to reconsider HB 1409, the bill having previously been found Ought to Pass with Amendment. Adopted.

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

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

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: (None)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

#### TRANSPORTATION

HB 2014, relative to the state 10-year transportation improvement program. Ought to Pass with Amendment, Vote 5-0. Senator Rausch for the committee.



Senate Transportation  
May 6, 2014  
2014-1736s  
06/01

**Amendment to HB 2014**

Amend the bill by replacing section 6 with the following:

6 Turnpike System; Funds Provided. Amend RSA 237:7 I(h) to read as follows:

(h) Improvements to central New Hampshire turnpike.

RSA 237:2, **IV(h)**, VII, **VII(b)**, **VII(c)**, IX. [~~485,200,000~~] **\$574,900,000**

Amend the bill by replacing section 9 with the following:

9 Department of Transportation; Project Added to Unfunded Priorities.

I. The following project shall be added to the turnpikes portion of the unfunded priorities of the 10-year transportation improvement plan 2015-2024: Merrimack, removal of toll on exit 11 at \$1,600,000.

II. The project under paragraph I shall be contingent upon the relocation of the Bedford main line toll south of its present location on the F.E. Everett turnpike, and the town of Merrimack's acceptance of Continental Boulevard as a municipal highway.

Amend the bill by replacing section 13 with the following:

13 Department of Transportation; Salem to Manchester. The funding for the project named Salem to Manchester, project number 10418C, shall be removed from the unfunded priorities of the 10-year transportation improvement plan 2015-2024, and added to highway fund portion of such plan at \$200,000,000. This project shall be funded with bond proceeds issued pursuant to RSA 6:13-d, I as inserted by SB 367-FN-A of the 2014 legislative session.

Amend the bill by replacing section 15 with the following:

15 Ten Year Transportation Improvement Plan 2015-2024; Expenditure of Certain Road Toll Revenue. The Ten Year Transportation Improvement Plan 2015-2024 shall incorporate and be consistent with the provisions of RSA 260:32-b, expenditure of certain road toll revenue, as inserted by SB 367-FN-A of the 2014 legislative session.

Amend the bill by replacing all after section 15 with the following:

16 Contingency. If SB 367-FN-A of the 2014 legislative session becomes law, sections 13 and 15 of this act shall take effect at 12:01 on the day such act takes effect. If SB 367-FN-A of the 2014 legislative session does not become law, sections 13 and 15 of this act shall not take effect.

17 Effective Date.

I. Sections 13 and 15 of this act shall take effect as provided in section 16 of this act.

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

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

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

**WAYS AND MEANS**

HB 1590-L, relative to the valuation of the Granite Reliable Power project in Coos county. Ought to Pass, Vote 4-1. 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.

Sen. Odell presiding.

HB 1613, relative to payment of the Medicaid enhancement tax. Ought to Pass with Amendment, Vote 5-0. Senator Morse for the committee.

Senate Ways and Means  
May 6, 2014  
2014-1711s  
01/10

### **Amendment to HB 1613**

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

AN ACT relative to the Medicaid enhancement tax.

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

1 Medicaid Enhancement Tax; Definition; Hospital. Amend RSA 84-A:1, III to read as follows:

III. "Hospital" means general hospitals ~~[and special hospitals for rehabilitation]~~ required to be licensed under RSA 151 that provide inpatient and outpatient hospital services, but not including government facilities.

2 New Paragraph; Medicaid Enhancement Tax; Definition of Outpatient Hospital Services. Amend RSA 84-A:1 by inserting after paragraph IV-a the following new paragraph:

IV-b. "Outpatient hospital services" means the following when provided as an outpatient service:

- (a) Adult day care.
- (b) Ambulance.
- (c) Ambulatory surgical centers.
- (d) Dental.
- (e) Diabetes education.
- (f) Durable medical equipment.
- (g) Emergency advanced life support (ALS) training programs.
- (h) Laboratory, excluding outpatient laboratory services when that is the only service provided.
- (i) Nutrition consultations.
- (j) Physician services.
- (k) Podiatry.
- (l) Psychiatric distinct part unit (DPU).
- (m) Retail pharmacy.
- (n) Rural health clinic.
- (o) Senior center clinic.
- (p) Wound care clinic.

3 Imposition of Tax. Amend RSA 84-A:2 to read as follows:

84-A:2 Imposition of Tax.

***I. For the taxable period beginning July 1, 2014 and ending June 30, 2015, a tax is imposed at a rate of 5.5 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.***

***II. For the taxable period beginning July 1, 2015 and ending June 30, 2016, a tax is imposed at a rate of 5.25 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.***

***III. For the taxable period beginning July 1, 2016 and ending June 30 2017, a tax is imposed at a rate of 5.0 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.***

***IV. For the taxable period beginning July 1, 2017 and ending June 30, 2018, a tax is imposed at a rate of 4.75 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.***

***V. For the taxable period beginning July 1, 2018 and ending June 30, 2019, a tax is imposed at a rate of 4.50 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending during the first full calendar year preceding the taxable period.***

4 Tax Due. RSA 84-A:3 is repealed and reenacted to read as follows:

84-A:3 Tax Due.

I. For the taxable period beginning July 1, 2014, and for every taxable period thereafter, each hospital shall pay 25 percent of its Medicaid enhancement tax due and payable for the taxable period no later than the fifteenth day of October, January, March, and June of the taxable period. Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the last day of the month in which such payment is due.

II. If the return required by RSA 84-A:4 shows an additional amount of tax to be due, such additional amount is due and payable at the time the return is due.

5 Returns. Amend RSA 84-A:4 to read as follows:

84-A:4 Returns. Every hospital shall on or before the ~~[tenth]~~ **fifteenth** day of ~~[the month following the expiration of]~~ **June in** the taxable period make a return to the commissioner. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it must contain for the correct computation of net patient services revenue and the tax assessed upon such amount. All returns shall be signed by the taxpayer or by its authorized representative, subject to the pains and penalties of perjury. If such return shows an overpayment of the tax due, the commissioner shall refund or credit the overpayment to the hospital in accordance with RSA 21-J:28-a.

6 Method of Payment; Reference Corrected. Amend RSA 84-A:5, I to read as follows:

I. The payments required by RSA 84-A:3~~[, H-a]~~ shall be made by electronic transfer of moneys to the state treasurer and deposited to the uncompensated care fund established by RSA 167:64.

7 Confidentiality of Records; Exception. Amend RSA 84-A:10 to read as follows:

84-A:10 Confidentiality of Records.

***I.*** Notwithstanding the provisions of RSA 21-J:14, the commissioner shall not be prohibited from providing tax information to the commissioner of health and human services with respect to the tax imposed by this chapter, provided that the commissioner of health and human services and his agents and employees shall be subject to the provisions of RSA 21-J:14 with respect to any tax information provided by the commissioner.

***II. Notwithstanding paragraph I and the provisions of RSA 21-J:14, the commissioner of health and human services shall not be prohibited from providing tax information in accordance with department of revenue administration compacts for the exchange of information between the department of health and human services and the United States Department of Health and Human Services' Centers for Medicare and Medicaid Services, but only for the purpose of, and to the extent necessary for, the calculations of the federal waiver process under 42 C.F.R. section 433.68.***

8 Uncompensated Care Fund; Definition; Hospital. Amend RSA 167:63, IV to read as follows:

IV. "Hospital" means general hospitals ~~[and special hospitals for rehabilitation]~~ required to be licensed under RSA 151, but not including government facilities.

9 Uncompensated Care Fund. RSA 167:64 is repealed and reenacted to read as follows:

167:64 Uncompensated Care Fund.

I. For purposes of this section, "uncompensated care costs" shall include: any charity care cost, and any portion of Medicaid-covered patient care costs unreimbursed by Medicaid payments, that the commissioner determines meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital payments under Title XIX of the Social Security Act and the provisions of all federal regulations promulgated thereunder.

II. There is hereby established in the state treasury an uncompensated care fund which shall be accounted for distinctly and separately from all other funds and shall consist of the moneys collected pursuant to RSA 84-A. Moneys in the uncompensated care fund shall be continually appropriated to the department for

the purposes of this subdivision. Investment earnings of the fund shall be credited to the fund. Moneys paid into the fund shall be exempt from any state budget reductions, and, except as provided in paragraph III, the commissioner is authorized to expend these funds, together with matching federal funds, only as follows:

(a) The commissioner may provide reimbursement for uncompensated care costs in accordance with the approved schedule of payments through either Medicaid rate adjustments or disproportionate share hospital payment adjustments, or a combination thereof, provided however that no hospital shall receive any such reimbursement for uncompensated care costs unless it is a qualified hospital as defined in subparagraph (b)(1). Funds available under this section shall also be used to make medical provider payments. Expenditure of revenues deposited to the uncompensated care fund shall be made for the following purposes in the following order of priority:

(1) To support medical provider payments as budgeted in each year of the biennium. To reduce hospital losses associated with providing services to Medicaid recipients the commissioner shall make Medicaid rate adjustments such that for the fiscal year ending June 30, 2016, not less than \$83,460,000 shall be appropriated for hospital provider payments.

(2) To support the state's Medicaid enhancement tax unrestricted revenue account as budgeted in each year of the biennium.

(3) To make disproportionate share hospital payments to support up to 75 percent of the uncompensated care costs of New Hampshire's hospitals with critical access designation as available funding allows, to be shared among such hospitals in proportion to the amount of uncompensated care provided.

(4) To make a disproportionate share hospital payment to each hospital that meets the criteria set forth for "deemed disproportionate share hospitals" as that term is defined under 42 U.S.C. section 1396r-4 in an amount as budgeted in each year of the biennium.

(5) To support the uncompensated care costs of New Hampshire's hospitals without critical access designation in proportion to the amount of uncompensated care provided by each hospital consistent with the requirements of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated under this section.

(b)(1) The commissioner is hereby authorized and directed to develop and implement a schedule of payments for reimbursement of the uncompensated care costs consistent with the level of funding made available for such payments in each year of the biennium, incurred by those hospitals that are qualified as follows:

(A) The hospital is a "deemed disproportionate share hospital" as defined by criteria set forth under 42 U.S.C. section 1396r-4 and is not otherwise receiving a disproportionate share hospital payment; or

(B) The hospital participates in the provider network of the state Medicaid care management program which shall be evidenced by written proof of an agreement in principle by July 1, 2015 with a final agreement by August 1, 2015.

(2) The reimbursement of uncompensated care costs paid in state fiscal year 2016 and state fiscal year 2017 shall be in accordance with the schedule of payments to hospitals that takes effect on or after July 1, 2015, subject to the prior review and approval of the federal Centers for Medicare and Medicaid Services, and shall be structured in a manner that is consistent with all federal laws and regulations governing:

(A) Title XIX disproportionate share hospital payment adjustments and other rate payments;

(B) Conditions for receiving federal financial participation; and

(C) Permissible sources of state financial participation as provided for under 42 C.F.R. part 433 and all other applicable federal regulations.

III. One percent of the funds made available for uncompensated care payments, shall be placed in a separate class line reserved for the expenses of the department in administering this subdivision.

IV. The balance of the moneys remaining in the fund at the end of each fiscal year shall lapse into the general fund.

10 New Paragraph; Uncompensated Care Fund; Waiver Request. Amend RSA 167:65 by inserting after paragraph IV the following new paragraph:

V.(a) Submit a waiver request pursuant to the process outlined in 42 C.F.R. section 433.68 for the purpose of waiving RSA 84-A, Medicaid enhancement tax liability for HealthSouth Rehabilitation Hospital and Northeast Rehabilitation Hospital, and such waiver request to be submitted the United States Department of Health and Human Services no later than October 1, 2014; and

(b) Provide a complete copy of such waiver request to HealthSouth Rehabilitation Hospital and Northeast Rehabilitation Hospital simultaneously with its submission to the United States Department of Health and Human Services.

11 Contingency; Medicaid Enhancement Tax; Uncompensated Care Fund; Definition of Hospital. Sections 1 and 8 of this act, deleting special hospitals for rehabilitation from the definition of "hospital" under the Medicaid enhancement tax and the uncompensated care fund, shall take effect on the approval date of the waiver request required in section 10 of this act, and shall apply to the taxable period ending June 30, 2014 and to every taxable period thereafter. The commissioner of health and human services shall certify the effective date to the secretary of state and the director of legislative services upon receipt of such approval.

#### 12 Effective Date.

I. Sections 1 and 8 of this act shall take effect as provided in section 11 of this act.

II. Sections 3-7 of this act shall take effect July 1, 2014.

III. Section 9 of this act shall take effect July 1, 2015.

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

2014-1711s

#### AMENDED ANALYSIS

This bill revises services taxable under the Medicaid enhancement tax and changes the rate of the tax over a 5-year period. This bill removes the application of the Medicaid enhancement tax to special hospitals for rehabilitation contingent on approval of a waiver and provides an exception for the waiver process. The bill also changes payment of the tax to 4 times per year.

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

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

May 15, 2014

2014-1865s

09/01

#### Floor Amendment to HB 1613

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

AN ACT relative to the Medicaid enhancement tax.

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

1 New Paragraph: Medicaid Enhancement Tax; Definition; Inpatient Hospital Services. Amend RSA 84-A:1 by inserting after paragraph III the following new paragraph:

III-a. "Inpatient hospital services" means those services that are classified as inpatient hospital services for purposes of section 1903(w) of the Social Security Act, and are defined in 42 C.F.R section 440.10, regardless of the patient receiving the service or the payor for that service.

2 New Paragraph; Medicaid Enhancement Tax; Definition; Outpatient Hospital Services. Amend RSA 84-A:1 by inserting after paragraph IV-a the following new paragraph:

IV-b. "Outpatient hospital services" means those services that are classified as outpatient hospital services for purposes of section 1903(w) of the Social Security Act, and are defined in 42 C.F.R. section 440.20, regardless of the patient receiving the service or the payor for that service.

3 Medicaid Enhancement Tax; Definition; Net Patient Services Revenue. Amend RSA 84-A:1, IV-a to read as follows:

IV-a. "Net patient services revenue" means the gross charges of the hospital **for inpatient and outpatient hospital services** less any deducted amounts for bad debts, charity care, and payor discounts. "Net patient services revenue" shall include revenues received from the state's uncompensated care account and revenues received from all payers of inpatient and outpatient ~~[patient care]~~ **hospital services**.

4 Imposition of Tax. Amend RSA 84-A:2 to read as follows:

84-A:2 Imposition of Tax.

**I. For the taxable period beginning July 1, 2014 and ending June 30, 2015, a health care-related tax is imposed at a rate of 5.5 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending ~~[during the first full calendar year preceding]~~ immediately prior to the taxable period.**

**II. For the taxable period beginning July 1, 2015 and ending June 30, 2016, a health care-related tax is imposed at a rate of 5.5 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending immediately prior to the taxable period.**

**III. For the taxable period beginning July 1, 2016 and ending June 30, 2017, a health care-related tax is imposed at a rate of 5.4 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending immediately prior to the taxable period.**

**IV. For the taxable period beginning July 1, 2017 and ending June 30, 2018, a health care-related tax is imposed at a rate of 5.35 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending immediately prior to the taxable period.**

**V. For the taxable period beginning July 1, 2018 and ending June 30, 2019, a health care-related tax is imposed at a rate of 5.25 percent upon the net patient services revenue of every hospital for the hospital's fiscal year ending immediately prior to the taxable period.**

5 Tax Due. RSA 84-A:3 is repealed and reenacted to read as follows:

84-A:3 Tax Due.

I. For the taxable period beginning July 1, 2014, and for every taxable period thereafter, each hospital shall pay 25 percent of its Medicaid enhancement tax due and payable for the taxable period no later than the fifteenth day of October, January, March, and June of the taxable period.

Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the last day of the month in which such payment is due.

II. If the return required by RSA 84-A:4 shows an additional amount of tax to be due, such additional amount is due and payable at the time the return is due.

6 Returns. Amend RSA 84-A:4 to read as follows:

84-A:4 Returns. Every hospital shall on or before the ~~[tenth]~~ **fifteenth** day of ~~[the month following the expiration of]~~ **June in** the taxable period make a return to the commissioner. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it must contain for the correct computation of net patient services revenue and the tax assessed upon such amount. All returns shall be signed by the taxpayer or by its authorized representative, subject to the pains and penalties of perjury. If such return shows an overpayment of the tax due, the commissioner shall refund or credit the overpayment to the hospital in accordance with RSA 21-J:28-a.

7 Method of Payment; Reference Corrected. Amend RSA 84-A:5, I to read as follows:

I. The payments required by RSA 84-A:3~~[-H-a]~~ shall be made by electronic transfer of moneys to the state treasurer and deposited to the uncompensated care fund established by RSA 167:64.

8 Confidentiality of Records; Exception. Amend RSA 84-A:10 to read as follows:

84-A:10 Confidentiality of Records.

**I.** Notwithstanding the provisions of RSA 21-J:14, the commissioner shall not be prohibited from providing tax information to the commissioner of health and human services with respect to the tax imposed by this chapter, provided that the commissioner of health and human services and his agents and employees shall be subject to the provisions of RSA 21-J:14 with respect to any tax information provided by the commissioner.

***II. Notwithstanding paragraph I and the provisions of RSA 21-J:14, the commissioner of health and human services shall not be prohibited from providing tax information in accordance with department of revenue administration compacts for the exchange of information between the department of health and human services and the United States Department of Health and Human Services' Centers for Medicare and Medicaid Services, but only for the purpose of, and to the extent necessary for, the calculations of the federal waiver process under 42 C.F.R. section 433.68.***

RSA 167:64.

9 New Sections; Medicaid Enhancement Taxes; Declaration of Intent; Severability. Amend RSA 84-A by inserting after section 13 the following new sections:

84-A:14 Declaration of Intent. It is the declared intent of this chapter to provide for the consistent, equitable, and rational taxation of revenue received from inpatient hospital services and outpatient hospital services, which are 2 separate and distinct classes of property and are permissible classes of health care-related services which may be taxed in accordance with federal law to ensure access to Federal Financial Participation. In addition, it is the declared intent of this chapter to enact a health care-related tax, as permitted under section 1903(w) of the Social Security Act, upon the revenue derived from inpatient and outpatient hospital services, which are distinct from other classes of health care services, are subject to a different reimbursement methodology for public payors, are subject to different licensing and certification requirements, are potentially eligible for uncompensated care payments under the disproportionate share hospital program, and which provide a necessary, rational, and demonstrated public health benefit.

84-A:15 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable. This severability clause shall apply to the application of this chapter to revenue from inpatient hospital services and outpatient hospital services, such that the invalidity of either shall not affect the application of the statute to the other.

10 Uncompensated Care Fund. RSA 167:64 is repealed and reenacted to read as follows:

167:64 Uncompensated Care Fund.

I. For purposes of this section, "uncompensated care costs" shall include patient care costs incurred for furnishing hospital services to patients without health insurance or patient care costs that are unreimbursed by Medicaid payments that the commissioner determines meet the criteria under 42 U.S.C. section 1396r-4(g) governing hospital-specific limits on disproportionate share hospital payments under Title XIX of the Social Security Act and the provisions of all federal regulations promulgated thereunder.

II. There is hereby established in the state treasury an uncompensated care fund which shall be accounted for distinctly and separately from all other funds and shall consist of the moneys collected pursuant to RSA 84-A. Moneys in the uncompensated care fund shall be continually appropriated to the department for the purposes of this subdivision. Investment earnings of the fund shall be credited to the fund. Moneys paid into the fund shall be exempt from any state budget reductions, and, except as provided in paragraph III, the commissioner is authorized to expend these funds, together with matching federal funds, only as follows:

(a) The commissioner may provide reimbursement for uncompensated care costs in accordance with the approved schedule of payments through either Medicaid rate adjustments or disproportionate share hospital payment adjustments, or a combination thereof, provided however that no hospital shall receive any such reimbursement for uncompensated care costs unless it is a qualified hospital as defined in subparagraph (b) (1). Funds available under this section shall also be used to make medical provider payments. Expenditure of revenues deposited to the uncompensated care fund shall be made for the following purposes in the following order of priority:

(1) To support medical provider payments as budgeted in each year of the biennium. To reduce hospital losses associated with providing services to Medicaid recipients the commissioner shall make Medicaid rate adjustments such that for the fiscal year ending June 30, 2016, not less than \$83,460,000 shall be appropriated for hospital provider payments.

(2) To support the state's Medicaid enhancement tax unrestricted revenue account as budgeted in each year of the biennium.

(3) To make disproportionate share hospital payments to support up to 75 percent of the uncompensated care costs of New Hampshire's hospitals with critical access designation as available funding allows, to be shared among such hospitals in proportion to the amount of uncompensated care provided.

(4) To make a disproportionate share hospital payment to each hospital that meets the criteria set forth for "deemed disproportionate share hospitals" as that term is defined under 42 U.S.C. section 1396r-4 in an amount as budgeted in each year of the biennium.

(5) To support the uncompensated care costs of New Hampshire's hospitals without critical access designation in proportion to the amount of uncompensated care provided by each hospital consistent with the requirements of 42 U.S.C. section 1396r-4(g) and any relevant federal regulations promulgated under this section.

(b)(1) The commissioner is hereby authorized and directed to develop and implement a schedule of payments for reimbursement of the uncompensated care costs consistent with the level of funding made available for such payments in each year of the biennium, incurred by those hospitals that are qualified as follows:

(A) The hospital is a "deemed disproportionate share hospital" as defined by criteria set forth under 42 U.S.C. section 1396r-4 and is not otherwise receiving a disproportionate share hospital payment; or

(B) The hospital participates in the provider network of the state Medicaid care management program which shall be evidenced by written proof of an agreement in principle by July 1, 2015 with a final agreement by August 1, 2015.

(2) The reimbursement of uncompensated care costs paid in state fiscal year 2016 and state fiscal year 2017 shall be in accordance with the schedule of payments to hospitals that takes effect on or after July 1, 2015, subject to the prior review and approval of the federal Centers for Medicare and Medicaid Services, and shall be structured in a manner that is consistent with all federal laws and regulations governing:

(A) Title XIX disproportionate share hospital payment adjustments and other rate payments;

(B) Conditions for receiving federal financial participation; and

(C) Permissible sources of state financial participation as provided for under 42 C.F.R. part 433 and all other applicable federal regulations.

III. One percent of the funds made available for uncompensated care payments, shall be placed in a separate class line reserved for the expenses of the department in administering this subdivision.

IV. The balance of the moneys remaining in the fund at the end of each fiscal year shall lapse into the general fund.

11 Effective Date.

I. Section 10 of this act shall take effect July 1, 2015.

II. The remainder of this act shall take effect July 1, 2014.

2014-1865s

#### AMENDED ANALYSIS

This bill revises services taxable under the Medicaid enhancement tax and changes the rate of the tax over a 5-year period. The bill clarifies that the Medicaid enhancement tax is a health care-related tax. The bill also changes payment of the tax to 4 times per year.

The question is on the adoption of the Floor Amendment.

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

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

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

Yeas: 11 - Nays: 13



Failed.

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

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

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

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.

President Morse presiding.

#### FINANCE

HB 1415-FN, establishing a robotics education fund in the department of education. Ought to Pass, Vote 5-0. Senator Odell for the committee.

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9

Sen. Bradley, Dist. 3

May 15, 2014

2014-1879s

04/10

#### Floor Amendment to HB 1415-FN

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

AN ACT establishing a robotics education fund in the department of education, relative to liquor manufacturers and rectifiers and samples of alcoholic beverages, and establishing a commission to review and consider alcoholic beverage manufacturing processes and retail sales at manufacturing facilities.

Amend the bill by replacing all after section 2 with the following:

3 Liquor Manufacturer; Sample Fee. Amend RSA 178:6, VI to read as follows:

VI. Each liquor manufacturer shall maintain records and prepare reports for the commission which shall indicate the sales made under paragraph III ***and samples distributed under paragraph IX*** and shall pay to the commission monthly a fee equal to 8 percent of such sales ***or 8 percent of the retail value of such samples*** on or before the tenth day of the month following the sale ***or the sample distribution***.

4 New Paragraph; Liquor Manufacturer; Distribution of Samples. Amend RSA 178:6 by inserting after paragraph VIII the following new paragraph:

IX. Each liquor manufacturer selling no more than the equivalent of 3,000 9-liter cases of liquor per year at its licensed manufacturing facility shall have the right to distribute samples directly to on-premises and agency store licensees for tasting on the licensed premises in accordance with RSA 179:44.

5 Samples Provided for Tasting. Amend RSA 179:31, II to read as follows:

II.(a) Manufacturers, wholesale distributors, ***rectifiers***, or wine and liquor vendors or their salespersons may distribute samples of their products to licensees for purposes of tasting. The following restrictions shall apply:

~~[(a) Beer samples shall not exceed one 6-pack.~~

~~(b) Wine samples shall not exceed 2 750 ml. bottles.~~

~~(c) Liquor samples shall not exceed one 750 ml. bottle.~~

~~(d) Wine coolers samples shall not exceed one 4-pack, or the product's normal marketing unit.]~~

~~[(e)]~~ (1) All liquor or wine for this purpose shall be purchased from the commission, ***except as provided in RSA 178:6, VI, RSA 178:6, IX, RSA 178:7, V, and RSA 178:7, VI. The cost shall be no more than the commission's original cost paid by the commission plus 8 percent.***

~~[(f)]~~ **(2)** All beverage, wine, or liquor samples may be added to the retailer's inventory for sale.

~~[(g)]~~ **(3)** All beverage furnished as samples shall be considered sales for the requirements of RSA 178:26.

**(b) Total samples distributed under this paragraph by any manufacturer, wholesale distributor, rectifier, or wine or liquor vendor or their salespersons shall not exceed the following in any calendar year per licensee:**

**(1) One 6-pack of beer.**

**(2) Two 750 ml. bottles of wine.**

**(3) One 750 ml. bottle of liquor.**

**(4) One 4-pack, or the product's normal marketing unit, of wine coolers.**

6 Free Drinks. Amend RSA 179:44 to read as follows:

179:44 Free Drinks.

I. No licensee shall give away free drinks to customers, patrons, members, or guests, in any manner.

II. Notwithstanding ~~[the above]~~ **paragraph I**, beverage manufacturers, **liquor manufacturers, rectifiers**, beverage vendors, brew pubs, wholesale distributors and their liquor or wine vendors, their liquor and wine representatives, domestic wine manufacturers, and on-premises and off-premises licensees may conduct beverage, liquor, or wine tasting, as applicable, on licensed premises. Liquor, beverage, or wine tasting shall be conducted only during such hours as are authorized by the commission for the sale of the product on the premises.

III. Liquor, beverage, or wine samples shall be consumed on the premises, and, except for wine samples provided by wine manufacturers **and liquor samples provided by liquor manufacturers in accordance with RSA 178:6, IX and rectifiers in accordance with RSA 178:7, V**, liquor or wine for this purpose shall be purchased from the commission under conditions prescribed by this title. Beverage samples for a tasting shall only be obtained as prescribed by this title.

IV. The commission may adopt rules, pursuant to RSA 541-A, establishing the criteria and procedures for liquor, beverage, and wine tasting within the state.

V. All samples furnished for tasting shall be considered sales for the requirements of RSA 178:26, **RSA 178:6, VI, and RSA 178:7, VI**.

7 New Paragraphs; Rectifier; Samples. Amend RSA 178:7 by inserting after paragraph III the following new paragraphs:

IV. A rectifier may provide a reasonable number of samples of liquor for tasting to a visitor at its licensed rectifier facility. Samples shall not exceed 1/2 ounce, and shall not be provided to any person under 21 years of age.

V. A rectifier producing no more than the equivalent of 3,000 9-liter cases of liquor per year at its licensed rectifier facility shall have the right to distribute samples directly to on-premises and agency store licensees for tasting on the licensed premises in accordance with RSA 179:44.

VI. Each rectifier shall maintain records and prepare reports for the commission which shall indicate the samples distributed under paragraph V and shall pay to the commission monthly a fee equal to 8 percent of the retail value of such samples on or before the tenth day of the month following the sample distribution.

8 New Section; Commission to Review and Consider Alcoholic Beverage Manufacturing Processes and Retail Sales at Manufacturing Facilities. Amend RSA 175 by inserting after section 8 the following new section:

175:9 Commission to Review and Consider Alcoholic Beverage Manufacturing Processes and Retail Sales at Manufacturing Facilities.

I. There is established a commission to review and consider alcoholic beverage manufacturing processes and retail sales at manufacturing facilities.

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

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

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

(c) One representative of the New Hampshire Lodging and Restaurant association, appointed by the association.

(d) One representative of a nano brewery licensee, appointed by the speaker of the house of representatives.

(e) One representative of a liquor manufacturer licensee, appointed by the speaker of the house of representatives.

(f) One representative of a wine manufacturer licensee, appointed by the governor.

(g) One representative of a rectifier licensee, appointed by the president of the senate.

(h) The liquor commissioner, or designee.

(i) One representative of a wholesale distributor licensee, appointed by the president of the senate.

(j) One representative of a liquor and wine vendor licensee, appointed by the governor.

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

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

V. The commission shall review and consider alcoholic beverage manufacturing processes and retail sales at manufacturing facilities. 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.

9 Repeal. RSA 175:9, relative to the commission to review and consider alcoholic beverage manufacturing processes and retail sales at manufacturing facilities, is repealed.

10 Effective Date.

I. Sections 1-5 of this act shall take effect 60 days after its passage.

II. Section 9 of this act shall take effect November 1, 2014.

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

2014-1879s

#### AMENDED ANALYSIS

This bill:

I. Establishes a robotics education fund.

II. Allows a licensed rectifier to provide samples of liquor to visitors at its facility or to other licensees.

III. Establishes annual restrictions on alcoholic beverage samples.

IV. Establishes a commission to review and consider alcoholic beverage manufacturing processes and retail sales at manufacturing facilities.

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

Sen. Forrester is in opposition to Floor Amendment 1879s on HB 1415.

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

#### ENERGY AND NATURAL RESOURCES

HB 1376, establishing a committee to study pipeline safety and development in the state of New Hampshire. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Energy and Natural Resources  
May 7, 2014  
2014-1775s  
08/09

### **Amendment to HB 1376**

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

AN ACT establishing a committee to study the safe delivery of oil and gas, including natural gas and propane, throughout the state of New Hampshire.

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

1 Committee Established. There is established a committee to study the safe delivery of oil and gas, including natural gas and propane, throughout the state of New Hampshire.

2 Membership and Compensation.

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

(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.

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

3 Duties. The committee shall, in consultation with the department of environmental services, the public utilities commission, the office of energy and planning, the department of transportation, and the department of safety:

I. Review existing Pipeline and Hazardous Materials Safety Administration reports on New Hampshire pipeline safety, and Federal Railroad Administration reports on New Hampshire rail safety.

II. Review the safety of the existing pipeline system and other means for the delivery of both oil and gas throughout New Hampshire.

III. Review the safety, environmental, and economic impact of any expansion or repurposing of pipelines and rail lines for the delivery of oil and gas. As part of this review, determine, in conjunction with the department of transportation, the feasibility and cost of repurposing a section of rail known as the Portsmouth Bypass Spur Rail line. The department of transportation may seek a request for a proposal to determine such feasibility and cost, the expense of which shall be covered by any or all interested parties.

IV. Review the safety record and management plans for New Hampshire and the other Northeastern states of Pennsylvania, New York, Massachusetts, Vermont, and Maine for the moving of gas and oil, including but not limited to diluted bitumen, over land transport, meaning rail or road.

V. Review the adequacy of state and municipal emergency plans to deal with spills, leaks, fires, and explosions caused by either oil or gas accidents.

VI. Determine the adequacy of financial responsibility requirements for cleanup and damages caused by either oil or gas accidents.

4 Chairperson. 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.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the state library, the websites of the department of environmental services, the public utilities commission, and the office of energy and planning, and newspapers of general circulation in the state on or before May 1, 2015.

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

2014-1775s

### **AMENDED ANALYSIS**

This bill establishes a committee to study pipeline safety and development in the state of New Hampshire.

The Chair ruled Committee Amendment 1775s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 1775s to HB 1376. Adopted by the necessary 2/3 vote.

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

Sen. Woodburn offered a floor amendment.

Sen. Woodburn, Dist.1

May 13, 2014

2014-1838s

06/09

### **Floor Amendment to HB 1376**

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

AN ACT establishing a committee to study the safe delivery of oil and gas, including natural gas and propane, throughout the state of New Hampshire and making a technical correction in the oil pipeline facility spill response plan.

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

6 Oil Pipeline Facility; Spill Response Plan. Amend RSA 146-A:3-f, I to read as follows:

I. Oil pipeline facility owners shall submit a spill response plan to the department [~~of safety~~] that provides spill protection equivalent to or greater than a facility response plan under 49 C.F.R. section 194.101. A person who has contracted with an oil pipeline facility to provide containment and cleanup services may submit the spill response plan, on behalf of the owner, for any oil pipeline facility for which the person is contractually obligated to provide services.

7 Contingency. If SB 325-FN-LOCAL of the 2014 legislative session becomes law, section 1 of this act shall take effect at 12:01 on the date such act takes effect. If SB 325-FN-LOCAL of the 2014 legislative session does not become law, section 1 of this act shall not take effect.

8 Effective Date.

I. Section 6 of this act shall take effect as provided in section 7 of this act.

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

204-1838s

### **AMENDED ANALYSIS**

This bill establishes a committee to study the safe delivery of oil and gas, including natural gas and propane, throughout the state of New Hampshire.

This bill also makes a technical correction in the oil pipeline facility spill response plan.

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

### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

HB 1157, relative to establishment of fees by certain regulatory boards. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration

May 7, 2014

2014-1770s

10/05

### **Amendment to HB 1157**

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

AN ACT relative to establishment of fees by certain regulatory boards and relative to licensure for mold remediation services.

Amend the bill by replacing all after section 13 with the following:

14 Findings. The general court finds that mold in a residential structure can constitute a significant health threat for the inhabitants. Homeowners who hire a professional to remediate a mold problem need assurance that the job will be done correctly. Failure to remediate a mold problem correctly not only is a waste of the homeowner's money but may also result in serious health issues if the mold is not removed correctly or at all. This consumer protection proposal gives homeowners a method to protect their health and the health of their families by assuring a level of competence in those they hire to remediate a mold problem.

15 New Chapter; Mold Remediation. Amend RSA by inserting after chapter 310-B the following new chapter:

CHAPTER 310-C  
MOLD REMEDIATION

310-C:1 Definitions. In this chapter:

I. "Administrator" means the administrator of the joint board established in RSA 310-A:1-a.

II. "Mold remediation" means the removal, cleaning, sanitizing, demolition, or treatment of mold or mold-contaminated matter, live or dead, in a specific location after a mold assessment.

III. "Mold remediation license" means a license obtained from the administrator that permits an individual to remediate mold problems in a residential setting for a fee.

IV. "Third party certification" means a certification approved by a national non-profit organization whose programs are accredited by ANSI (American National Standards Institute), CESB (Council of Engineering and Scientific Specialty Boards), NCCA (National Commission for Certifying Agencies), or any other accrediting body that operates in compliance with the ISO (International Organization for Standardization) standard for accrediting organizations. Certifications are credentials of industry knowledge granted to individuals by a certification body for a limited time. The individual shall not own the designation; the designation shall be owned by the certifying body. Certification holders shall meet certain requirements set by third party certification organizations in order to be recertified.

310-C:2 Mold Remediation Certification.

I. No person shall perform residential mold remediation services for remuneration unless that person possesses a valid national third party certification for mold remediation and a valid mold remediation license for the state of New Hampshire.

II. The administrator shall establish a license for persons engaging in mold remediation. The administrator shall establish a fee for licensure in order to cover the cost of administering the licensing program.

III. All licenses shall expire on the last day of the month of the licensee's birth in the second year following the year of issuance. The administrator shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration of the license. If the renewal fee is not submitted within 12 months after the expiration date, the licensee's name shall be removed from current status, and application for reinstatement shall be required to return to current status. The administrator shall charge a reinstatement fee consisting of 20 percent of the renewal fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

IV. Any person who offers mold remediation services for a fee but does not comply with this chapter or rules adopted under this chapter shall be guilty of a violation and fined \$150.

V. The ethical and professional standards binding licensees shall include all provisions of the standards enforced by third party certification held by the mold remediation licensee and accredited by ANSI (American National Standards Institute), CESB (Council of Engineering and Scientific Specialty Boards), NCCA (National Commission for Certifying Agencies), or any other accrediting body that operates in compliance with the ISO (International Organization for Standardization) standard for accrediting organizations.

310-C:3 Rulemaking. The administrator of the joint board shall adopt rules pursuant to RSA 541-A, relative to:

I. The application procedure for a license to practice under this chapter;

II. How a license to practice under this chapter shall be renewed or reinstated; and

III. The establishment of all fees required under this chapter.

16 New Paragraph; Administration of the Joint Board. Amend RSA 310-A:1-a by inserting after paragraph IV the following new paragraph:

V. The regulation and licensure for mold remediation services under RSA 310-C.

17 Effective Date.

I. Sections 14-16 of this act shall take effect January 1, 2015.

II. The remainder of this act shall take effect July 1, 2014.

2014-1770s

#### AMENDED ANALYSIS

This bill provides that certain occupational and regulatory boards shall determine fees sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board budgeted for the biennium in which they will apply.

This bill requires persons providing residential mold remediation services in residential dwellings be certified by certain professional organizations and licensed by the administrator of the joint board.

The Chair ruled Committee Amendment 1770s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 1770s to HB 1157.

Sen. Bragdon objects to suspension of Rule 3-17 for non-germane amendment 1770s.

The question is on the suspension of Rule 3-17 to allow a non-germane amendment to HB 1157.

A division vote was requested.

Yeas: 13 - Nays: 11

Failed, lacking necessary 2/3 vote.

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

HB 1400, establishing the New Hampshire "First-in-the-Nation" presidential primary centennial anniversary commission. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

Senate Executive Departments and Administration

May 7, 2014

2014-1774s

01/09

#### Amendment to HB 1400

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

AN ACT establishing New Hampshire's presidential primary centennial anniversary commission and adding Millsfield to a certain election law.

Amend the section heading and amending language of section 1 of the bill and the chapter heading, section heading and paragraph I of RSA 19-O as inserted by section 1 of the bill by replacing them with the following:

1 New Chapter; New Hampshire's Presidential Primary Centennial Anniversary Commission. Amend RSA by inserting after chapter 19-N the following new chapter:

#### CHAPTER 19-O

#### NEW HAMPSHIRE'S PRESIDENTIAL

#### PRIMARY CENTENNIAL ANNIVERSARY COMMISSION

19-O:1 New Hampshire's Presidential Primary Centennial Anniversary Commission.

I. There is established the New Hampshire presidential primary centennial anniversary commission.

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

2 Repeal. RSA 19-O, relative to the New Hampshire presidential primary centennial anniversary commission, is repealed.

3 Election Procedure; Early Closing of Polls in Dixville [~~and~~], Hart's Location, **and Millsfield**. Amend RSA 659:3-a to read as follows:

659:3-a Early Closing of Polls in Dixville [~~and~~], Hart's Location, **and Millsfield**. The polls may not be closed pursuant to RSA 659:3 in Dixville [~~or~~], Hart's Location, **or Millsfield** until every person domiciled in the town who is not on the checklist has been contacted by the town clerk to see if they wish to register to vote prior to the closing of the polls.

4 Effective Date.

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

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

2014-1774s

#### AMENDED ANALYSIS

This bill establishes the New Hampshire's presidential primary centennial anniversary commission.

This bill also adds Millsfield to the law governing early closing of polls in Dixville and Hart's location.

The Chair ruled Committee Amendment 1774s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 1774s to HB 1400. Adopted by the necessary 2/3 vote.

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

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

#### JUDICIARY

HB 312, restricting the collection of biometric data by state agencies, municipalities, and political subdivisions. Ought to Pass, Vote 5-0. Senator Cataldo for the committee.

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

May 13, 2014

2014-1836s

05/04

#### Floor Amendment to HB 312

Amend RSA 359-M:1, I as inserted by section 1 of the bill by deleting RSA 359-M:1, I(j).

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

II. "Government agency" includes any employee, agent, elected official or entity of the state, a municipality, or any other political subdivision of the state of New Hampshire.

Amend RSA 359-M:2, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Obtain, retain, or provide any individual's biometric data except as set forth in this chapter.

Amend the introductory paragraph of RSA 359-M:4 as inserted by section 1 of the bill by replacing it with the following:

359-M:4 Violation; Civil Action. Any individual aggrieved by a violation of this chapter, including the loss or misuse of biometric data lawfully collected under RSA 359-M:2 or 359-M:3, may bring a civil action against a government agency under this section to obtain the following:

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

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

May 15, 2014

2014-1877s

10/05

#### Floor Amendment to HB 312

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



AN ACT restricting the collection of biometric data by state agencies, municipalities, and political subdivisions, and requiring the election of benefits by certain members of the judicial retirement plan or their beneficiaries.

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

2 New Section; Judicial Retirement Plan; Notice of Election. Amend RSA 100-C by inserting after section 17 the following new section:

100-C:18 Notice of Election. Each full-time judge who was appointed prior to January 1, 2005, or an eligible beneficiary of such judge who retired after attaining age 65, shall notify the plan in writing no later than 90 days after the plan mails to each affected person a statement of the method by which retirement benefits are calculated under RSA 100-C as well as under the provisions of the former judicial retirement statutes, RSA 490:2, RSA 491:2, RSA 502-A:6-a, or RSA 547:2-a, as to whether the member or beneficiary intends to claim retirement benefits pursuant to one of the former judicial retirement statutes instead of the retirement benefits paid pursuant to RSA 100-C. Such election, once made, shall be irrevocable. If an election is not made within 90 days after the plan mails such statement, the member or beneficiary shall only receive benefits under the provisions of RSA 100-C. In the event that a member or beneficiary elects to claim retirement benefits pursuant to one of the former judicial retirement statutes, he or she shall not be entitled to reimbursement for any contributions made pursuant to RSA 100-C:13 or RSA 100-C:14.

3 Effective Date.

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

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

2014-1877s

#### AMENDED ANALYSIS

This bill restricts the collection of biometric data by state and local government agencies and provides a private right of action for the misuse or unlawful collection of biometric data. This bill also requires certain eligible judges or their beneficiary under the judicial retirement plan to give notice of their election to receive benefits under the former judicial retirement statutes or retirement benefits paid pursuant to RSA 100-C.

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

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

HB 1410, including household and domesticated animals under the domestic violence protection statute. Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

Senate Judiciary

May 6, 2014

2014-1732s

05/01

#### Amendment to HB 1410

Amend the bill by replacing section 5 with the following:

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

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

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

May 13, 2014

2014-1840s

05/01

#### Floor Amendment to HB 1410

Amend the bill by replacing section 2 with the following:

2 New Subparagraph; Definition of Abuse; Reference to Cruelty to Animals Added. Amend RSA 173-B:1, I by inserting after subparagraph (g) the following new subparagraph:

(h) Cruelty to animals as defined in RSA 644:8.

The question is on the adoption of the Floor Amendment. 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 532, relative to energy efficiency and clean energy districts. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

Energy and Natural Resources

May 7, 1014

2014-1763s

09/10

#### Amendment to HB 532

Amend RSA 53-F:3, I as inserted by section 2 of the bill by replacing it with the following:

I. Incur debt for the purpose of providing financing to property owners within the district, including ~~[through]~~ **but not limited to the** issuance of municipal revenue bonds, Qualified Energy Conservation Bonds or Clean Renewable Energy Bonds, **or funds from private individuals or institutions**. Any such debt may be secured by a pledge of revenues, moneys, rights, and proceeds under this chapter, and except as may be otherwise provided in this chapter, shall be subject to the provisions of RSA 33 and RSA 33-B.

Amend RSA 53-F:5, II as inserted by section 4 of the bill by replacing it with the following:

II. Prior to entering into an agreement with a property owner, the municipality shall determine that all property taxes and any other assessments levied with property taxes are current and have been current for 3 years or the property owner's period of ownership, whichever is less; that there are no involuntary liens such as mechanic's liens on the property; and that no notices of default or other evidence of property-based debt delinquency have been recorded during the past 3 years or the property owner's period of ownership, whichever is less. The municipality shall adopt additional criteria, appropriate to property-assessed clean energy finance programs, for determining the creditworthiness of property owners. ***The municipality shall determine whether any mortgages or liens of record exist in the registry of deeds on the property and whether they are current in the obligations. If any such mortgage or lien exists, the municipality shall notify each such mortgagee or lienholder in writing that it is considering making a loan secured by a municipal lien pursuant to the provisions of this chapter and request the consent of each such mortgagee or lienholder to the making of such loan. Each mortgagee or lienholder shall have the right to determine in its sole discretion whether or not it will consent to such loan. If all of the mortgagees or lienholders of record elect to consent, the consents shall be in writing and recorded with the municipal lien in the registry of deeds. The legal effect of having all consents shall be that the municipal lien shall not be extinguished in the event of a foreclosure or sheriff's sale by the mortgagee or lienholder as provided in RSA 53-F:8. If all of the mortgagees or lienholders of record do not consent, but the municipality determines that it will proceed in making such loan, then in the event of a foreclosure or sheriff's sale by a mortgagee or lienholder, the municipal lien shall be extinguished. Special assessment liens held by municipalities plus existing mortgages shall not exceed 35 percent of the assessed value of the building and property.***

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 14, 2014

2014-1849s

09/04

#### Floor Amendment to HB 532

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

AN ACT relative to energy efficiency and clean energy districts and the siting of wind turbines.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 New Section; Siting of Large Wind Energy Systems. Amend RSA 162-H by inserting after section 4 the following new section:

## 162-H:4-a Siting of Large Wind Energy Systems.

## I. In this section:

(a) "Large wind energy system" means an electricity generating facility with a generating capacity of over 100 kilowatts, consisting of one or more wind turbines, including any substations, meteorological towers, cables, wires, and other buildings accessory to such facility.

(b) "Shadow flicker" means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects.

II. In creating rules to govern the siting of large wind energy systems, the site evaluation committee shall address, but not be limited to, the following:

(a) Visual impacts within a range of 10 miles from any part of the facility, and in its discretion, impacts beyond 10 miles.

(b) Cumulative impacts to natural, scenic, recreational, and cultural resources from multiple towers or projects, or both.

(c) Set-back requirements to protect property owners from undue health and safety impacts such as noise, shadow flicker, and ice throw.

(d) The establishment of scientifically-based standards for project-related sound pressure levels, both in the audible and low frequency ranges, and provisions for independent monitoring to ensure on-going compliance.

(e) Impacts including, but not limited to, rare plants and natural communities; exemplary examples of natural communities; threatened, endangered, or special concern wildlife species and the primary habitat of these species; migrating and resident birds and bats; and high elevation spruce-fir forests.

(f) A fire protection plan approved by the state fire marshal, after consultation with local public safety authorities, as a condition for a certificate.

(g) A site decommissioning and restoration plan as a condition for a certificate, the costs of which are independently assessed annually, requiring the applicant to provide that a secure financial instrument is in place prior to the initiation of project construction that is sufficient to fund the removal of all structures and site restoration. No secure financial instrument shall include the projected salvage value of any structure to be decommissioned.

(h) The use of best available mitigation measures to avoid or minimize aesthetic, ecological, health, and property value impacts as a condition for a certificate, and the establishment of a methodology to evaluate and mitigate negative impacts on property values.

(i) The best available science and technology. The site evaluation committee may update regulations and standards adopted by the committee as frequently as is appropriate based on changes in science and technology.

2014-1849s

## AMENDED ANALYSIS

This bill makes changes in the laws governing energy efficiency and clean energy districts.

This bill also establishes guidelines for the site evaluation committee in adopting rules to govern the siting of large wind energy systems in New Hampshire.

Recess. Out of recess.

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

Sen. Lasky and Sen. Soucy are in opposition to Floor Amendment 1849s on HB 532.

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

HB 1602, relative to the divestiture of PSNH assets. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources  
 May 7, 2014  
 2014-1767s  
 06/03

### Amendment to HB 1602

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

1 Purpose. The purpose of allowing the public utilities commission to determine if divestiture of Public Service Company of New Hampshire's (PSNH) remaining generation assets is in the economic interests of PSNH's retail customers should be to maximize economic value for PSNH's retail customers, minimize risk to PSNH's retail customers, reduce stranded costs for PSNH's retail customers, promote the settlement of outstanding issues involving stranded costs, and provide for continued operation or possible repowering of PSNH's generation assets.

2 Divestiture of PSNH Generation Assets. Amend RSA 369-B:3-a to read as follows:

369-B:3-a Divestiture of PSNH Generation Assets. ~~[The sale of PSNH fossil and hydro generation assets shall not take place before April 30, 2006.]~~

***I. Before January 1, 2015, the commission shall commence and expedite a proceeding to determine whether all or some of PSNH's generation assets should be divested. On or before March 31, 2015, the commission shall submit a progress report to the legislative oversight committee on electric utility restructuring established under RSA 374-F:5. Notwithstanding RSA 374:30, [subsequent to April 30, 2006,] the commission may order PSNH [may] to divest all or some of its generation assets if the commission finds that it is in the economic interest of retail customers of PSNH to do so, and provides for the cost recovery of such divestiture.***

***II.*** Prior to any divestiture of its generation assets, PSNH may modify or retire such generation assets if the commission finds that it is in the ~~[public]~~ ***economic*** interest of retail customers of PSNH to do so, and provides for the cost recovery of such modification or retirement.

3 New Section; Divestiture of PSNH Generation Assets; Employee Protections. Amend RSA 369-B by inserting after section 3-a the following new section:

369-B:3-b Employee Protections. In the event of divestiture of any or all of PSNH's generation assets, the employee protections set forth in Section X of the original proposed settlement defined in RSA 369-B:2, VIII, shall be provided to affected employees.

4 Definitions; Stranded Costs. Amend RSA 374-F:2, IV to read as follows:

IV. "Stranded costs" means costs, liabilities, and investments, such as uneconomic assets, that electric utilities would reasonably expect to recover if the existing regulatory structure with retail rates for the bundled provision of electric service continued and that will not be recovered as a result of restructured industry regulation that allows retail choice of electricity suppliers, unless a specific mechanism for such cost recovery is provided. Stranded costs may only include costs of:

(a) Existing commitments or obligations incurred prior to the effective date of this chapter;

(b) Renegotiated commitments approved by the commission; ~~[and]~~

(c) New mandated commitments approved by the commission, including any specific expenditures authorized for stranded cost recovery pursuant to any commission-approved plan to implement electric utility restructuring in the territory previously serviced by Connecticut Valley Electric Company, Inc.;

***(d) Costs approved for recovery by the commission in connection with the divestiture of Public Service Company of New Hampshire generation assets pursuant to RSA 369-B:3-a; and***

***(e) All costs incurred as a result of fulfilling employee protection obligations pursuant to RSA 369-B:3-b.***

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

2014-1767s

### AMENDED ANALYSIS

This bill:

I. Authorizes the public utilities commission to determine whether PSNH generation assets should be divested.

II. Permits the public utilities commission to order PSNH to divest all or some of its generation assets.

III. Adds certain costs associated with the divestiture of PSNH generation assets to stranded costs.

IV. Provides certain employee protections in the event PSNH generation assets are divested.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 12, 2014

2014-1824s

06/03

### **Floor Amendment to HB 1602**

Amend RSA 369-B:3-b as inserted by section 3 of the bill by replacing it with the following:

369-B:3-b Employee Protections. In the event of divestiture or retirement of any or all of PSNH's generation assets, the employee protections set forth in Section X of the original proposed settlement defined in RSA 369-B:2, VIII, shall be provided to affected employees.

Amend RSA 374-F:2, IV(d) as inserted by section 4 of the bill by replacing it with the following:

***(d) Costs approved for recovery by the commission in connection with the divestiture or retirement of Public Service Company of New Hampshire generation assets pursuant to RSA 369-B:3-a; and***

2014-1824s

### **AMENDED ANALYSIS**

This bill:

I. Authorizes the public utilities commission to determine whether PSNH generation assets should be divested.

II. Permits the public utilities commission to order PSNH to divest all or some of its generation assets.

III. Adds certain costs associated with the divestiture or retirement of PSNH generation assets to stranded costs.

IV. Provides certain employee protections in the event PSNH generation assets are divested or retired.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 15, 2014

2014-1881s

06/10

### **Floor Amendment to HB 1602**

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

AN ACT relative to the divestiture of PSNH assets and relative to the siting of wind turbines.

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

5 New Section; Siting of Large Wind Energy Systems. Amend RSA 162-H by inserting after section 4 the following new section:

162-H:4-a Siting of Large Wind Energy Systems.

I. In this section:

(a) "Large wind energy system" means an electricity generating facility with a generating capacity of over 100 kilowatts, consisting of one or more wind turbines, including any substations, meteorological towers, cables, wires, and other buildings accessory to such facility.

(b) "Shadow flicker" means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects.

II. In creating rules to govern the siting of large wind energy systems, the site evaluation committee shall address, but not be limited to, the following:

(a) Visual impacts within a range of 10 miles from any part of the facility, and in its discretion, impacts beyond 10 miles.

(b) Cumulative impacts to natural, scenic, recreational, and cultural resources from multiple towers or projects, or both.

(c) Set-back requirements to protect property owners from undue health and safety impacts such as noise, shadow flicker, and ice throw.

(d) The establishment of scientifically-based standards for project-related sound pressure levels, both in the audible and low frequency ranges, and provisions for independent monitoring to ensure on-going compliance.

(e) Impacts including, but not limited to, rare plants and natural communities; exemplary examples of natural communities; threatened, endangered, or special concern wildlife species and the primary habitat of these species; migrating and resident birds and bats; and high elevation spruce-fir forests.

(f) A fire protection plan approved by the state fire marshal, after consultation with local public safety authorities, as a condition for a certificate.

(g) A site decommissioning and restoration plan as a condition for a certificate, the costs of which are independently assessed annually, requiring the applicant to provide that a secure financial instrument is in place prior to the initiation of project construction that is sufficient to fund the removal of all structures and site restoration. No secure financial instrument shall include the projected salvage value of any structure to be decommissioned.

(h) The use of best available mitigation measures to avoid or minimize aesthetic, ecological, health, and property value impacts as a condition for a certificate, and the establishment of a methodology to evaluate and mitigate negative impacts on property values.

(i) The best available science and technology. The site evaluation committee may update regulations and standards adopted by the committee as frequently as is appropriate based on changes in science and technology.

2014-1881s

#### AMENDED ANALYSIS

This bill:

I. Authorizes the public utilities commission to determine whether PSNH generation assets should be divested.

II. Permits the public utilities commission to order PSNH to divest all or some of its generation assets.

III. Adds certain costs associated with the divestiture of PSNH generation assets to stranded costs.

IV. Provides certain employee protections in the event PSNH generation assets are divested.

V. Establishes guidelines for the site evaluation committee in adopting rules to govern the siting of large wind energy systems in New Hampshire.

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

Sen. Soucy is in opposition to Floor Amendment 1881s on HB 1602.

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

#### HEALTH, EDUCATION AND HUMAN SERVICES

HB 1434, relative to surrogate health care decision making by a family member or friend. Ought to Pass with Amendment, Vote 4-1. Senator Gilmour for the committee.

Health, Education and Human Services

May 6, 2014

2014-1719s

01/04

#### Amendment to HB 1434

Amend the bill by inserting after section 13 the following and renumbering the original section 14 to read as 15:

14 Directives for Medical Decisions; Requirement to Act in Accordance With Principal's Wishes and Best Interests. Amend RSA 137-J:6 to read as follows:

137-J:6 Requirement to Act in Accordance With Principal's Wishes and Best Interests. After consultation with the attending physician or APRN and other health care providers, the agent *or surrogate* shall make health care decisions in accordance with the agent's *or surrogate's* knowledge of the principal's wishes and religious or moral beliefs, as stated orally or otherwise communicated by the principal, or, if the principal's wishes are unknown, in accordance with the agent's *or surrogate's* assessment of the principal's best interests and in accordance with accepted medical practice.

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

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

Without objection, the 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 289, relative to validated wills and revising the uniform trust act.

Senator Sanborn moved concurrence. Adopted.

SB 295, prohibiting an employer from using credit history in employment decisions.

Senator Sanborn moved non-concurrence. Adopted.

Sen. Soucy is in opposition to the motion of non-concur on SB 295.

SB 305, relative to licensure of motor vehicle dealers dealers.

Senator Sanborn moved concurrence. Adopted.

SB 391, relative to the juvenile justice advisory board; the policies and procedures of the youth development center; and a reduction in appropriation to the Sununu Youth Services Center.

Senator Carson moved non-concurrence and requested a Committee of Conference. Adopted.

SB 393, relative to the housing finance authority and surplus lands housing program.

Senator Carson moved non-concurrence and requested a Committee of Conference. Adopted.

SB 392, establishing a commission on rural affairs.

Senator Prescott moved concurrence. Adopted.

SB 241, establishing the division of economic development fund.

Senator Forrester moved concurrence. Adopted.

SB 229, relative to the use and disclosure of protected health information.

Senator Stiles moved concurrence. Adopted.

SB 259-FN-A, establishing a palliative care center for health care consumers and providers and continually appropriating a special fund.

Senator Stiles moved concurrence. Adopted.

SB 270, establishing a commission to study mental health implementation in New Hampshire.

Senator Stiles moved non-concurrence and requested a Committee of Conference. Adopted.

SB 253, relative to grounds for termination of parental rights.

Senator Carson moved non-concurrence and requested a Committee of Conference. Adopted.

SB 317-FN, relative to trafficking in persons.

Senator Carson moved concurrence. Adopted.

SB 233, relative to property tax exemption for district fire mutual aid systems.

Senator Odell moved concurrence. Adopted.

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

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

## HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the adoption of the amendment(s) to the following entitled Bill sent down from Senate:

HB 343-FN, establishing a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Williams, Butler, Hammond, Jones,

Sen. Sanborn moves to accede to House Request. Adopted.

HB 1281-FN, relative to copayments for certain specialists.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Butler, Schlachman, Muns, John Hunt

Sen. Sanborn moves to accede to House Request. Adopted.

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

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Butler, Harding, Schlachman, John Hunt

Sen. Carson moves to accede to House Request. Adopted.

HB 1532, relative to notification of radon and arsenic levels.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Schlachman, Hammond, Heden, Sandblade

Sen. Prescott moves to accede to House Request. Adopted.

HB 590, relative to the unauthorized practice of law.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Woodbury, Rowe, Heffron, Watrous

Sen. Carson moves to accede to House Request. Adopted.

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

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Cushing, Hirsch, Gagne, Warden

Sen. Carson moves to accede to House Request. Adopted.

HB 466-FN, relative to determining qualifications of voters.

and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:



REPRESENTATIVES: Gary Richardson, Perry, Till, Jasper

Sen. Boutin moves to accede to House Request. Adopted.

HB 1261-FN-L, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog. and requests a Committee of Conference.

The Speaker, on the part of the House of Representatives, has appointed as members of said Committee of Conference:

REPRESENTATIVES: Tatro, Coffey, Lavender, Bickford

Sen. Boutin moves to accede to House Request. Adopted.

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

#### AMENDMENT TO SENATE RULE 3-22

Sen. Pierce moved to amend Senate Rule 3-22.

3-22 Bills Amended by the House - Any bill or resolution returned from the House with an amendment shall not be referred to committee but shall have one of the following recommendations considered by the full Senate: Concur, Nonconcur, Nonconcur and Request a Committee of Conference. Adoption of a motion to Nonconcur kills the bill or resolution.

Recess. Out of recess.

The question is on the motion to amend Senate Rule 3-22.

A division vote was requested.

Yeas: 11 - Nays: 13

Failed, lacking necessary 2/3 vote.

#### 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 256-FN, relative to establishing a voluntary hike safe card for fish and game search and rescue operations, relative to deputy fish and game conservation officers, and relative to the commission on sustainability of the fish and game department

HB 292-FN-A, relative to registration fees for commercial, private, and pleasure vessels.

HB 312, restricting the collection of biometric data by state agencies, municipalities, and political subdivisions, and requiring the election of benefits by certain members of the judicial retirement plan or their beneficiaries.

HB 421, relative to regulation of real estate brokerage and sales by the real estate commission.

HB 496-FN, relative to driving privileges for certain first-time DWI offenders.

HB 498, permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays, relative to preferences for veterans and disabled veterans in public employment, and repealing the prospective repeal of the commission to study the effects of service-connected post-traumatic stress disorder and traumatic brain injury.

HB 532, relative to energy efficiency and clean energy districts and the siting of wind turbines.

HB 582, relative to early offers for medical injury claims.

HB 654-FN, relative to licensure and renewal fees.

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

HB 1115, excluding condominium assessments from homestead rights.

HB 1129, requiring the development of an energy efficiency implementation plan.

HB 1135-FN, relative to penalties for driving without a license.

HB 1142-FN-A, relative to the road toll for alternative fuels.

HB 1157, relative to establishment of fees by certain regulatory boards.

HB 1186, relative to rulemaking authority of certain occupational boards concerning examinations.

HB 1188, relative to paycheck equity.

HB 1210, correcting certain references to divisions of the department of revenue administration and legalizing a Hanover school district bond warrant article and relative to notice of changes to zoning districts.

HB 1227, making changes to parole and parole board procedures and relative to jail sentences as a condition of probation.

HB 1282-FN, relative to prepaid contracts for home heating fuel and relative to reimbursement for towns affected by the Merrimack River flood control compact and making an appropriation therefor.

HB 1331, relative to the membership and reporting date of the interbranch criminal and juvenile justice council and establishing a committee to study state procurement.

HB 1343, relative to guardian ad litem fees.

HB 1368, relative to consideration of criminal records for occupational and professional licensing.

HB 1372-FN-A, making an appropriation for the pediatric sexual assault nurse examiner training program.

HB 1376, establishing a committee to study the safe delivery of oil and gas, including natural gas and propane, throughout the state of New Hampshire and making a technical correction in the oil pipeline facility spill response plan.

HB 1383, relative to municipal monitoring of large groundwater withdrawals.

HB 1400, establishing New Hampshire's presidential primary centennial anniversary commission and adding Millsfield to a certain election law.

HB 1407, relative to privacy in the workplace.

HB 1409, establishing a commission to study housing discrimination against individuals who receive federal housing assistance or who have been victims of domestic violence, stalking, or sexual assault.

HB 1410, including household and domesticated animals under the domestic violence protection statute.

HB 1415-FN, establishing a robotics education fund in the department of education, relative to liquor manufacturers and rectifiers and samples of alcoholic beverages, and establishing a commission to review and consider alcoholic beverage manufacturing processes and retail sales at manufacturing facilities.

HB 1434, relative to surrogate health care decision making by a family member or friend.

HB 1442, relative to mental health courts.

HB 1465-FN, authorizing one-day permits for transportation of trailers for disposal or destruction.

HB 1499-FN, amending the definitions of "full-time" and "part-time" work; and establishing a committee to study the unemployment trust fund.

HB 1590-L, relative to the valuation of the Granite Reliable Power project in Coos county.

HB 1602, relative to the divestiture of PSNH assets and relative to the siting of wind turbines.

HB 1613, relative to payment of the Medicaid enhancement tax.

HB 1615, relative to allocation from the annual license renewal fee for pharmacists to the impaired pharmacist program.

HB 1630-FN-A, relative to gaming in New Hampshire.

HB 1632, relative to child support orders for children with disabilities.

HB 1634-FN, relative to the salaries of certain unclassified positions and relative to transferring surplus revenues to the revenue stabilization reserve account.

HB 1635-FN-A, relative to community mental health programs and making appropriations therefor and relative to disposition of funds obtained by the attorney general.

HB 2014, relative to the state 10-year transportation improvement program.

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

Sen. Bragdon: HB 1499.

## ANNOUNCEMENTS

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you, Mister President. I ask for unanimous consent to make remarks under Rule 2-17. Thank you, Mister President. I rise today to mark the sacrifice of Officer Steven Arkell. Officer Arkell served the people of Brentwood for 15 years as a patrol officer and animal control officer. Steven Arkell also went to Exeter High School. He was a Blue Hawk, like myself, and like a lot of my family. Over the past two days we've seen what a tremendous contribution he made to his community, both in and out of uniform. On Tuesday evening, I think the attendance at a vigil rivaled at least half the population of Brentwood in the field of the recreation area. And it was significant that this man was so well-loved, and is going to be so much missed. His loss and his legacy will be felt in Brentwood, and in Exeter, and throughout New Hampshire.

I have been requested to lead a Senate contingency, and if it's all right with all of you, I would be honored to give you information about services next week. And I thank you very much, Mister President.

(The Chair recognized Sen. Woodburn.)

SENATOR WOODBURN: Mister President, I arise and ask for unanimous consent. Mister President, I rise with a real irritability, after a fish and game rule change, which will be here tomorrow at JLCAR, and relative to taking of deer over bait. This proposal substantial reduces the deer baiting season by more than two-thirds: 90 days to 29 days. And I'm not going to get into all the policy piece, but this in an issue that we have discussed and debated in both houses this year. We sent a bill to the House that would deal with this on public lands, and to have Fish and Game assert their power and to do something like this in a time, when I say, Fish and Game needs friends as much as they need money. We should demand more from Fish and Game and I would hope that this would be slowed down or stopped because the people in my district, the people who want, and are concerned about this, want a better a process than what we've seen from fish and game. Thank you, Mister President.

(The Chair recognized Sen. Boutin.)

SENATOR BOUTIN: I rise to speak to the same issue that my good friend from District 1 has spoken to. I had a number of constituents from my district who have said to me, "Senator, this has been in the legislature several times and it's been killed." So, what is the Fish and Game Commission doing? They're going around the legislature, and they're doing it by rules. And, just as my friend from District 1 said, they've gone from 90 days down to 29 days. This is wrong. This is going to hurt hunting in New Hampshire. And, by the way, for somebody that's always got their hands out that we don't have enough money, this is going to hurt the revenue. I don't get it. So, Mister President, I don't know what we can do, but something needs to slow this train down. Thank you.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Well, everyone enjoyed the lobster rolls today. I would just like to thank the two aides that actually assembled them just prior to our lunch so that they wouldn't be sitting there all morning nice and wet, and that was Kat Bourque and Deb Martone. So, if you see them you can tell them they did a great job.

Without objection all personal privileges and unanimous consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17)

## 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 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.