

January 30, 2014
Nos. 1-2

STATE OF NEW HAMPSHIRE

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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – JANUARY 8, 2014 SESSION
COMMENCEMENT – JANUARY 30, 2014 SESSION**

SENATE JOURNAL 1 *(continued)*

January 8, 2014

INTRODUCTION OF SENATE BILLS

Sen. Bradley offered the following Resolution:

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

First and Second Reading and Referral

14-2592

SB 200-FN-A, relative to energy infrastructure development. (Bradley, Dist 3; Forrester, Dist 2; Woodburn, Dist 1; Rausch, Dist 19; Fuller Clark, Dist 21; Suzanne Smith, Graf 8; Ladd, Graf 4; Vadney, Belk 2; Ford, Graf 3; G. Chandler, Carr 1: Energy and Natural Resources)

14-2763

SB 325-FN-LOCAL, relative to oil spill preparedness and response. (Woodburn, Dist 1; Odell, Dist 8; Fuller Clark, Dist 21; Watters, Dist 4; Reagan, Dist 17; Suzanne Smith, Graf 8; Hammon, Coos 5: Energy and Natural Resources)

14-2792

SB 330-FN, relative to apportionment under the business profits tax of taxable income from mutual fund sales. (Hosmer, Dist 7; Odell, Dist 8; D'Allesandro, Dist 20; Fuller Clark, Dist 21; Woodburn, Dist 1; Pierce, Dist 5; Muns, Rock 21: Commerce)

14-2597

SB 357, naming a scenic overlook in honor of Raymond S. Burton. (Forrester, Dist 2; Boutin, Dist 16; Bradley, Dist 3; Bragdon, Dist 11; Carson, Dist 14; Cataldo, Dist 6; D'Allesandro, Dist 20; Fuller Clark, Dist 21; Gilmour, Dist 12; Kelly, Dist 10; Lasky, Dist 13; Morse, Dist 22; Odell, Dist 8; Prescott, Dist 23; Rausch, Dist 19; Reagan, Dist 17; Sanborn, Dist 9; Soucy, Dist 18; Stiles, Dist 24; Watters, Dist 4; Woodburn, Dist 1; G. Chandler, Carr 1; Lauer, Graf 15; Ladd, Graf 4; Ford, Graf 3; Fields, Belk 4: Public and Municipal Affairs)

14-2632

SB 358, adding the community college system to the definition of public employer for purposes of the public employee labor relations board. (Stiles, Dist 24; Carson, Dist 14; Gile, Merr 27; Shaw, Hills 16; Ladd, Graf 4; Weyler, Rock 13; Spang, Straf 6: Executive Departments and Administration)

14-2696

SB 359, relative to coverage under motor vehicle liability policies. (Carson, Dist 14; Cataldo, Dist 6; Rausch, Dist 19; Hosmer, Dist 7; Goley, Hills 8; Walz, Merr 23; Notter, Hills 21: Transportation)

14-2708

SB 360, relative to the issuance of itemized bills for medical services. (Fuller Clark, Dist 21; Gilmour, Dist 12; Muns, Rock 21; M. Smith, Straf 6; Butler, Carr 7; Sherman, Rock 24: Health, Education and Human Services)

14-2746

SB 361, relative to mortgage originators and depository institutions. (Carson, Dist 14; Hosmer, Dist 7; Goley, Hills 8: Commerce)

14-2748

SB 362, relative to the sale of unpasteurized apple cider. (Carson, Dist 14; Haefner, Hills 37; Sad, Ches 1: Commerce)

14-2755

SB 363, relative to insurance coverage for facilities for the Winnepesaukee River basin control. (Hosmer, Dist 7; Huot, Belk 3; F. Tilton, Belk 3; DiMartino, Belk 2; Raymond, Belk 4; Fields, Belk 4: Energy and Natural Resources)

14-2765

SB 364-FN, relative to group II service retirement allowances and relative to establishing a supplemental savings plan in the retirement system. (Larsen, Dist 15; Porter, Hills 1; Perry, Straf 3; Stroud, Hills 21: Executive Departments and Administration)

14-2807

SB 365, relative to appointments and nominations to boards, commissions, or other entities by the New Hampshire Municipal Association. (Soucy, Dist 18; Lasky, Dist 13; Danielson, Hills 7; Goley, Hills 8; Flanagan, Hills 26; D. Sullivan, Hills 42: Public and Municipal Affairs)

14-2600

SB 366-FN-A-LOCAL, relative to video lottery and table gaming. (D'Allesandro, Dist 20; Hosmer, Dist 7: Ways and Means)

14-2614

SB 367-FN-A, requiring adjustment of the road toll according to changes in the Consumer Price Index. (Rausch, Dist 19; Stiles, Dist 24; Boutin, Dist 16; Watters, Dist 4; D'Allesandro, Dist 20; Campbell, Hills 33; Bouchard, Merr 18; Cebrowski, Hills 7: Ways and Means)

14-2641

SB 368-FN, increasing the maximum fine for lead remediation. (Stiles, Dist 24; Watters, Dist 4; Soucy, Dist 18; D'Allesandro, Dist 20; Rosenwald, Hills 30; Weber, Ches 1; P Schmidt, Straf 19; Lockwood, Merr 9: Health, Education and Human Services)

14-2699

SB 369-FN-A, relative to the Medicaid enhancement tax. (Odell, Dist 8; Major, Rock 14: Ways and Means)

14-2728

SB 370-FN-LOCAL, relative to state reimbursement of cities and towns for funds received under river management compacts. (Sanborn, Dist 9; Kelly, Dist 10; Larsen, Dist 15; Hosmer, Dist 7; Ratzki, Merr 1; Myler, Merr 10; G. Richardson, Merr 10; Raymond, Belk 4: Finance)

14-2780

SB 371-FN, establishing a senior citizens bill of rights. (Stiles, Dist 24; Carson, Dist 14; Gilmour, Dist 12; D'Allesandro, Dist 20; Fuller Clark, Dist 21; Reagan, Dist 17; Cataldo, Dist 6; Hosmer, Dist 7; Lasky, Dist 13; Watters, Dist 4; Woodburn, Dist 1; Borden, Rock 24; Sherman, Rock 24; Khan, Rock 20; Gordon, Rock 35: Health, Education and Human Services)

14-2670

SB 372-FN-LOCAL, relative to a state infrastructure bank. (Carson, Dist 14; Morse, Dist 22; Rausch, Dist 19; Fuller Clark, Dist 21; D'Allesandro, Dist 20; Ford, Graf 3; Leishman, Hills 24; Umberger, Carr 2: Transportation)

14-2695

SB 373-FN, relative to procedure and jurisdiction of the superior courts. (Carson, Dist 14; Boutin, Dist 16; Cataldo, Dist 6; Lasky, Dist 13; Soucy, Dist 18; M. Smith, Straf 6; Rowe, Hills 22: Judiciary)

14-2791

SB 374, establishing a commission to review and make recommendations to standardize and make uniform the definitions of "domicile" and "residency" in state statutes. (Prescott, Dist 23; Carson, Dist 14: Public and Municipal Affairs)

14-2798

SB 375, establishing a committee to study the creation of a flood mitigation fund for private property owners. (Kelly, Dist 10; Odell, Dist 8; Weber, Ches 1; Sad, Ches 1; J. Mann, Ches 2: Public and Municipal Affairs)

14-2808

SB 376, requiring pooled risk management governing board members to comply with financial disclosure requirements. (Soucy, Dist 18; Lasky, Dist 13; Goley, Hills 8; Flanagan, Hills 26; D. Sullivan, Hills 42: Public and Municipal Affairs)

14-2809

SB 377-FN, relative to transfers from the judicial branch to the executive or legislative branches of state government. (Soucy, Dist 18; K. Rogers, Merr 28: Finance)

14-2814

SB 378, relative to identification information contained in political advertising. (Soucy, Dist 18; Lasky, Dist 13; Knowles, Hills 37; G. Richardson, Merr 10: Public and Municipal Affairs)

14-2691

SB 379, relative to procedures for accepting settlement offers. (D'Allesandro, Dist 20; Soucy, Dist 18; Gilmour, Dist 12; Lasky, Dist 13; Pierce, Dist 5; Watters, Dist 4: Commerce)

14-2601

SB 380, requiring an insurer participating in the health exchange to include access to a hospital in each county of the state. (Pierce, Dist 5; Odell, Dist 8; Cloutier, Sull 10; Gagnon, Sull 5; O'Hearne, Sull 3; Steven Smith, Sull 11; Grenier, Sull 7: Health, Education and Human Services)

14-2628

SB 381, relative to the membership of the joint legislative oversight committee on the emergency management system. (Reagan, Dist 17; D'Allesandro, Dist 20; Fuller Clark, Dist 21; LeBrun, Hills 32; Berube, Straf 18; Kotowski, Merr 24: Executive Departments and Administration)

14-2630

SB 382, prohibiting smoking in buildings owned or operated by social, fraternal, or religious organizations. (D'Allesandro, Dist 20; Soucy, Dist 18; LeBrun, Hills 32: Health, Education and Human Services)

14-2631

SB 383, relative to certain claims available under the medical payments portion of a motor vehicle liability policy. (D'Allesandro, Dist 20; Soucy, Dist 18; Woodburn, Dist 1: Commerce)

14-2644

SB 384, relative to the definition of a controlled drug analog. (Kelly, Dist 10; Gilmour, Dist 12; Watters, Dist 4; Pierce, Dist 5; Hosmer, Dist 7; Phillips, Ches 5; Cloutier, Sull 10: Health, Education and Human Services)

14-2653

SB 385, relative to examination requirements for chiropractors. (Reagan, Dist 17: Executive Departments and Administration)

14-2660

SB 386, relative to the authority and duties of the department of revenue administration. (Odell, Dist 8; D'Allesandro, Dist 20; Rausch, Dist 19; Forrester, Dist 2; Major, Rock 14; Hess, Merr 24; Schamberg, Merr 4; Lovejoy, Rock 36: Ways and Means)

14-2679

SB 387, relative to exemptions from the land sales full disclosure act. (Watters, Dist 4; Butler, Carr 7: Public and Municipal Affairs)

14-2686

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. (Fuller Clark, Dist 21; Forrester, Dist 2; Odell, Dist 8; Bradley, Dist 3; Woodburn, Dist 1; Wallner, Merr 10: Energy and Natural Resources)

14-2687

SB 389, relative to the enforcement authority of fish and game officers. (Woodburn, Dist 1; Karrick, Merr 25; Suzanne Smith, Graf 8; Theberge, Coos 3; H. Richardson, Coos 4: Judiciary)

14-2732

SB 390, relative to protection of employees who are victims of domestic abuse, sexual assault, stalking, or criminal harassment. (Hosmer, Dist 7; Pierce, Dist 5; Woodburn, Dist 1; Lasky, Dist 13; Soucy, Dist 18; Kelly, Dist 10; D'Allesandro, Dist 20; Huot, Belk 3: Judiciary)

14-2745

SB 391, relative to the juvenile justice advisory board and relative to the policies and procedures of the youth development center. (Carson, Dist 14; Boutin, Dist 16; Pantelakos, Rock 25; Long, Hills 42; Charron, Rock 4: Executive Departments and Administration)

14-2764

SB 392, establishing a commission to study rural affairs. (Woodburn, Dist 1: Energy and Natural Resources)

14-2773

SB 393, relative to the housing finance authority and surplus lands housing program. (Watters, Dist 4; D'Allesandro, Dist 20; Larsen, Dist 15; Butler, Carr 7; Grenier, Sull 7: Executive Departments and Administration)

14-2777

SB 394, relative to the recognition of out of state marriages, uniform marriage recognition law, civil union recognition, and gender neutral references. (Lasky, Dist 13; Woodburn, Dist 1; Watters, Dist 4; Fuller Clark, Dist 21; Reagan, Dist 17; Weber, Ches 1; Hackel, Hills 29; M. Smith, Straf 6: Judiciary)

14-2779

SB 395-FN, relative to the retirement classification of the director of the division of forests and lands. (D'Allesandro, Dist 20; Forrester, Dist 2: Finance)

14-2782

SB 396, relative to child restraint practices. (Stiles, Dist 24; Odell, Dist 8; Ladd, Graf 4: Health, Education and Human Services)

14-2818

SB 397, relative to the sale of wines from Argentina. (D'Allesandro, Dist 20: Executive Departments and Administration)

14-2822

SB 398, relative to employment negotiations between the state and individual bargaining units. (Fuller Clark, Dist 21; D'Allesandro, Dist 20: Executive Departments and Administration)

14-2833

SB 399, relative to competitive bidding and procurement by state agencies. (Carson, Dist 14: Executive Departments and Administration)

14-2594

SB 400-FN, relative to the penalty for violations of the taking of American eels. (Watters, Dist 4; Stiles, Dist 24; Sanders, Rock 12; McKinney, Rock 5; Ketel, Straf 17; Burdwood, Straf 17: Energy and Natural Resources)

14-2595

SB 401-FN-A, establishing road toll fees for electric and hybrid electric vehicles. (Watters, Dist 4; Stiles, Dist 24; Rausch, Dist 19; Bouchard, Merr 18: Transportation)

14-2606

SB 402-FN, relative to insurance coverage for pediatric vision screenings. (Pierce, Dist 5; Gilmour, Dist 12; Cataldo, Dist 6: Commerce)

14-2627

SB 403-FN, prohibiting the sale or possession of sky lanterns. (Stiles, Dist 24; D'Allesandro, Dist 20; Lasky, Dist 13; Borden, Rock 24; Sherman, Rock 24; Harding, Graf 13; Sykes, Graf 13; Stroud, Hills 21: Executive Departments and Administration)

14-2633

SB 404-FN, relative to the acquisition of real property for state government purposes. (Stiles, Dist 24; Odell, Dist 8; Porter, Hills 1; Emerick, Rock 21; Cushing, Rock 21: Finance)

14-2650

SB 405-FN, requiring the registration of radon mitigation system installers with the board of home inspectors. (Woodburn, Dist 1; Larsen, Dist 15: Executive Departments and Administration)

14-2720

SB 406-FN, relative to certain health care data. (Bradley, Dist 3: Health, Education and Human Services)

14-2739

SB 407, relative to wolf hybrids. (Forrester, Dist 2; Rausch, Dist 19; Odell, Dist 8; Reagan, Dist 17; Suzanne Smith, Graf 8; Lefebvre, Sull 1: Energy and Natural Resources)

14-2749

SB 408-FN-LOCAL, relative to aid for regional agreements of watershed municipalities. (Fuller Clark, Dist 21; Bucu, Carr 2; Hubbard, Straf 12; Gottling, Sull 2; Spang, Straf 6: Finance)

14-2758

SB 409-FN-A-LOCAL, making a supplemental appropriation to the department of safety for municipal disaster assistance. (Sanborn, Dist 9: Finance)

14-2751

SB 410-FN-LOCAL, relative to apportionment in cooperative school districts with a renewable generation facility. (Odell, Dist 8; Woodburn, Dist 1: Ways and Means)

14-2816

SB 411-FN, relative to the labeling of genetically engineered foods. (Fuller Clark, Dist 21; Watters, Dist 4; Bixby, Straf 17; Murotake, Hills 32; LeBrun, Hills 32: Commerce)

14-2825

SB 412-FN, relative to managed care network adequacy and federal health care reform. (Gilmour, Dist 12; Pierce, Dist 5; Rosenwald, Hills 30; Butler, Carr 7: Health, Education and Human Services)

HOUSE MESSAGE

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

SB 92, prohibiting multiple prescription drug failures.

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

HOUSE MESSAGE

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

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

HB 297, relative to the management of trust funds and capital reserve funds and pertaining to library trustees.

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

HB 319-FN, relative to benefits for state employees serving in the armed forces.

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

HB 439-FN, relative to weekly workers' compensation payments.

HB 459, relative to poker in private residences.

HB 466-FN, relative to determining qualifications of voters.

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 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.

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

HB 544, relative to access to health insurance coverage.

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

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

HB 584, relative to covered prescription drugs.

HB 587, relative to medical examination requirements for commercial drivers' licenses.

HB 590, relative to the unauthorized practice of law.

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

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

HB 684, relative to bridge replacement and rehabilitation and bridge aid funds.

HOUSE MESSAGE

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

HB 226, relative to the promotion of New Hampshire liquor and wines.

HB 350, prohibiting discrimination against the unemployed.

HB 562, relative to the interest rate on title loans.

HOUSE MESSAGE

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

HB 474, relative to eligibility for in-state tuition rates at the university system of New Hampshire.

HB 569, relative to the placement of all new electric transmission lines in New Hampshire.

HB 582, relative to early offers for medical injury claims.

HB 597-FN, relative to a drug-free workplace for licensed health care facilities and providers.

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 82, establishing a commission to identify strategies needed for developing and implementing a competency-based public education system.

SB 88, relative to the Honor and Remember Flag as an official symbol to recognize and honor fallen members of the armed forces.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bills sent down from the Senate:

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

SB 190-FN, relative to admission fees for certain persons at state parks and historical sites.

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following entitled Bills:

HB 183, relative to processing absentee ballots.

HB 403, establishing a committee to study end of life decisions.

HB 505, relative to the economic development advisory council.

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 2

January 30, 2014

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

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

Good morning, and before I begin let's just remember Tammy and wish her well and do keep her in your prayers for a speedy recovery.

So, two days ago, as you know, we marked the 28th anniversary of the Challenger disaster. And on the unforgettable day, shortly after take-off, the space shuttle exploded and it was just devastating. It was watched by millions of people all over the world, and here in New Hampshire it was played out in front of auditoriums full of school children across the state. Children watching with pride because, of course, Christa McAuliffe was selected to be the first teacher in space and she was a resident of this state and a teacher at Concord High School. So all of those students watched it happen, and we cannot protect our children from trauma and tragedy. To do that we would have to protect them from life itself. But what we can do is to teach them how we can support one another when tragedy strikes and we can teach them how to honor the memory of those who die as a result of tragedy. In the words of June Scobee Roger, widow of Challenger Commander Dick Scobee, "today, and every day, we remember our loved ones for their heroic efforts to not only inspire students but to make a difference in all of our lives. Let us pray.

O might God, we remember, before you today, Dick Scobee, Michael J. Smith, Judith Resnick, Ronald McNair, Ellison Onizuka, Gregory Jarvis, and Christa McAuliffe. Grant to them eternal rest, let light perpetual shine upon them, may their souls and the souls of all the departed, through your loving mercy, rest in peace. Amen

Sen. Forrester led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Sen. D'Allesandro introduced the University of New Hampshire Wildcats football team.

Sen. Soucy introduced the Mt. Zion Christian School from Manchester, visiting in the balcony today.

Sen. Soucy introduced Connor Cote, a sophomore from Campbell High School, serving as Senate Page for the day.

MOTION TO VACATE

Without objection, SB 411 was vacated from the Commerce Committee to the Energy and Natural Resources Committee. Adopted.

14-2816

SB 411-FN, relative to the labeling of genetically engineered foods. (Fuller Clark, Dist 21; Watters, Dist 4; Bixby, Straf 17; Murotake, Hills 32; LeBrun, Hills 32: Energy and Natural Resources)

FN REPORT FOR JANUARY 30, 2014

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

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

JUDICIARY

SB 151-FN, relative to the payment of witness fees in criminal cases.

PUBLIC AND MUNICIPAL AFFAIRS

SB 120-FN, relative to political contributions and expenditures and relative to reporting by political committees.

SB 183-FN, relative to proof of identity by voters.

TRANSPORTATION

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

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

HEALTH, EDUCATION AND HUMAN SERVICES

SB 235, relative to the patients' trust fund.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

SB 343, establishing a commission to study the common core standards. Removed by Sen. Bragdon.

Without objection, SB 220-FN, HB 426, and SB 120-FN are Special-Ordered to 2/6/14. Adopted by the necessary 2/3 vote.

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

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

COMMERCE

SB 70, relative to the appointment of insurance agents and repealing a fee for insurance producers. Interim Study, Vote 5-0. Senator Hosmer for the committee.

This bill would clarify the process of appointing insurance producers as agents of insurance carriers and would repeal the termination fee for insurance producers but keep the initiation fee in place. The Committee recommends Interim Study to allow stakeholders an opportunity to reach a consensus.

SB 149-FN, relative to liquor samples. Interim Study, Vote 5-0. Senator Cataldo for the committee.

This bill would allow liquor manufacturers to distribute samples to licensees for tasting on licensed premises. The Committee continues to support local liquor manufacturers and seeks more time to make sure the proper balance is struck between supporting this industry and complying with the three tier statutory separation of manufacturers, distributors and retailers.

SB 305, relative to licensure of motor vehicle dealers. Ought to Pass with Amendment, Vote 5-0. Senator Hosmer for the committee.

This bill modifies provisions relating to licensed franchised vehicle dealers seeking additional licenses. This bill will help reduce unnecessary government red tape by allowing licensed dealers in good standing to use an expedited process to keep the newly purchased store open and employees at work, while still meeting all state mandated compliance requirements.

Commerce

January 17, 2014

2014-0126s

03/05

Amendment to SB 305

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

1 Dealer License; Separate License. Amend RSA 261:103-a, VI to read as follows:

VI. No dealer license shall be transferable, and a separate license shall be required for each separate place of business in a separate town or city, and shall be prominently displayed in the place of business operated by the person to whom such license is issued. ***A licensed franchised dealer, or a nonfranchised dealer who is in good standing as determined by the director, shall not be required to attend a class as a condition of being issued a separate license for a separate place of business.***

2 New Paragraph; Dealer License; Operation Prior to Licensure. Amend RSA 261:103-a by inserting after paragraph VII the following new paragraph:

VIII. A licensed franchised dealer that has manufacturer approval to operate an existing dealership location that has submitted a dealer license application and is waiting for state licensing approval shall be permitted to operate. This permission to operate shall be allowed if the dealer submits with the application a sworn statement that the dealer meets or will meet all licensing requirements at the time of license approval. If the application is finally denied, the dealer shall cease operation.

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

HB 230, relative to administrative supervision of insurers. Interim Study, Vote 5-0. Senator Sanborn for the committee.

This bill is a request of the Insurance Department and would authorize the Commissioner to administratively assume operational control of an insurer under certain circumstances. The Committee and Department agree that an Interim Study motion is appropriate in order to allow the Department more time to draft language that would find a better balance between government authority and private industry.

HB 346, establishing a committee to study low-profit limited liability companies. Interim Study, Vote 5-0. Senator Sanborn for the committee.

This bill would establish a committee to study low-profit limited liability companies. Recent data from other states who have allowed companies to register as low-profit limited liability companies has shown notable challenges with the model. The Committee would like a slow and careful examination of the potential negative ramifications before moving forward with this legislation.

ENERGY AND NATURAL RESOURCES

SB 66-FN, relative to the regional greenhouse gas initiative cap and trade program. Inexpedient to Legislate, Vote 5-0. Senator Prescott for the committee.

A similar but more encompassing bill was passed by the committee after this proposed bill was re-referred. It was determined by the committee members that the objectives of this bill were already accomplished in the previous piece of legislation.

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

The prime sponsor of this proposed legislation came before the committee and requested a vote of "inexpedient to legislate" due to the duplicative nature of this bill.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 282, relative to disciplinary proceedings by the board of architects. Ought to Pass, Vote 5-0. Senator Waters for the committee.

This bill establishes the criteria, and procedures for, and the penalties which may be imposed in disciplinary actions undertaken by the Board of Architects. The language allows the Board of Architects to legally and fairly establish disciplinary action for misconduct of the licensees.

SB 296, relative to preferences for veterans and disabled veterans in public employment. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

This bill requires the state to give a preference in hiring to veterans and disabled veterans. The amendment brought forward is clarifying language to address specific definitions, eligibility for employment preference, application process, appointment by employer, and proof of eligibility.

Senate Executive Departments and Administration

January 22, 2014

2014-0180s

06/01

Amendment to SB 296

Amend RSA 273-D:2, I as inserted by section 1 of the bill by replacing it with the following:

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.

Amend RSA 273-D:2, VII and VIII as inserted by section 1 of the bill by replacing it with the following:

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.

Amend RSA 273-D:4, I as inserted by section 1 of the bill by replacing it with the following:

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.

Amend RSA 273-D:6, II as inserted by section 1 of the bill by replacing it with the following:

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.

SB 298, establishing a permanent commission on post-traumatic stress disorder and traumatic brain injury. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill permanently establishes the commission on post-traumatic stress disorder and traumatic brain injury, which was scheduled to expire this year. Through this commission and its continuation, resources will be available to our returning veterans.

HB 489-FN, relative to the New Hampshire medical malpractice joint underwriting association. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

The NH Medical Malpractice Joint Underwriting Association had one existing issue which needed to be addressed prior to moving this legislation forward. That issue was the tax liability. The tax liability was resolved in June of 2013. This legislation, with amendment, establishes a Blue Ribbon Commission to study the NH Medical Malpractice Joint Underwriting Association and to make recommendations for proposed legislation concerning its future, form and function. A report is due by the Commission on November 1, 2014.

Senate Executive Departments and Administration
January 16, 2014
2014-0111s
01/03

Amendment to HB 489-FN

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

AN ACT establishing a commission to study the New Hampshire medical malpractice joint underwriting association.

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

1 New Chapter; Commission to Study the New Hampshire Medical Malpractice Joint Underwriting Association. Amend RSA by inserting after chapter 404-H the following new chapter:

CHAPTER 404-I
COMMISSION TO STUDY THE NEW HAMPSHIRE MEDICAL
MALPRACTICE JOINT UNDERWRITING ASSOCIATION

404-I:1 Commission Established. There is hereby established a commission to study issues relative to the New Hampshire medical malpractice joint underwriting association (NHMMJUA).

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

- (a) One member of the senate, appointed by the senate president.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The insurance commissioner, or designee.
- (d) The commissioner of the department of health and human services, or designee.
- (e) A representative of the New Hampshire Association of Domestic Insurance Companies, appointed by the association.
- (f) A member of the board of directors of the NHMMJUA, appointed by the board.
- (g) A representative of the Dartmouth-Hitchcock Medical Center, nominated by the president of the medical center and appointed by the president of the senate.
- (h) A representative of New Hampshire Anthem Blue Cross Blue Shield, nominated by the president of the organization and appointed by the president of the senate.
- (i) A representative of Huggins Hospital in Wolfeboro, appointed by the president and CEO of the hospital.
- (j) A health care provider who is not a physician, appointed by the president of the senate
- (k) An attorney who specializes in taxation, appointed by the president of the senate.
- (l) A representative of the New Hampshire Medical Society who is or has been a policy holder of NHMMJUA, appointed by the society.

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

III. The commission shall study issues relating to the NHMMJUA and make recommendations for proposed legislation concerning its future, form, and function. The commission shall solicit information from any person or entity the commission deems relevant to its study.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting shall be called by the senate member within 30 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

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

2 Repeal. RSA 404-I, relative to establishing a commission to study the New Hampshire medical malpractice joint underwriting association, is repealed.

3 Effective Date.

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

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

2014-0111s

AMENDED ANALYSIS

This bill establishes a commission to study issues relative to the New Hampshire medical malpractice joint underwriting association (NHMMJUA).

JUDICIARY

HB 118, providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Because of the complexity of the legislation in its attempt to provide immunity from prosecution for seeking emergency assistance in alcohol and drug events, the Committee feels that a better approach to these difficult issues would be a study committee.

Senate Judiciary
January 7, 2014
2014-0035s
04/01

Amendment to HB 118

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

AN ACT establishing a committee to study granting immunity from criminal prosecution to certain persons involved in a drug- or alcohol-related emergency.

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

1 Committee Established. There is established a committee to study granting immunity from criminal prosecution to certain persons involved in a drug- or alcohol-related emergency.

2 Membership and Compensation.

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

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

(b) Six members of the house of representatives, 2 of whom shall be from the criminal justice and public safety committee, 2 of whom shall be from the health, human services and elderly affairs committee, and 2 of whom shall be from the judiciary committee, appointed by the speaker of the house of representatives.

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

3 Duties.

I. The committee shall study:

(a) The feasibility of granting immunity from criminal prosecution, including transactional immunity, to a person who is in need of medical assistance as the result of a drug- or alcohol-related emergency and to any person who seeks medical assistance for such a person during a drug- or alcohol-related emergency.

(b) Statutes in other states which grant immunity to a person who reports or sustains a drug- or alcohol-related emergency and the type of immunity granted.

(c) Legal and practical issues relating to the enforcement of a law granting immunity for drug- or alcohol-related emergencies.

(d) The frequency and nature of drug- and alcohol-related emergencies occurring on college and university campuses in this state and whether such emergencies would be adequately addressed by the passage of such legislation.

(e) Any other issue that the committee deems relevant to the purpose of this study.

II. The committee may solicit testimony from any person or organization with information or expertise which the committee deems relevant to the object of this study.

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

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

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

2014-0035s

AMENDED ANALYSIS

This bill establishes a committee to study granting immunity from criminal prosecution to certain persons involved in a drug- or alcohol-related emergency.

PUBLIC AND MUNICIPAL AFFAIRS

SB 216, relative to designating an alternate trustee of the trust fund. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

SB 216 permits the appointment of alternate trustees of the trust fund.

Public and Municipal Affairs

January 22, 2014

2014-0186s

06/03

Amendment to SB 216

Amend RSA 31:22 as inserted by section 1 of the bill by replacing it with the following:

31:22 Trustees. All such trusts shall be administered by a board of 3 trustees, unless a town at an annual or special town meeting votes that such trusts shall be administered by a board of 5 trustees. In towns with a board of 3 trustees, one trustee shall be elected by a ballot at each annual town meeting for a term of 3 years. In towns with a board of 5 trustees the 2 additional trustees shall be appointed initially by the selectmen, one for one year and one for 2 years. Thereafter all trustees shall be elected by ballot at the annual town meeting to replace those whose terms expire. The term of each trustee shall be 3 years. Vacancies shall be filled by the selectmen for the remainder of the term. ***The board may recommend to the appointing authority the names of no more than 2 persons who may serve as alternate members on the board. The alternate members shall be appointed to one-year terms.*** In cities said trustees shall be chosen and hold their office for such term as shall be provided for by city ordinance. Trustees shall organize by electing one of their number bookkeeper, who shall keep the records and books for the trustees, and shall require a voucher before making any disbursement of funds from said trusts.

SB 219, relative to funds received from the sale of cemetery lots. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

This bill permits a legislative body to determine whether funds received from the sale of a cemetery lot shall be deposited in the town's general fund or included in a cemetery trust fund.

Public and Municipal Affairs

January 15, 2014

2014-0107s

06/03

Amendment to SB 219

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

1 New Section; Funds Received from Sale of Cemetery Lots. Amend RSA 289 by inserting after section 2 the following new section:

289:2-a Funds Received from Sale of Cemetery Lots. Upon the sale of cemetery lots, the legislative body may, at any annual or special meeting, vote to determine whether funds received from such sale shall be deposited in the general fund of the town as a sale of town property or deposited with the trustees of trust fund for the maintenance of cemeteries under RSA 31:19-a.

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

SB 223, authorizing municipalities to enter into contracts for the private funding and repayment of construction of sewer systems. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

This bill allows municipalities to permit the sewer commissioners, or the appropriate governing body, to enter into a contract for the design, construction and funding of a new sewer or sewerage system and to provide for the repayment of the cost of funding using sewer rentals.

Public and Municipal Affairs
January 15, 2014
2014-0109s
10/03

Amendment to SB 223

Amend RSA 149-I:4-a, IV(e) as inserted by section 2 of the bill by replacing it with the following:

(e) The contract under this section shall not be considered complete and enforceable until the final agreement is approved by majority vote of the governing body of the municipality.

SB 225, relative to the city of Manchester employees' contributory retirement system. Ought to Pass with Amendment, Vote 5-0. Senator Boutin for the committee.

This bill revises the definition of spouse to eliminate a reference to civil unions. The bill also revises the eligibility criteria for Manchester school district employees. This bill is a request of the city of Manchester employees' contributory retirement system.

Public and Municipal Affairs
January 15, 2014
2014-0108s
10/05

Amendment to SB 225

Amend the bill by replacing section 2 with the following:

2 Manchester Employees' Contributory Retirement System; School District Employee Eligibility. Amend 1973, 218:7, IV(b) as amended by 2002, 194:1 and 2008, 90:3 to read as follows:

(b) Manchester school district employees shall be eligible if contracted for at least 30 hours per week, for a ~~[minimum of 180 days]~~ **contract year**, except in the case of school food and nutrition staff who ~~[must]~~ **customarily** work 20 hours per week, for a ~~[minimum of 180 days]~~ **contract year**.

SB 227, relative to library funds. Inexpedient to Legislate, Vote 5-0. Senator Stiles for the committee.

This bill removes the requirement that certain moneys received by library trustees be held in a separate fund. In discussions with trustees, the sponsor learned the intent of the bill can be accomplished administratively. The sponsor requested the bill be found inexpedient to legislate.

SB 236, relative to delivery of the final budget and recommendation of the municipal budget committee to the governing body. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

SB 236 allows municipalities with a municipal budget committee to deliver final budget and recommendations the Thursday before the last Monday in January.

Public and Municipal Affairs
January 23, 2014
2014-0201s
08/04

Amendment to SB 236

Amend RSA 40:13, II-b(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in February. One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing. ***In a political subdivision that has adopted a municipal budget committee pursuant to RSA 32:14, the last day for the budget committee to deliver copies of the final budget and recommendations to the governing body pursuant to RSA 32:16, IV shall be the Thursday before the last Monday in February.***

Amend RSA 40:13, II-c(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a and RSA 675:3 shall be held on or before the third Tuesday in March. One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing. ***In a political subdivision that has adopted a municipal budget committee pursuant to RSA 32:14, the last day for the budget committee to deliver copies of the final budget and recommendations to the governing body pursuant to RSA 32:16, IV shall be the Thursday before the last Monday in March.***

2014-0201s

AMENDED ANALYSIS

This bill allows municipalities with a municipal budget committee to deliver final budget and recommendations the Thursday before the last Monday in January, February, or March depending on when the municipality holds its annual meeting.

SB 272, relative to notice of voter registration. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

This bill authorizes the Secretary of State to provide notice of a voter registration to Supervisors of the Checklist in another state. This bill was requested by the Department of State.

Public and Municipal Affairs
January 16, 2014
2014-0118s
03/05

Amendment to SB 272

Amend the bill by replacing section 1 with the following:

1 Adding Name to Checklist; Notice. Amend RSA 654:13, I to read as follows:

I. If the supervisors decide to add the name of the applicant to the checklist, then they shall retain the original of the registration form for their own file, which shall be retained in accordance with RSA 33-A:3-a, forward one copy to the supervisors of the checklist of the city or town of the applicant's last voting address if said address is in the state of Vermont, Maine, Massachusetts, Connecticut, or Rhode Island, ~~[and send another copy to the clerk of their town or city]~~ ***or any state with which the secretary of state has established a mutual agreement for this purpose, and notify the clerk through the statewide centralized voter registration database. Alternatively, if the supervisors decide to add the name of the applicant to the checklist, then they shall retain the original of the registration form for their own file, which shall be retained in accordance with RSA 33-A:3-a, the secretary of state may, on behalf and at the request of the supervisors of the checklist, forward data included in the registration form to the state of the applicant's last voting address if said address is in the state of Vermont, Maine, Massachusetts, Connecticut, or Rhode Island, or any state with which the secretary of state has established a mutual agreement for this purpose, and notify the clerks and supervisors of the checklist through the statewide centralized voter registration database. If the state takes this action to notify another state of the voter's registration, the supervisors of the checklist shall not be required to notify their counterparts in the other state.*** Upon entry of the voter record in the statewide centralized voter registration database, the supervisors of the checklist in another New Hampshire city or town will receive notice through the statewide centralized voter registration database that the voter has moved.

SB 273, relative to information in the statewide centralized voter registration database. Ought to Pass, Vote 5-0. Senator Lasky for the committee.

SB 273 modifies the information contained in the statewide centralized voter registration database. The bill was a request of the Department of State.

SB 349, relative to the election of delegates to state party conventions. Ought to Pass, Vote 5-0. Senator Boutin for the committee.

This bill repeals provisions that would have eliminated, as of January 1, 2015, the requirement that delegates to state party conventions have to be elected in accordance with districts established by statute.

TRANSPORTATION

SB 210, relative to registration of vehicles by motor vehicle manufacturers. Ought to Pass, Vote 5-0. Senator Rausch for the committee.

This bill was requested by the Department of Safety. It adds vehicles in possession of a manufacturer during the manufacturing process to the manufacturer registration and allows a vehicle to utilize a manufacturer plate on a public way with the proper equipment. This is a pro-business bill to assist our manufacturing community.

SB 230, relative to the definition of utility terrain vehicles. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

The bill adds a definition of a utility terrain vehicle used as an off highway recreational vehicle. The Committee amended the bill to address a drafting error regarding the size of the OHRV permitted, specifying a maximum size of 62 inches.

Senate Transportation
January 15, 2014
2014-0095s
10/06

Amendment to SB 230

Amend RSA 215-A:1, XXIII as inserted by section 2 of the bill by replacing it with the following:

XXIII. "Utility terrain vehicle" means any mechanically propelled vehicle which is designed or adapted for travel over surfaces other than maintained roads with one or more tires or tracks equipped with a rollover protection system and/or safety belts, having capacity for passengers or other payloads, not in excess of 1,700 pounds net vehicle weight, and not to exceed 62 inches in overall width, excluding side mirrors. For purposes of this chapter, "utility terrain vehicle" shall include but not be limited to side-by-side, ROV, gator, buggy, and OHV and abbreviated as UTV, and all vehicles within this definition shall be classified as off highway recreational vehicles.

SB 232, relative to speed limits for off highway recreational vehicles and snowmobiles. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

This bill changes the speed limits for OHRVs and snowmobiles on roads and adjacent rights of way, and lowers the speed limit for OHRVs on trails, unless posted otherwise. The Committee feels these changes are a responsible and important update to our current statutes.

SB 246-FN, relative to penalties for speeding. Ought to Pass with Amendment, Vote 5-0. Senator Gilmour for the committee.

This bill was requested by the department of safety and establishes driving at a speed of 100 miles per hour or more as reckless driving. The Committee amended the bill from originally qualifying driving at those speeds from a misdemeanor to a violation under the reckless driving statute as recommended by the department of safety.

Senate Transportation
January 22, 2014
2014-0168s
03/05

Amendment to SB 246-FN

Amend the bill by replacing section 1 with the following:

1 Reckless Driving; Minimum Penalty; Speeding. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or causes a vehicle to be driven recklessly, as defined in RSA 626:2, II(c), or so that the lives or safety of the public shall be endangered, or upon a bet, wager, or race, or who drives a vehicle for the purpose of making a record, ***or who drives a vehicle at a speed of 100 miles per hour or greater***, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of title LXII, guilty of a violation and fined not less than \$500 ***plus penalty assessment*** for the first offense and \$750

plus penalty assessment for the second offense nor more than \$1,000 *plus penalty assessment* and his or her license *or operating privilege* shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense.

2014-0168s

AMENDED ANALYSIS

This bill adds driving a vehicle at a speed of 100 miles per hour or greater to the specific acts constituting reckless driving.

This bill was requested by the department of safety.

SB 248, establishing a committee to study policies and procedures for the development and maintenance of state-owned abandoned rail corridors. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

This bill establishes a committee to study policies and procedures for the development and maintenance of state-owned abandoned rail corridors. The Committee believes this a worthwhile endeavor to examine and improve upon our current processes.

SB 311, allowing reciprocity for off-highway recreational vehicle and snowmobile licenses issued by the fish and game department. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

The bill is in regards to allowing an agreement for reciprocal snowmobile riding privileges with the states of Vermont and Maine. The Committee amended the bill to authorize the executive director of the fish and game department to execute this agreement, with oversight of the Fiscal Committee. The Committee believes this bill supports economic growth in the North Country.

Senate Transportation

January 21, 2014

2014-0162s

05/10

Amendment to SB 311

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

AN ACT authorizing the executive director of the fish and game department to execute an agreement allowing reciprocal snowmobile riding privileges with the states of Vermont and Maine.

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

1 New Paragraph; Snowmobiles; Reciprocity With Vermont and Maine. Amend RSA 215-C:47 by inserting after paragraph I the following new paragraph:

I-a. The executive director may, upon agreement with the states of Vermont or Maine, or both, adopt a regional snowmobile registration endorsement agreement to allow reciprocal snowmobile riding privileges in participating states. The procedures and fees for such registration endorsement shall be established by agreement of the participating states, and the fees proposed in such agreement shall be approved by the fiscal committee of the general court. The executive director may adopt rules, pursuant to RSA 541-A, relative to procedures for the administration and enforcement of the regional endorsement agreement, the collection and use of funds generated by endorsement agreement fees, and periodic audits of endorsement agreement fees.

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

2014-0162s

AMENDED ANALYSIS

This bill authorizes the executive director of the fish and game department to execute a regional endorsement agreement allowing reciprocal snowmobile riding privileges with the states of Vermont and Maine.

SB 359, relative to coverage under motor vehicle liability policies. Ought to Pass, Vote 5-0. Senator Gilmour for the committee.

This bill addresses the situation when a driver with insurance over the minimum requirements, is involved in an accident while their license is suspended or revoked. This prevents the insurance companies from being required to automatically decrease the coverage to the minimum requirements. This bill will ease confusion and problems for NH insurance companies.

SB 372-FN-L, relative to a state infrastructure bank. Ought to Pass, Vote 5-0. Senator Stiles for the committee.

This bill establishes a state infrastructure bank. Although the federal funding for this bank is currently pending in the US Senate, the Committee believes this enabling legislation is an appropriate step for this pro-infrastructure bill.

WAYS AND MEANS

SB 61-FN, relative to table stakes poker. Inexpedient to Legislate, Vote 5-0. Senator Odell for the committee.

This bill sought to increase the amount of money an individual could wager in games of poker where chips have monetary value. In light of the recent report issued by the Gaming Regulatory Oversight Authority, which revealed substantial challenges in how NH regulates charitable gaming, the committee believes it would not be appropriate to enable any increases until the issues that were identified have been addressed.

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

Sens. Prescott and Sanborn are in opposition to the motion of Ought to Pass on SB 372 FN-L.

REGULAR CALENDAR REPORTS

COMMERCE

SB 91, relative to drug use not approved by the Food and Drug Administration. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Commerce
January 16, 2014
2014-0121s
01/03

Amendment to SB 91

Amend RSA 415:6-g, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) As a condition of coverage, impose use of an alternative drug not approved by the FDA for the indication being treated, unless such alternative drug is recognized for treatment of such indication in one of the standard reference compendia or in the medical literature as recommended by the American Medical Association (AMA). An override of such condition of coverage shall be expeditiously granted consistent with RSA 420-J:7-b, II whenever the prescriber can demonstrate that the alternative drug:

- (1) Has been ineffective in the treatment of the insured's medical condition in the past;***
- (2) Is expected to be ineffective based on the known relevant physical or mental characteristics of the insured and the known characteristics of the drug regimen;***
- (3) Will cause or will likely cause an adverse reaction or other physical harm to the insured; or***
- (4) Is not in the insured's best interest, based on medical necessity consistent with RSA 420-J:7-b, II.***

Amend RSA 415:18-j, I(b) as inserted by section 2 of the bill by replacing it with the following:

(b) As a condition of coverage, impose use of an alternative drug not approved by the FDA for the indication being treated, unless such alternative drug is recognized for treatment of such indication in one of the standard reference compendia or in the medical literature as recommended by the American Medical Association (AMA). An override of such condition of coverage shall be expeditiously granted consistent with RSA 420-J:7-b, II whenever the prescriber can demonstrate that the alternative drug:

- (1) Has been ineffective in the treatment of the insured's medical condition in the past;***
- (2) Is expected to be ineffective based on the known relevant physical or mental characteristics of the insured and the known characteristics of the drug regimen;***
- (3) Will cause or will likely cause an adverse reaction or other physical harm to the insured; or***
- (4) Is not in the insured's best interest, based on medical necessity consistent with RSA 420-J:7-b, II.***

2014-0121s

AMENDED ANALYSIS

This bill prohibits insurers from requiring use of a prescription drug for an indication not approved by the Food and Drug Administration unless certain circumstances exist.

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

The question is on the committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HB 200, relative to an employer's burden of proof in unemployment compensation hearings. Interim Study, Vote 4-1. Senator Bradley for the committee.

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

ENERGY AND NATURAL RESOURCES

SB 65-FN, relative to energy efficiency plans of gas and electric distribution companies. Interim Study, Vote 5-0. Senator Fuller Clark for the committee.

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

SB 266, relative to membership on the exotic aquatic weeds and species committee. Ought to Pass with Amendment, Vote 3-0. Senator Fuller Clark for the committee.

Energy and Natural Resources

January 22, 2014

2014-0179s

06/05

Amendment to SB 266

Amend the bill by replacing section 1 with the following:

1 New Subparagraphs; Exotic Aquatic Weeds and Species Committee; Membership. Amend RSA 487:30, II(a) by inserting after subparagraph (3) the following new subparagraphs:

(4) One member of the New Hampshire Rivers Council, appointed by the president of that organization.

(5) The executive director of the fish and game department, or designee.

(6) One member of the Connecticut River Watershed Council, appointed by the executive director of that organization.

(7) One member of the New Hampshire Marine Trades Association, appointed by the president of that organization.

(8) The commissioner of the department of environmental services, or designee.

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

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

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 141-FN, establishing the Granite State farm to plate program. Ought to Pass with Amendment, Vote 4-0. Senator Soucy for the committee.

Senate Executive Departments and Administration

January 9, 2014

2014-0051s

08/10

Amendment to SB 141-FN

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

1 New Section; The Granite State Farm to Plate Food Policy and Principles. Amend RSA 425 by inserting after section 2 the following new section:

425:2-a The Granite State Farm to Plate Food Policy and Principles.

I. It is the policy of the state of New Hampshire through the department of agriculture, markets, and food and in conjunction with other state agencies to encourage and support local food producers, farming, and fisheries including businesses engaged in agriculture, the raising and care of livestock, dairy, fishing, foraging, and aquaculture, agritourism, and the associated local and regional businesses that process, purchase, distribute, and sell such food throughout the state.

II. State agencies, including the department of agriculture, markets, and food; the department of resources and economic development; the department of health and human services; the department of environmental services, the department of transportation, and the department of education shall strive for inter-agency cooperation as well as cooperation with public and private entities to foster local, state, and regional food systems that adhere to the Granite State farm to plate principles below:

(a) Agriculture in New Hampshire represents a vital part of both the state's rural and urban economies and the larger food systems that connect it with the state's local and regional economies and the public.

(b) Consumer demand from individuals and institutions, including New Hampshire public schools, universities, child care facilities, after-school programs, restaurants, hospitals, and prisons, for locally grown and produced food is growing and deserves support from the state and state agencies.

(c) Support of local food economies is vital to public health of our residents and to the viability and livability of our communities.

(d) Increased access to healthy food occurs when local and regional community-based food production, processing, aggregation, distribution, marketing, and retail work together to build markets for healthy food.

(e) New Hampshire citizens and communities face social and environmental health issues connected to food, hunger, malnutrition, incidences of obesity, heart disease, type 2 diabetes, and other chronic diseases. Increased access to local, healthy food is needed to address such multifaceted issues.

(f) Local and regional food economies are a vital source of employment in our communities. Promoting the growth of such local food economies will enhance economic development and job growth throughout the state.

(g) Economic development opportunities among New Hampshire's cities and towns are facilitated by harmonizing local and state law and removing obstacles and excessive financial burdens to farms and associated businesses, including farmers' markets, cooperatives, food hubs, fisheries, and processing centers.

(h) When faced with the loss of productive farmland through government action, all levels of government shall consider the findings of the Farm Viability Task Force of 2006-2007 as well as consider advocating farmland preservation efforts that would permanently protect farmland with agricultural conservation easements that place priority on protection of agricultural resources and production to ensure our state's future capacity to produce food.

(i) The New Hampshire dairy industry is vital to the state's economy. It impacts state and local economies via millions of dollars in total economic output, thousands of jobs and millions more dollars in labor income. The dairy industry should be further supported through the Milk Producers Emergency Relief Fund as specified in RSA 184:107, and other methods that will encourage the success of the state's dairy industry.

(j) Federal governmental programs provide significant opportunities for the state to obtain federal funding that supports the development of local food systems, such as use of federal benefits at farmers' markets. Seeking such funding should be of the highest priority at all levels of government.

(k) Recognizing that a broad array of entities and organizations are already working together to promote New Hampshire local and regional food systems and participants, including agricultural producers, processors, distributors, and consumers, the input of such groups is vital to the construction of a more diverse and productive set of New Hampshire food systems.

III. To the extent possible, local governments shall consider the policy and principles of this section when adopting local law, or when enforcing existing law and regulation.

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

2014-0051s

AMENDED ANALYSIS

This bill establishes the Granite State farm to plate food policy and principles.

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

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

SB 181-FN-A, relative to restitution payments to financial resources management lenders. Interim Study, Vote 4-0. Senator Carson for the committee.

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

SB 285, relative to the board of dental examiners. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration

January 22, 2014

2014-0175s

08/05

Amendment to SB 285

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.

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

HB 234, relative to occupational and professional boards and commissions procedures concerning military service and occupational experience or training. Ought to Pass with Amendment, Vote 4-0. Senator Cataldo for the committee.

Senate Executive Departments and Administration

January 9, 2014

2014-0049s

10/08

Amendment to HB 234

Amend the introductory paragraph of RSA 332-G:7, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Every board or commission under this title shall adopt rules, when applicable, under RSA 541-A for:

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 591, relative to an abusive work environment and the health and safety of public employees. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

Senate Executive Departments and Administration

January 15, 2014

2014-0104s

06/03

Amendment to HB 591

Amend the bill by replacing section 3 with the following:

3 New Subdivision; Abusive Work Environment. Amend RSA 275-E by inserting after section 9 the following new subdivision:

Abusive Work Environment

275-E:10 Definitions. In this subdivision:

I. "Abusive conduct" means a pattern of incidents involving written, verbal, or electronic communications, or physical acts or gestures, or any combination thereof, directed at another employee or group of employees which intimidates, degrades, or humiliates the target. Such incidents may be overt or covert behavior, or both. Abusive conduct includes but is not limited to:

- (a) Constant and harsh displays of disrespect.
- (b) Behavior or language that frightens, degrades, or criticizes the employee alone or in public.
- (c) Encouraging others to turn against the targeted employee.
- (d) Ignoring or showing hostility towards an employee seeking information or assistance.
- (e) Using confidential information to publicly humiliate an employee.
- (f) Creating unrealistic demands, for example workload, deadlines, or duties, that set a worker up for failure.
- (g) Micromanaging a worker's time and tasks.
- (h) Constant and unreasonable criticism which is not part of a typical evaluation process.
- (i) Deliberately denying an employee access to information or resources necessary to properly complete a task.

II. "Abusive work environment" means an employment condition where any employee or group of employees subjects another employee or a group of employees to abusive conduct so severe that it causes tangible harm.

III. "Employee" shall mean any full or part-time, classified or unclassified officer or employee of any branch, department, commission, bureau, institution, or agency of the state government including employees of the general court, the retirement system, the judicial system, and the community college system.

IV. "Employer" means any branch, department, commission, bureau, agency, or agent of the state of New Hampshire, but shall not mean any political subdivisions of the state.

275-E:11 Written Policy. Each employer shall within 6 months after the effective date of this subdivision adopt and communicate to all employees a written policy prohibiting abusive conduct in the workplace. This policy shall include at minimum:

- I. A clear policy statement prohibiting abusive conduct.
- II. A statement prohibiting retaliation against a targeted employee, witness, or anyone who in good faith provides information about incidents of abusive conduct.
- III. A procedure which identifies all persons to whom an employee may report abusive conduct whether he or she is targeted or not. Such a procedure shall permit an employee to bypass his or her supervisor to report concerns of abusive conduct in the workplace.
- IV. A statement that written complaints related to abusive conduct by employees shall be filed within 25 work days of the occurrence.
- V. A procedure for employees to request and receive trained conflict resolution assistance within the workplace whether a formal complaint of abusive conduct is filed or not.
- VI. A written procedure for investigating reports of abusive conduct, to be initiated within 5 work days of the reported incident, that includes:
 - (a) Appointment of an impartial investigator from outside the agency, if possible.
 - (b) A time limit for investigations which shall not exceed 30 work days for a preliminary report unless exceptional circumstances exist.
 - (c) A provision for confidentiality of the investigation including discussions with witnesses and maintenance of documents.

(d) A procedure for reporting investigation conclusions to the targeted employee or employees, the perpetrators, the head of the agency, and the director of personnel of the department of administrative services within 10 work days of completion of the investigation.

(e) A provision that records related to the initial claim and investigation be retained in a secure manner for a period of 3 years.

VII. A neutral and timely appeals process to the commissioner of labor or the director of personnel of the department of administrative services if the complaint involves the department of labor.

VIII. A requirement that all documentation regarding the initial claim and all follow up investigations be provided to the commissioner of labor, or the director of personnel of the department of administrative services as appropriate for appealed cases.

IX. A requirement to distribute the policy to all new and current employees immediately upon adoption, and to train each employee and supervisor upon hiring or promotion and annually thereafter.

X. A provision for annual policy review and provision for change if needed.

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

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

Sen. Soucy, Dist. 18

January 30, 2014

2014-0319s

06/03

Floor Amendment to HB 591

Amend the bill by replacing section 3 with the following:

3 New Subdivision; Abusive Work Environment. Amend RSA 275-E by inserting after section 9 the following new subdivision:

Abusive Work Environment

275-E:10 Definitions. In this subdivision:

I. "Abusive conduct" means a pattern of incidents involving written, verbal, or electronic communications, or physical acts or gestures, or any combination thereof, directed at another employee or group of employees which intimidates, degrades, or humiliates the target. Such incidents may be overt or covert behavior, or both. Abusive conduct includes but is not limited to:

- (a) Constant and harsh displays of disrespect.
- (b) Behavior or language that frightens, degrades, or criticizes the employee alone or in public.
- (c) Encouraging others to turn against the targeted employee.
- (d) Ignoring or showing hostility towards an employee seeking information or assistance.
- (e) Using confidential information to publicly humiliate an employee.

(f) Creating unreasonable demands, for example workload, deadlines, or duties, that set a worker up for failure.

(g) Constant and unreasonable criticism which is not part of a typical evaluation process.

(h) Deliberately denying an employee access to information or resources necessary to properly complete a task.

II. "Abusive work environment" means an employment condition where any employee or group of employees subjects another employee or a group of employees to abusive conduct so severe that it causes tangible harm.

III. "Employee" shall mean any full or part-time, classified or unclassified officer or employee of any branch, department, commission, bureau, institution, or agency of the state government including employees of the general court, the retirement system, the judicial system, and the community college system.

IV. "Employer" means any branch, department, commission, bureau, agency, or agent of the state of New Hampshire, but shall not mean any political subdivisions of the state.

275-E:11 Written Policy. Each employer shall within 6 months after the effective date of this subdivision adopt and communicate to all employees a written policy prohibiting abusive conduct in the workplace. This policy shall include at minimum:

I. A clear policy statement prohibiting abusive conduct.

II. A statement prohibiting retaliation against a targeted employee, witness, or anyone who in good faith provides information about incidents of abusive conduct.

III. A procedure which identifies all persons to whom an employee may report abusive conduct whether he or she is targeted or not. Such a procedure shall permit an employee to bypass his or her supervisor to report concerns of abusive conduct in the workplace.

IV. A statement that written complaints related to abusive conduct by employees shall be filed within 25 work days of the occurrence.

V. A procedure for employees to request and receive trained conflict resolution assistance within the workplace whether a formal complaint of abusive conduct is filed or not.

VI. A written procedure for investigating reports of abusive conduct, to be initiated within 5 work days of the reported incident, that includes:

(a) Appointment of an impartial investigator from outside the agency, if possible.

(b) A time limit for investigations which shall not exceed 30 work days for a preliminary report unless exceptional circumstances exist.

(c) A provision for confidentiality of the investigation including discussions with witnesses and maintenance of documents.

(d) A procedure for reporting investigation conclusions to the targeted employee or employees, the perpetrators, the head of the agency, and the director of personnel of the department of administrative services within 10 work days of completion of the investigation.

(e) A provision that records related to the initial claim and investigation be retained in a secure manner for a period of 3 years.

VII. A neutral and timely appeals process to the commissioner of labor or the director of personnel of the department of administrative services if the complaint involves the department of labor.

VIII. A requirement that all documentation regarding the initial claim and all follow up investigations be provided to the commissioner of labor, or the director of personnel of the department of administrative services as appropriate for appealed cases.

IX. A requirement to distribute the policy to all new and current employees immediately upon adoption, and to train each employee and supervisor upon hiring or promotion and annually thereafter.

X. A provision for annual policy review and provision for change if needed.

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

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

FINANCE

SB 125-FN-A, restoring funding for the university system of New Hampshire and the community college system of New Hampshire. Inexpedient to Legislate, Vote 4-1. Senator Odell for the committee.

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

SB 217-FN, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union. Ought to Pass, Vote 4-2. Senator Bragdon for the committee.

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

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

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

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

Yeas: 11 - Nays: 13

Failed.

Recess. Out of recess.

Sen. Woodburn moved Inexpedient to Legislate.

The question is on the motion of Inexpedient to Legislate.

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

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

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

Yeas: 13 - Nays: 11

Adopted.

SB 241, establishing the division of economic development fund. Ought to Pass, Vote 6-0. Senator Odell for the committee.

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

SB 264-FN, requiring the election of benefits by certain members of the judicial retirement plan. Ought to Pass with Amendment, Vote 6-0. Senator Larsen for the committee.

Senate Finance
January 23, 2014
2014-0188s
10/08

Amendment to SB 264-FN

Amend RSA 100-C:18 as inserted by section 1 of the bill by replacing it with the following:

100-C:18 Notice of Election. Each member in active service as a judge, who was appointed prior to January 1, 2005, shall notify the plan in writing no later than September 30, 2014, as to whether such member intends to claim retirement benefits pursuant to one of the former judicial retirement statutes, RSA 490:2, RSA 491:2, RSA 502-A:6-a or RSA 547:2-a, instead of the retirement benefits paid pursuant to RSA 100-C. If an election is not made by that date the member shall only retire under the provisions of RSA 100-C. In the event that a judge elects to claim retirement benefits pursuant to one of the former judicial retirement statutes, that judge shall not be entitled to reimbursement for any contributions made pursuant to RSA 100-C:13 or RSA 100-C:14.

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 186, relative to the authority of the department of state. Interim Study, Vote 5-1. Senator Odell for the committee.

Sen. Odell moved to Lay on the Table HB 186.

The question is on the motion to Lay on the Table HB 186.

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

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

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

Yeas: 13 - Nays: 11

Adopted.

Sen. Bragdon asserts Rule 6-25 on HB 186.

Recess. Out of recess.

HB 624-FN, waiving the residency requirement for in-state tuition rates for veterans attending the university system of New Hampshire. Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance
January 9, 2014
2014-0043s
04/10

Amendment to HB 624-FN

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

AN ACT 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.

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

1 New Section; Waiver of Residency Requirements for Veterans. Amend RSA 187-A by inserting after section 20-b the following new section:

187-A:20-c Waiver of Residency Requirement for In-State Tuition For Veterans. A veteran of the armed forces who establishes a residence in New Hampshire shall immediately after establishing such residence be eligible for in-state tuition rates when attending any institution in the university system of New Hampshire.

2 New Section; Community College System of New Hampshire; Waiver of Residency Requirements for Veterans. Amend RSA 188-F by inserting after section 16 the following new section:

188-F:16-a Waiver of Residency Requirement for In-State Tuition For Veterans. A veteran of the armed forces who establishes a residence in New Hampshire shall immediately after establishing such residence be eligible for in-state tuition rates when attending any institution in the community college system of New Hampshire.

3 Capital Budget; 2011; Health and Human Services Project Amount Amended. Amend 2011, 253:1, VII, D to read as follows:

D. APS Repairs/Renovations-Roof, Windows and Curtain

Wall

[4,050,000] **3,675,000**

4 New Subparagraph; Capital Budget; 2011; Health and Human Services. Amend 2011, 253:1, VII by inserting after subparagraph Q the following new subparagraph:

R. New Hampshire hospital psychiatric crisis beds

375,000

5 Project Appropriation Lapse Date. The appropriation made to the department of health and human services in 2011, 253:1, VII, R, as inserted by section 4 of this act, for New Hampshire hospital psychiatric crisis beds, shall lapse on July 1, 2015.

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

2014-0043s

AMENDED ANALYSIS

This bill waives 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. This bill also provides the department of health and human services capital project funding for New Hampshire hospital psychiatric crisis beds.

The Chair ruled Committee Amendment 0043s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 0043s to SB 624-FN. Adopted by the necessary 2/3 vote.

The question is on the adoption of the Committee Amendment.

Recess. Out of recess.

The question is on the adoption of the Committee Amendment.

Sen. Pierce moved to divide the question: Sections 1-2 and 6; Sections 3-5 and 6.

The Chair ruled the question divisible.

The question is on the adoption of Committee Amendment Sections 1-2 and 6. Adopted

The question is on the adoption of Committee Amendment Sections 3-5 and 6. Adopted.

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

SPECIAL ORDER

Without objection, SB 193-FN is Special-Ordered to after lunch. Adopted by the necessary 2/3 vote.

HEALTH, EDUCATION AND HUMAN SERVICES

SB 213-FN, establishing a registry for physician orders for life-sustaining treatment. Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Health, Education and Human Services

January 21, 2014

2014-0149s

01/06

Amendment to SB 213-FN

Amend RSA 137-L:2, VII as inserted by section 1 of the bill by replacing it with the following:

VII. "POLST" means a provider order for life-sustaining treatment signed by a physician, advance practice registered nurse, or physician assistant.

Amend RSA 137-L:5, II as inserted by section 1 of the bill by replacing it with the following:

II. Except for the director of the division of fire standards and training and emergency medical services or designee, the term of office of each member shall be 3 years and until a successor is appointed and qualified. Initial members of the committee under subparagraphs I(a)-(g) shall serve staggered terms. Vacancies shall be filled in the same manner and for the unexpired terms. The council shall meet as necessary but at least 4 times per year at a time and place specified by the commissioner. Four members of the committee shall constitute a quorum. The department shall provide necessary staff support to the committee.

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

The question is on the adoption of the committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 235, relative to the patients' trust fund. Ought to Pass with Amendment, Vote 4-1. Senator Reagan for the committee.

Health, Education and Human Services

January 21, 2014

2014-0150s

01/06

Amendment to SB 235

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

AN ACT relative to the patients' trust fund.

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

1 Patients' Trust Fund. Amend RSA 151:24, III to read as follows:

III. A written receipt shall be given to a patient or a personal representative *of the patient* when personal funds and possessions are received by a facility [and]. The facility shall furnish the patient or a personal representative *of the patient* with a quarterly statement of the funds and possessions; *except that the New Hampshire hospital shall furnish a quarterly statement only upon request made by the patient or the personal representative of the patient.* The statement shall contain the items and amounts received, the sources, the disposition, and the date of each transaction. Upon the discharge of a patient, the facility shall furnish the patient or a personal representative with a final statement and return all personal funds and possessions not later than 10 days after discharge. Upon the death of a patient, the facility shall furnish the executor, administrator, or voluntary administrator, upon proof of appointment, all personal funds and possessions of the deceased patient.

2 Operating Budget; 2013; Acute Psychiatric Services Amended. Amend 2013, 143:1, accounting unit 05,95, 94, 940010, 8750, to read as follows:

05 HEALTH AND SOCIAL SERVICES
95 HEALTH AND HUMAN SVCS DEPT OF
94 HHS: NEW HAMPSHIRE HOSPITAL
940010 NEW HAMPSHIRE HOSPITAL
8750 ACUTE PSYCHIATRIC SERVICES

010 Personal Services-Perm. Classi	19,652,368	[19,921,527]	20,081,477
012 Personal Services-Unclassified	21,630,039	1,636,014	
017 FT Employees Special Payments	341,986	341,987	
018 Overtime	544,459	555,348	
019 Holiday Pay	448,564	457,535	
020 Current Expenses	90,000	91,800	
022 Rents-Leases Other than State	0	8,811	
030 Equipment	0	50,000	
041 Audit Fund Set Aside	5,101	5,203	
042 Additional Fringe Benefits	611,504	623,734	
050 Personal Service-Temp/Appointe	621,090	633,511	
060 Benefits	11,559,176	[12,181,370]	12,371,420
066 Employee training	25,000	25,000	
100 Prescription Drug Expenses *	1,500,534	1,540,675	
101 Medical Payments to Providers	722,270	741,575	
102 Contracts for program services	7,972,545	8,220,074	
501 Payments To Clients	59,400	61,182	
523 Client Benefits	1,745	1,832	
TOTAL	45,785,781	[47,038,367]	47,447,178
ESTIMATED SOURCE OF FUNDS FOR			
ACUTE PSYCHIATRIC SERVICES			
009 Agency Income	19,510,633	[19,993,973]	20,165,050
FEDERAL FUNDS	14,169,735	[14,560,205]	14,708,625
GENERAL FUND	12,105,413	[12,484,189]	12,573,502
TOTAL SOURCE OF FUNDS	45,785,781	[47,038,367]	47,447,178

3 Department of Health and Human Services; Establishing Acute Psychiatric Services Classified Positions. Established within the department of health and human services shall be the following classified positions:

Classification	No. of Positions	Labor Grade
Ward Clerk	2	10
Nurse Specialist	2	25
Registered Nurse III	9	23
Mental Health Worker II	16	11
Psychiatric Social Worker	1	23
Health Facility Cleaner II	2	08

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

2014-0150s

AMENDED ANALYSIS

This bill allows the department of health and human services to utilize certain capital project funding for New Hampshire hospital psychiatric crisis beds and makes an adjustment to the operating budget to establish certain positions.

The Chair ruled Committee Amendment 0150s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 0150s to SB 235. 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 the Committee on Finance (Rule 4-5).

SB 256, requiring health care facilities to implement a process to inform patients about palliative care options. Interim Study, Vote 4-0. Senator Gilmour for the committee.

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

SB 259-FN-A, establishing a palliative care center for health care consumers and providers and continually appropriating a special fund. Ought to Pass with Amendment, Vote 4-0. Senator Reagan for the committee.

Health, Education and Human Services

January 21, 2014

2014-0156s

01/03

Amendment to SB 259-FN-A

Amend the introductory paragraph of RSA 126-Y:2, I as inserted by section 1 of the bill by replacing it with the following:

I. The center shall be governed by a board of directors consisting of 10 members as follows:

Amend RSA 126-Y:2, I(i) as inserted by section 1 of the bill by replacing it with the following:

(i) A representative of the New Hampshire Hospice and Palliative Care Organization, appointed by the organization.

(j) An attorney specializing in end-of-life decision making, appointed by the New Hampshire Bar Association.

Amend RSA 126-Y:2, III as inserted by section 1 of the bill by replacing it with the following:

III. The members appointed under subparagraphs (e)-(j) shall be appointed to a term of 3 years; provided that the initial terms shall be staggered. Vacancies shall be filled for the unexpired term of office in the same manner as the original appointment. Members may serve successive terms.

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

The question is on the adoption of the committee recommendation of Ought to Pass as Amended. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

JUDICIARY

SB 151-FN, relative to the payment of witness fees in criminal cases. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Judiciary

January 7, 2014

2014-0040s

01/04

Amendment to SB 151-FN

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

AN ACT relative to the payment of witness fees and other fees for services in criminal cases.

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

1 Payment of Witnesses in Criminal Cases. RSA 592-A:12 is repealed and reenacted to read as follows:

592-A:12 Payment of Witnesses in Criminal Cases. Any person who attends any court for the state in criminal cases pursuant to subpoena shall be paid the witness fees provided by RSA 516:16. Any such person shall sign a witness log, which shall be available in the office of the clerk of court, on which the individual shall provide the following information: name, mailing address, and the name of the case for which the person was subpoenaed. The prosecuting agency shall review the log each day and certify that each individual appeared as indicated on the log. The attorney general shall pay all witness fees to all such persons who are entitled to such fees.

2 Indigent Defendants; Appointment of Counsel. Amend RSA 604-A:2, I to read as follows:

I. In every criminal case in which the defendant is charged with a felony or a class A misdemeanor and appears without counsel, the court before which he *or she* appears shall advise the defendant that he *or she* has a right to be represented by counsel and that counsel will be appointed to represent him *or her* if he *or she* is financially unable to obtain counsel. Unless the defendant waives the appointment of counsel, if the defendant indicates to the court that he *or she* is financially unable to obtain counsel, the court shall instruct the defendant to complete a financial affidavit in such form as designated by the unit of cost containment. If after review of the financial affidavit and application of the rules established pursuant to RSA 604-A:10, IV the commissioner of administrative services, is satisfied that the defendant is financially unable to obtain counsel, the court shall appoint counsel to represent him *or her*; provided, however, that in any case in which the defendant is charged with a capital offense, the court may appoint 2 counsel to represent him *or her*. Whenever defendants have such conflicting interests that they cannot be properly represented by the same counsel, or when other good cause is shown, the court shall appoint separate counsel for each of them. ***In a post-conviction proceeding in which a defendant seeks to attack the validity of an underlying conviction, the court shall appoint counsel or approve a request for services other than counsel only when the interests of justice or judicial economy so require.***

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

2014-0040s

AMENDED ANALYSIS

This bill clarifies the procedure for payment of witnesses in criminal cases.

This bill also clarifies payment for services in a post-conviction proceeding.

The Chair ruled Committee Amendment 0040s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 0040s to SB 151-FN. Adopted by the necessary 2/3 vote.

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

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

SB 249, relative to judicial performance evaluations. Ought to Pass, Vote 4-0. Senator Carson for the committee.

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

SB 263, allowing state court judges to solemnize marriages. Ought to Pass, Vote 4-0. Senator Carson for the committee.

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

HB 153, prohibiting the designation of industrial hemp as a controlled substance. Ought to Pass with Amendment, Vote 4-1. Senator Carson for the committee.

Senate Judiciary

January 9, 2014

2014-0050s

08/10

Amendment to HB 153

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

AN ACT establishing a committee to study the growth and sale of industrial hemp in 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 growth and sale of industrial hemp in New Hampshire. For the purposes of this section, “industrial hemp” means all parts and varieties of the plant *Cannabis sativa L.*, whether growing or not, that contain a tetrahydrocannabinol (THC) concentration of 0.3 percent or less by weight.

2 Membership and Compensation.

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

(a) Two members of the house environment and agriculture committee, appointed by the speaker of the house.

(b) One member of the house resources, recreation and development committee, appointed by the speaker of the house.

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

(d) One member of the house executive departments and administration committee, appointed by the speaker of the house.

(e) One member of the house criminal justice and public safety committee, appointed by the speaker of the house.

(f) 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 of the Committee. The committee shall:

I. Assess the potential viability of industrial hemp as an agronomic and economic crop for New Hampshire, including discussing whether locally grown hemp can compete on price and quality with hemp imported from Asia while realizing a profit for New Hampshire growers.

II. Determine production needs and technical guidance for the growth of industrial hemp, including climate and land resource suitability, length of production season, soil/fertility needs, planting and harvesting equipment needed, crop storage requirements, and processing equipment necessary.

III. Evaluate the potential markets for industrial hemp grown in New Hampshire, including identifying potential buyers and purposes for industrial hemp products, and requirements for processing industrial hemp.

IV. Assess any fiscal impact on state and local law enforcement as well as the department of agriculture, markets, and food.

V. Develop policies and procedures for handling and destroying any hemp grown not in compliance with federal and state regulations.

VI. Recommend penalties for industrial hemp growers who cultivate a product containing too much THC.

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

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

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

2014-0050s

AMENDED ANALYSIS

This bill establishes a committee to study the growth and sale of industrial hemp in New Hampshire.

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 583, relative to proceedings of medical injury claims screening panels. Ought to Pass, Vote 4-1. Senator Carson for the committee.

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

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

The following Senators voted Yes: Lasky, Carson, Soucy.

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

Yeas: 3 - Nays: 21

Failed.

Sen. Bradley moved Inexpedient to Legislate.

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

Recess. Out of recess.

President Morse rescinded ordering SB 91 to the Committee on Finance. SB 91 was ordered to Third Reading.

SPECIAL ORDER

Without objection, SB 193-FN is Special-Ordered to after Transportation. Adopted by the necessary 2/3 vote.

PUBLIC AND MUNICIPAL AFFAIRS

SB 36-L, relative to the property tax exemption for veterans who are totally and permanently disabled from service connection. Inexpedient to Legislate, Vote 5-0. Senator Stiles for the committee.

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

Sen. Bragdon is in opposition to the motion of Inexpedient to Legislate on SB 36-L.

SB 183-FN, relative to proof of identity by voters. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

Public and Municipal Affairs

September 20, 2013

2013-2239s

03/04

Amendment to SB 183-FN

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

AN ACT relative to identification of voters, processing absentee ballots, and voluntary political expenditure limitations.

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

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

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

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

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

2 Obtaining a Ballot. Amend RSA 659:13, II(b) to read as follows:

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

3 Processing Absentee Ballots. Amend RSA 659:49 to read as follows:

659:49 Processing Absentee Ballots.

I. Processing of previously received absentee ballots shall begin ***at 10:00 a.m. for polls that open no later than 9:00 a.m. For polling places that open after 9:00 a.m. the processing of absentee ballots shall begin*** at 1:00 p.m. ***At least 24 hours before the polls open, the moderator, or his or her designee, shall post at the polling place and one other public location the time at which the processing of absentee ballots shall begin.*** The processing of the absentee ballots shall not unnecessarily interfere with normal voting procedures, nor shall the polls be closed at any time ~~[during the]~~ ***for the*** processing of such ballots ***during normal polling hours***. Absentee ballots which are received after ~~[1:00 p.m.]~~ ***the start time for processing absentee ballots*** and prior to 5:00 p.m. ***on the day of the election*** shall be processed as soon after receipt as possible. Under no circumstances shall absentee ~~[ballots]~~ ***ballot votes*** be counted prior to the closing of the polls.

II. Notwithstanding the provisions of paragraph I, upon the written challenges of 10 or more voters who are present at the polls no later than ~~[1:00 p.m.]~~ ***the posted start time for processing absentee ballots***, the moderator shall postpone the processing of all absentee ballots until after the polls close and prior to the counting of all ballots cast in the election.

4 Political Expenditure Limitation Amounts. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

- (a) ~~[\$625,000]~~ ***\$1,000,000*** in a state primary election.
- (b) ~~[\$625,000]~~ ***\$1,000,000*** in a state general election.

~~[I-a. For United States senator:~~

- ~~(a) \$625,000 in a state primary election.~~
- ~~(b) \$625,000 in a state general election.~~

~~II. For representative to Congress:~~

- ~~(a) \$350,000 in a state primary election.~~
- ~~(b) \$350,000 in a state general election.]~~

~~[II.]~~ ***II.*** For executive council:

- (a) ~~[\$50,000]~~ ***\$75,000*** in a state primary election.
- (b) ~~[\$50,000]~~ ***\$75,000*** in a state general election.

~~[IV.]~~ ***III.*** For state senate:

- (a) ~~[\$20,000]~~ ***\$50,000*** in a state primary election.
- (b) ~~[\$20,000]~~ ***\$50,000*** in a state general election.

~~[V.]~~ ***IV.*** For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

- (a) ~~[\$.50]~~ ***\$1.00*** per registered voter in the district or the county in a state primary election.
- (b) ~~[\$.50]~~ ***\$1.00*** per registered voter in the district or the county in a state general election.

[VI.] V. For the purposes of this section, RSA 664:5-a, and the enforcement provisions of this chapter, “total expenditures” shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on the candidate’s behalf by the candidate’s committee or committees, the candidate’s party, and the candidate’s immediate family. For candidates for governor, United States senator, representative to Congress, state senate, state representative, and executive council, “total expenditures” shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy. Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

5 Repeal. RSA 659:46, relative to delivery of absentee ballots to moderator, is repealed.

6 Effective Date.

I. Section 2 of this act shall take effect September 1, 2015, at 12:03 a.m.

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

2013-2239s

AMENDED ANALYSIS

This bill:

I. Clarifies additional forms of identification for voters.

II. Eliminates certain restrictions relating to when absentee ballots may be processed.

III. Increases voluntary campaign expenditure limits.

The Chair ruled Committee Amendment 2239s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 2239s to SB 183-FN. Adopted by the necessary 2/3 vote.

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

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

SB 186, relative to training of certain board officers of nonprofit corporations. Inexpedient to Legislate, Vote 3-2. Senator Lasky for the committee.

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

Sen. Bragdon asserts Rule 6-25 on SB 186.

Sen. Odell moved Ought to Pass.

Sen. Odell offered a floor amendment.

Sen. Odell, Dist. 8

Sen. Carson, Dist. 14

Sen. Boutin, Dist. 16

January 29, 2014

2014-0301s

03/05

Floor Amendment to SB 186

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

1 Purpose. The purpose of this act is to safeguard publicly supported funds in the amount of \$250,000 or more in the aggregate from all units of government, federal, state, and local, that are received under provisions of contracts, grants, and provider agreements or similar means by nonprofit corporations and to deter waste, fraud, and abuse of such funds.

2 New Section; Voluntary Corporations; Training Requirements. Amend RSA 292 by inserting after section 6-b the following new section:

292:6-c Training Requirements; Reporting; Compliance.

I. Every voluntary corporation that receives \$250,000 or more in the aggregate of publicly supported funds under provisions of contracts, grants, and provider agreements or similar means shall ensure that the chairperson or presiding officer of its board of directors, or a board member as his or her designee, shall receive training on a biennial basis with respect to the fundamental management and administrative requirements for nonprofit and charitable organizations. Under this section training shall be conducted by a person or entity independent from and not connected to the corporation whose representatives are being trained. Training shall be of at least 4 hours duration and shall include, but not be limited to, instruction on fiduciary responsibilities, financial controls, relative responsibility and authority of boards of directors and corporation employees, ethics, and federal and state laws and regulations governing nonprofit corporations. Any person assuming a position covered by this section shall complete the required training within 4 months of assuming such position. A voluntary corporation's board of directors may defer, for no more than one year, training for any person who received the required training during the prior year.

II. Every voluntary corporation covered by this section shall report annually to the New Hampshire department of justice, division of charitable trusts on its compliance with the requirements of this section. The report shall include information on the person required to be trained, the person or entity providing the training, and the date, duration, and subject matter of the training provided and shall be in such form as determined by the division of charitable trusts.

III. The director of the division of charitable trusts may impose a penalty on any publicly supported voluntary corporation for each failure to comply with a provision of this section. The division of charitable trusts shall adopt administrative rules pursuant to RSA 541-A regarding the policy and procedures for penalties under this section.

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

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

Sen. Bragdon asserts Rule 6-25 on SB 186.

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

Sen. Bragdon is in favor of the motion of Ought to Pass with Amendment on SB 186.

Sen. Bragdon asserts Rule 6-25 on SB 186.

SB 365, relative to appointments and nominations to boards, commissions, or other entities by the New Hampshire Municipal Association. Inexpedient to Legislate, Vote 3-2. Senator Boutin for the committee.

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

Sen. Bragdon is in favor of the motion of Inexpedient to Legislate on SB 365.

Sen. Bragdon asserts Rule 6-25 on SB 365.

TRANSPORTATION

SB 247, relative to ignition interlock device removal. Ought to Pass with Amendment, Vote 5-0. Senator Gilmour for the committee.

Senate Transportation

January 15, 2014

2014-0093s

03/10

Amendment to SB 247

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

AN ACT relative to ignition interlock device violations and interlock device removal protocols.

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

1 New Section; Ignition Interlock Device Removal Protocol. Amend RSA 265-A by inserting after section 38 the following new section:

265-A:38-a Ignition Interlock Device Removal Protocol.

I. Prior to the removal of an ignition interlock device from a vehicle, the interlock service provider shall obtain from the department's interlock coordinator a certificate of removal effective on the expiration date of the interlock order provided the driver has not committed an interlock violation within the preceding 120-day period. As used in this section "interlock violation" means:

- (a) Operating a motor vehicle without an interlock device.
- (b) Soliciting or allowing any other person to provide a breath sample to an interlock device or to start an interlock equipped vehicle for the purpose of providing the person so restricted with an operable motor vehicle.
- (c) Using any means other than providing a breath sample directly from the operator's mouth into the device in order to supply an air sample to the device.
- (d) An attempt to tamper with or circumvent the interlock device.
- (e) A failed rolling retest in which the operator's breath alcohol concentration registered at or above 0.05.
- (f) Two failed rolling retests within a single service period in which the operator's breath alcohol concentration registered above 0.03.
- (g) Two lockouts due to missed rolling retests.
- (h) Two missed service visits.

II. If the restricted person has one or more interlock violations within the 120 days prior to the request for removal of the interlock, the commissioner shall refuse to issue a removal certificate and shall order that the person continue to have an interlock device or enhanced technology interlock device in any vehicle registered to or used by that person for an additional period of 120 days or until the individual has been violation-free for such extended period, whichever is the later.

III. An operator who is identified as having committed an ignition interlock violation may request a hearing with the bureau of hearings to determine by a preponderance of the evidence whether such violation occurred. The department shall notify the operator of this right to a hearing, however the interlock shall not be removed from the vehicle while such hearing is pending.

IV. If after a hearing the commissioner determines that the scope and nature of an operator's violations of the provisions of this section are so significant or flagrant that the interests of public safety are at risk, the commissioner may also revoke any vehicle registrations in the name of the operator, as well as the registrations of vehicles the operator has access to, and prevent further registrations from issuing.

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

2014-0093s

AMENDED ANALYSIS

This bill establishes requirements for removing an ignition interlock device.

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

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

SPECIAL ORDER

Without objection, SB 193-FN is Special-Ordered to the end of the calendar. Adopted by the necessary 2/3 vote.

WAYS AND MEANS

SB 118-FN-A, increasing the annual limit on the new investment tax credit. Inexpedient to Legislate, Vote 4-1. Senator Odell for the committee.

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

SB 243, relative to the carry forward of a credit against the business profits tax and relative to rulemaking concerning the real estate transfer tax. Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

Senate Ways and Means

January 21, 2014

2014-0145s

10/05

Amendment to SB 243

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

AN ACT relative to the carry forward of a credit against the business profits tax, rulemaking concerning the real estate transfer tax, the disclosure of certain department of revenue administration records, and the tax on unstamped tobacco products.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 7:

3 Department of Revenue Administration Records; Disclosure. Amend RSA 21-J:14, V(b) to read as follows:

(b) Disclosure of department records, files, or returns to the United States Department of Treasury, *United States Department of Justice*, and United States Food and Drug Administration in accordance with compacts for the exchange of information between the department and the bureaus within the Department of Treasury, *the Department of Justice*, and the Food and Drug Administration, but only for the purpose of, and to the extent necessary in, the administration of federal tax laws, and related statutes.

4 Tobacco Tax; Unstamped Tobacco Products. Amend RSA 78:14 to read as follows:

78:14 Unstamped Tobacco Products. No sub-jobber, vending machine operator, or retailer, and no other person who is not licensed under the provisions of this chapter or licensed under the provisions of RSA 178, shall sell, offer for sale, display for sale, ship, store, import, transport, carry, or possess with or without intent to sell, any tobacco products not properly stamped under RSA 78:12 or 78:13, ~~[except as provided in]~~ **or reported under** RSA 78:12, II. This section shall not prevent any unlicensed person able to purchase unstamped tobacco products by statute from possessing such products for his or her own use or consumption, if the tax otherwise due under this chapter is paid by the unlicensed person to the department directly. The provisions of this section shall not apply to common carriers transporting unstamped tobacco products. Any person who violates the provisions of this section shall be guilty of a felony.

5 Tobacco Tax; Forfeiture of Unstamped Products. Amend RSA 78:16, I to read as follows:

I. ~~[Unless the tobacco products are subject to the exemption under RSA 78:12, II,]~~ Tobacco products found at any place in this state without the necessary ~~[stamps affixed to them]~~ **documentation to evidence the payment of the tax imposed by this chapter**, unless they shall be in the possession of a licensed manufacturer or wholesaler, or unless they shall be in the course of transit by common carrier from a bonded warehouse and consigned to a licensed manufacturer, wholesaler, or anyone exempted by statute, shall be declared to be contraband goods and subject to forfeiture to the state.

6 Tobacco Tax; Records. Amend RSA 78:18 to read as follows:

78:18 Required Taxpayer Records.

I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form for records of all tobacco products manufactured, produced, purchased, and sold. Each manufacturer, wholesaler, sub-jobber, vending machine operator, and retailer shall keep complete and accurate records of all such tobacco products. Such records shall be safely preserved for 3 years in such manner as to insure permanency and accessibility for inspection by the commissioner and the commissioner's authorized agents. **Retailers of unstamped tobacco products shall keep such records, as determined by the commissioner, that document the tax imposed on unstamped tobacco products by this chapter has been paid in full.**

II. The commissioner and the authorized agents may examine the books, papers, and records of any manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer doing business in this state, for the purpose of determining whether the tax imposed by this chapter has been fully paid, and they may investigate and examine the stock of tobacco products in or upon any premises where such tobacco products are possessed, stored, or sold, for the purpose of determining whether the provisions of this chapter are being obeyed. Each sampler shall keep complete and accurate records of tobacco products distributed free to consumers in New Hampshire for promotional purposes. The commissioner and the commissioner's authorized agents may examine such records.

2014-0145s

AMENDED ANALYSIS

This bill clarifies certain statutes administered by the department of revenue administration, including:

I. The taxable years for which the business profits tax credit for business enterprise tax paid may be carried forward.

II. Allowing rules concerning the real estate transfer tax to include examples.

III. The disclosure of records of the department of revenue administration to the federal Department of Justice.

IV. Payment of tax on unstamped tobacco products.

This bill is a request of the department of revenue administration.

The Chair ruled Committee Amendment 0145s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 0145s to SB 243. 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.

SB 255-FN, establishing an innovation business tax incentive program and credit against interest and dividend taxes. Inexpedient to Legislate, Vote 3-2. Senator Rausch for the committee.

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

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

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.

SB 312-FN-A, establishing a job creation credit against the business profits tax and the business enterprise tax for small businesses increasing employment in New Hampshire. Inexpedient to Legislate, Vote 4-1. Senator Odell for the committee.

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

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

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

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

Yeas: 13 - Nays: 11

Adopted.

SB 316-FN, establishing a call center job creation tax credit against the business profits tax. Inexpedient to Legislate, Vote 3-2. Senator Rausch for the committee.

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

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

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.

SB 333, relative to property taxation of manufactured housing. Ought to Pass, Vote 5-0. Senator Hosmer for the committee.

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

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

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: 0

Yeas: 24 - Nays: 0

Adopted.

HEALTH, EDUCATION AND HUMAN SERVICES

SB 343, establishing a commission to study the common core standards. Ought to Pass with Amendment, Vote 5-0. Senator Kelly for the committee.

This bill with the committee amendment authorizes the Statewide Education Improvement and Assessment Legislative Oversight Committee to examine common core standards and New Hampshire's current educational standards. The amendment would also repeal the SAU oversight committee.

Health, Education and Human Services

January 21, 2014

2014-0148s

04/05

Amendment to SB 343

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

AN ACT relative to the duties of the statewide education improvement and assessment program legislative oversight committee and repealing the school administrative unit legislative oversight committee.

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

1 New Paragraph; Statewide Education Improvement and Assessment Program; Duties of the Legislative Oversight Committee. Amend RSA 193-C:8 by inserting after paragraph X the following new paragraph:

XI.(a) Compare the current educational standards with common core standards, to determine which contains the level of rigor that the New Hampshire students will need to enter a higher educational program and to succeed in the 21st century;

(b) Examine how the common core standards relate to New Hampshire's current standards, and examine the impact, if any, of applying national standards to local schools;

(c) Examine whether the common core standards remove local input from what teachers should teach; and

(d) Study whether common core standards are at least as rigorous as New Hampshire's current educational standards and examine the impact, if any, at the local level of the use of common core standards.

2 Repeal. The following are repealed:

I. RSA 194-C:11, relative to the school administrative unit legislative oversight committee.

II. RSA 194-C:12, relative to the duties of the school administrative unit legislative oversight committee.

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

2014-0148s

AMENDED ANALYSIS

This bill adds duties to the statewide education improvement and assessment program legislative oversight committee related to studying the common core state standards and repeals the school administrative unit legislative oversight committee.

The Chair ruled Committee Amendment 0148s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the introduction of non-germane Committee Amendment 0148s to SB 343. 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.

HEALTH, EDUCATION AND HUMAN SERVICES

SB 193-FN, relative to dental therapists and access to oral health care. Ought to Pass with Amendment, Vote 3-2. Senator Gilmour for the committee.

Health, Education and Human Services

January 7, 2014

2014-0028s

01/04

Amendment to SB 193-FN

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

AN ACT relative to dental hygiene practitioners and access to oral health care.

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

1 Statement of Purpose. The general court recognizes that access to oral health care services for New Hampshire's children, elderly, minority populations, low income adults, and people with developmental disabilities and special medical needs remains sporadic and unreliable, particularly in sparsely populated areas of our state. In New Hampshire, the distribution of dentists and the current dental workforce lacks the capacity to meet the needs of the underserved, resulting in inadequate access to care for those who need it most. Numerous independent studies have determined that dental hygiene practitioners are a pragmatic, cost-effective workforce model that safely provides quality oral health care services to otherwise underserved populations and regions. Dental hygiene practitioners and therapists have been providing such care and services in more than 50 countries for nearly 90 years. Under the supervision of a dentist, dental hygiene practitioners are an extension of the dental team, reaching populations not served by the existing dental delivery system. Dental hygiene practitioners are a vital, best practice workforce approach to addressing oral health access challenges for underserved populations and regions in New Hampshire.

2 Dental Hygienists and Dental Hygiene Practitioners. Amend the subdivision heading preceding RSA 317-A:21 to read as follows:

Dental [Hygienist] ***Hygienists and Dental Hygiene Practitioners***

3 New Sections; Dental Hygiene Practitioners. Amend RSA 317-A by inserting after section 22 the following new sections:

317-A:22-a Dental Hygiene Practitioners.

I. "Dental hygiene practitioner" means a licensed dental hygienist who also is licensed, under this chapter, to perform the services authorized in this section under the supervision of a licensed dentist as provided in RSA 317-A:22-b.

II. A licensed dental hygiene practitioner, under the supervision of a licensed dentist and subject to the limitations and requirements of a written practice agreement under RSA 317-A:22-b, may perform the following dental services:

(a) Oral health instruction and disease prevention education, including nutritional counseling and dietary analysis.

(b) Dental charting, including periodontal screening exam.

(c) Radiographs.

(d) Dental prophylaxis, including removal of visible calculus.

(e) Mechanical polishing.

(f) Application of topical preventive or prophylactic agents, including fluoride varnishes, antimicrobial agents, and pit and fissure sealants.

(g) Pulp vitality testing.

(h) Application of desensitizing medication or resin.

(i) Fabrication of athletic mouthguards.

(j) Placement of temporary restorations.

(k) Fabrication of soft occlusal guards.

(l) Tissue conditioning and soft reline.

(m) Placement of interim therapeutic restorations.

(n) Periodontal dressing changes.

(o) Tooth reimplantation and stabilization.

(p) Administration of local anesthetic.

(q) Oral evaluation and assessment of dental disease.

(r) Formulation of an individualized treatment plan, including services within the dental hygiene practitioner scope of practice and referral for services outside of the dental hygiene practitioner scope of practice.

(s) Extractions of primary teeth.

(t) Nonsurgical extractions of permanent teeth, provided that, the dental hygiene practitioner shall not extract a tooth for any patient if the tooth is unerupted, impacted, fractured, or needs to be sectioned for removal.

(u) Emergency palliative treatment of dental pain.

(v) Placement and removal of space maintainers.

(w) Cavity preparation.

(x) Restoration of primary and permanent teeth with amalgam and composite filling materials.

(y) Placement of temporary crowns.

(z) Preparation and placement of preformed crowns.

(aa) Pulpotomies on primary teeth.

(bb) Indirect and direct pulp capping on primary and permanent teeth.

(cc) Suture removal.

(dd) Brush biopsies.

(ee) Repair of defective prosthetic devices.

(ff) Recementing of permanent crowns.

317-A:22-b Dental Hygiene Practitioner Supervision.

I. A dental hygiene practitioner shall practice under the supervision of a dentist currently licensed under this chapter through a written practice agreement. A written practice agreement is a signed document that outlines the functions, agreed upon by the supervising dentist and dental hygiene practitioner, that the dental hygiene practitioner is authorized to provide within the scope of RSA 317-A:22-a. The dental hygiene practitioner shall provide care that follows written protocols and services that the dental hygiene practitioner is authorized to provide by the dentist.

II. Under dental hygiene practitioner supervision, dental hygiene practitioner services may be provided to an individual patient without the patient first seeing a dentist for an examination, diagnosis, or treatment plan if the supervising dentist has provided the dental hygiene practitioner with written authorization and standing protocols for the services and reviews the dental hygiene practitioner patient records at least once in a 12-month period, as provided in the written practice agreement. The supervising dentist shall personally examine the patient, face to face or via teledentistry, for all cases that the standing protocols require.

III. The written practice agreement between a supervising dentist and dental hygiene practitioner may limit the dental hygiene practitioner's scope of practice set forth in RSA 317-A:22-a, II and shall, at a minimum, contain the following elements:

(a) Any limitations on dental hygiene practitioner services or procedures otherwise authorized in the dental hygiene practitioner scope of practice set forth in RSA 317-A:22-a, II.

(b) Practice settings where services and procedures may be provided.

(c) Age and procedure-specific practice protocols, including case selection criteria, assessment guidelines, and imaging frequency.

(d) A procedure for obtaining informed consent, and for creating and maintaining dental records, for patients treated by the dental hygiene practitioner.

(e) A plan for review by the supervising dentist of dental hygiene practitioner patient records.

(f) A plan to manage medical emergencies in each practice setting where the dental hygiene practitioner provides care.

(g) A quality assurance plan for monitoring care provided by the dental hygiene practitioner, including patient care review, referral follow-up, and a quality assurance chart review.

(h) Protocols for administering and dispensing medications, including the specific circumstances under which the medications may be dispensed and administered.

(i) Criteria relating to the provision of care to patients with specific medical conditions or complex medical histories, including requirements for consultation prior to the initiation of care.

(j) Specific written protocols, including a plan for the provision of clinical resources and/or referrals, governing situations where the dental hygiene practitioner encounters a patient requiring treatment that exceeds the dental hygiene practitioner scope of practice or capabilities.

IV. The supervising dentist shall accept responsibility for all authorized services and procedures performed by the dental hygiene practitioner pursuant to the written practice agreement. A supervising dentist who knowingly permits a dental hygiene practitioner to provide a service or procedure that is not authorized in the dental hygiene practitioner scope of practice at RSA 317-A:22-a, II as limited by the written practice agreement, or a dental hygiene practitioner who provides a service or procedure which is not authorized in the scope of practice at RSA 317-A:22-a, II as limited by the written practice agreement, shall constitute unprofessional conduct for the purposes of RSA 317-A:17.

V. New and revised written practice agreements shall be signed and maintained by the supervising dentist and by the dental hygiene practitioner and provided to patients of the dental hygiene practitioner upon request. All new and revised written practice agreements between supervising dentists and dental hygiene practitioners shall be filed with the board of dental examiners.

317-A:22-c Licensure. The board of dental examiners shall issue a license to practice as a dental hygiene practitioner to any applicant who:

I. Is a dental hygienist licensed to practice in New Hampshire;

II. Pays any applicable fees established by the board under RSA 317-A:12, VII;

III. Submits, on forms provided by the board, the applicant's name, address, and other applicable information as determined by the board under RSA 317-A:12, I and II; and

IV. Demonstrates that the following requirements have been met:

(a) Successful completion of a dental hygiene practitioner education program that:

(1) Provides a minimum of eighteen months of dental hygiene practitioner curriculum;

(2) Is consistent with the model curriculum for educating dental hygiene practitioners adopted by the American Association of Public Health Dentistry or a successor organization; and

(3) Is administered by an institution accredited to train dentists or dental hygienists.

(b) Passage of a comprehensive examination approved by the board and administered independently of an institution providing dental hygiene practitioner education to demonstrate competency under the dental hygiene practitioner scope of services.

(c) Completion of a minimum of 500 hours of dental hygiene practitioner clinical practice under the direct supervision of a licensed dentist.

317-A:22-d Professional Liability Insurance. Every person practicing as a dental hygiene practitioner shall carry professional liability insurance coverage.

317-A:22-e Dental Coverage and Reimbursement. Any service performed by a dentist licensed under this chapter, dental assistant, or dental hygienist that is covered and reimbursed by private insurance, a dental service corporation, Medicaid, or the Children's Health Insurance Program shall also be covered and reimbursed when performed by a licensed dental hygiene practitioner.

4 Dental Hygiene Practitioners; Rulemaking. Amend RSA 317-A:12, I to read as follows:

I. The application procedure for a dental [or], dental hygiene, **or dental hygiene practitioner** license and for public health dental hygienist certification;

5 Dental Hygiene Practitioners; Rulemaking. Amend RSA 317-A:12, VI to read as follows:

VI. Ethical standards required to be met by each holder of a dental [or], dental hygiene, **or dental hygiene practitioner** license and how such licenses may be revoked for violation of these standards;

6 Dental Hygiene Practitioners; License Renewal. Amend RSA 317-A:13 to read as follows:

317-A:13 License Renewal.

I.(a)(1) By February 15 in each even-numbered year, the board shall mail to each person licensed to practice dentistry a notice of registration and license renewal form.

[(b)] (2) By February 15 in each odd-numbered year, the board shall mail to each person licensed to practice dental hygiene a notice of registration and license renewal form.

(3) By February 15 in each odd-numbered year, the board shall mail to each person licensed as a dental hygiene practitioner a notice of registration and license renewal form.

[(e)] (b) A failure of the licensee to receive the license renewal form shall not relieve the licensee of the obligation to comply with this section and the rules of the board.

II. Except as provided in RSA 317-A:16, before April 1 in the year of renewal under paragraph I a person licensed to practice dentistry [or], dental hygiene, **or as a dental hygiene practitioner** in this state shall register with the board, apply for license renewal, and pay the fee established in rules adopted by the board. The timelines of submission of renewal applications shall be evidenced by date stamp made at the time of receipt at the board's office if hand delivered, or by postmark if mailed.

III. Dental hygiene practitioners shall, pursuant to RSA 317-A:22-a, I and RSA 317-A:22-c, be dually licensed as dental hygienists, and shall comply with the provisions of this section as to both professions.

[(H)] IV. All persons licensed to practice dentistry [or], dental hygiene, **or as a dental hygiene practitioner** in this state shall notify the board in writing within 10 days of any change of business or residential address which may occur during the period between biennial registrations.

7 Dental Hygiene Practitioners; Inactive List. Amend RSA 317-A:16 to read as follows:

317-A:16 Inactive List. A dentist [or], dental hygienist, **or dental hygiene practitioner** licensed under this chapter who does not actively engage in such practice in New Hampshire within 2 years of his or her previous biennial registration shall have the licensee's name transferred to an inactive list and shall be required to register biennially and pay the inactive registration fee as long as the licensee remains inactive. Any dentist [or], dental hygienist, **or dental hygiene practitioner** holding an inactive license shall be restored to active status by the board upon the filing of a written request with the board and the furnishing of evidence of continuing professional character and competence and upon payment of the full registration fee established in rules adopted by the board. A person's right to maintain a license with active status shall not be affected by any absence from active practice in New Hampshire while serving on active duty in the armed forces of the United States.

8 New Paragraph; Non-Practice; Dental Hygiene Practitioner. Amend RSA 317-A:23 by inserting after paragraph II the following new paragraph:

III. Notwithstanding the provisions of RSA 317-A:23, I, under the dental hygiene practitioner supervision of a dentist currently licensed under this chapter and in accordance with a written practice agreement, a licensed dental hygiene practitioner may provide services under RSA 317-A:22-a for which dental hygiene

practitioners have been trained and which have been authorized by a supervising dentist in writing under RSA 317-A:22-b. Services may be provided to an individual patient without the patient first seeing a dentist for an examination, diagnosis, and treatment planning if the supervising dentist has provided written general authorization and standing protocols for the licensed dental hygiene practitioner.

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

2014-0028s

AMENDED ANALYSIS

This bill authorizes licensure of dental hygiene practitioners who may perform dental services under the supervision of a currently licensed dentist.

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

Recess. Out of recess.

Sen. Gilmour offered a floor amendment.

Sen. Gilmour, Dist. 12

Sen. Bradley, Dist. 3

January 30, 2014

2014-0334s

01/09

Floor Amendment to SB 193-FN

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

AN ACT establishing a commission to study pathways to oral health care in New Hampshire.

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

1 New Section; Commission to Study Pathways to Oral Health Care in New Hampshire. Amend RSA 317-A by inserting after section 21-e the following new section:

317-A:21-f Commission to Study Pathways to Oral Health Care in New Hampshire.

I. There is established a commission to study and evaluate pathways to oral health care in New Hampshire.

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

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) A representative of the New Hampshire Dental Society, appointed by the society.
- (d) A representative of the New Hampshire Dental Hygienists Association, appointed by the association.
- (e) A representative of the New Hampshire board of dental examiners, appointed by the board.
- (f) A representative of New Hampshire Kids Count, appointed by the organization.
- (g) A representative of the New Hampshire Oral Health Coalition, appointed by the coalition.
- (h) A representative of the New Hampshire Academy of Pediatric Dentistry, appointed by the academy.
- (i) The New Hampshire Medicaid dental director, or designee.
- (j) A representative of a federally qualified health center (FQHC) with a dental program that has been in existence for 3 years, appointed by the Bi-State Primary Care Association.

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

IV. The commission shall analyze and evaluate coverage for dental care for underserved New Hampshire residents, the impact of the implementation of expanded function dental assistants and certified public health dental hygienists, and how adding these 2 new professions to the dental team will meet the need for oral health services in New Hampshire. Such evaluation shall include a review of oral health access data and needs and coverage needs for dental services for underserved New Hampshire residents.

V. The commission may solicit and obtain information, presentation, or testimony from any person or entity with expertise or experience relevant to the commission's study.

VI. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 90 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

VII. 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 15, 2015.

2 Repeal. RSA 317-A:21-f, relative to the commission on pathways to oral health care, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 15, 2015.

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

2014-0334s

AMENDED ANALYSIS

This bill establishes the commission to study pathways to oral health care in New Hampshire.

The question is on the adoption of the Floor Amendment.

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

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

The following Senators voted No: Sanborn, Reagan.

Yeas: 22 - Nays: 2

Adopted.

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

MOTION TO 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

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

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

SB 151-FN, relative to the payment of witness fees and other fees for services in criminal cases.

SB 183-FN, relative to identification of voters, processing absentee ballots, and voluntary political expenditure limitations.

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

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

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

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

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

SB 223, authorizing municipalities to enter into contracts for the private funding and repayment of construction of sewer systems.

SB 225, relative to the city of Manchester employees' contributory retirement system.

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

SB 232, relative to speed limits for off highway recreational vehicles and snowmobiles.

SB 236, relative to delivery of the final budget and recommendation of the municipal budget committee to the governing body.

SB 241, establishing the division of economic development fund.

SB 243, relative to the carry forward of a credit against the business profits tax, rulemaking concerning the real estate transfer tax, the disclosure of certain department of revenue administration records, and the tax on unstamped tobacco products.

SB 247, relative to ignition interlock device violations and interlock device removal protocols.

SB 248, establishing a committee to study policies and procedures for the development and maintenance of state-owned abandoned rail corridors.

SB 249, relative to judicial performance evaluations.

SB 263, allowing state court judges to solemnize marriages.

SB 264-FN, requiring the election of benefits by certain members of the judicial retirement plan.

SB 266, relative to membership on the exotic aquatic weeds and species committee.

SB 272, relative to notice of voter registration.

SB 273, relative to information in the statewide centralized voter registration database.

SB 282, relative to disciplinary proceedings by the board of architects.

SB 285, relative to the board of dental examiners.

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

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

SB 305, relative to licensure of motor vehicle dealers.

SB 311, authorizing the executive director of the fish and game department to execute an agreement allowing reciprocal snowmobile riding privileges with the states of Vermont and Maine.

SB 333, relative to property taxation of manufactured housing.

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.

SB 349, relative to the election of delegates to state party conventions.

SB 359, relative to coverage under motor vehicle liability policies.

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

HB 118, establishing a committee to study granting immunity from criminal prosecution to certain persons involved in a drug- or alcohol-related emergency.

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

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

HB 489-FN, establishing a commission to study the New Hampshire medical malpractice joint underwriting association.

HB 591, relative to an abusive work environment and the health and safety of public employees.

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.

LIST OF RULE 6-25'S FOR THE DAY

Sen. Bragdon: SB 186, SB 365, HB 186.

ANNOUNCEMENTS

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. I'd like Rule 2-17, please. Thank you. I have a sad duty to inform all of my colleagues of the death of C. Donald Stritch earlier this month. Don was born in Maine but, like many of us, migrated here to New Hampshire. He was a graduate of the Colburn Classical Institute and graduated from the University of Maine with both a bachelor's degree of arts as well as a master's degree in history. He was also a veteran serving honorably in the US Air Force.

He moved to the town of Auburn in 1960 and he served his community for more than 50 years. He was the principal of the Auburn Village School, a trustee of the Longmeadow Cemetery, president of the Auburn Historical Society, school moderator, school board member, member of the Auburn Lion's Club, and served with the Volunteer Fire Department. He also served for more than 40 years as the town moderator. Don was a Freemason, but he was also a pyrotechnic technician that often did the fireworks display for the town's Old Home Day celebration. And whatever free time he had, he enjoyed collecting coins and wood-working.

Don also served six terms in the New Hampshire House of Representatives representing the town of Londonderry and then Auburn. He served as the vice chair and chair of Election Law, as well as chairman of the Special Committee on Legislative Redistricting. He was also a member of the US Elections Commission Standards Board from 2003-2005 and, finally, he was the Rockingham County Commissioner from 2003-2013.

Anyone who has ever served with Don knows what a great story teller he was. If there was ever a lull in the debates he would come striding down to the well to keep everyone entertained. He was known as an extremely hard worker who did his homework on every issue considered by the House. He treated everyone fairly and with respect. He set an example of civility that he challenged everyone to follow.

I remember the first time I met Don after I became a House member back in 2000. He came up to me, welcomed me to the House and asked me if I was married to Greg Carson. I said yes, and then he proceeded to tell me the story of Timmy's pencil. My husband and his brother Timmy grew up in Salem, and Don was the principal of the elementary school that they both went to. It seemed that one day my brother-in-law swallowed his pencil and while - let's just say a lot of drama ensued. Don would repeat that story over the years and every time that pencil got bigger. He even had the opportunity to tell that story to my father-in-law, who was surprised to hear that he even remembered his son. But that was Don. He remembered his students and all the colleagues he served with over the years. He was a friend to all, a good friend to me, and will be greatly missed.

He leaves behind his loving wife, Bertha, his daughter, Jeanne, and his sons, Jaison and Brandon, and five grandchildren.

Thank you, Mister President.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Rule 2-17? I rise to express sorrow in the passing of former State Representative Carol Moore of Concord. Carol served several years as a State Representative, but I think all of us who knew her remember the courageous heart she had whether representing people in the legislature or representing her viewpoint in those of others in our community. Carol was a passionate advocate for the abolition of the death penalty. She was passionate about protecting women's reproductive health rights. And she was passionate about her son and the many friends she had in this community. So we express sorrow in her passing and hope that the Senate will join with us in that expression.

Thank you, Mister President.

(The Chair recognized Sen. Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. Two Tuesdays ago, Secretary of State Bill Gardner and I toured the North Country. We had an election, special election, that day honoring the longest serving local elected officials, and I just wanted to share those with you. They're a pretty remarkable group. Littleton's town moderator, Gerald Winn, who has had that position since 1966, and Jefferson's town clerk, Opal Bronson, who held that position since 1967. And I'll just name the rest without all the details of their years; but, Robert Gannett from Thornton, Ken Chapman from Woodstock, Lee Carroll from Gorham, Norman Cloutier

from Columbia, Granvyl Hulse from Colebrook, Larry Enman from Errol, Judy Kenison from Randolph, Coleen Malone from Whitefield, and Lewis Sweatt from Millsfield. These are people that make democracy work and we're proud to have them working for us in our election process. Thank you.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: Rule 2-17. Thank you, Mister President. I just want to thank all of you for your well wishes to me over the past couple of weeks. And I want to take an opportunity to thank our good friend from District 24 and our good friend from District 14 for what was a fantastic display of food today, and for the rest of us to make sure to slip them, you know, some money to pay for it. And I think we all owe our temporary clerk and all the staff a round of applause.

PRESIDENT MORSE: Thank you, Senator Bradley. I'd just like to add two other names to the list of the staff that helped today. The Clerk stayed here yesterday during her illness and made sure that she worked with them to get everything to run today. I thank Tammy, and wish her the best right now. Senator Bragdon, I'm not the non-germane guy today. He did a great job of reading all these. Thank you all for your assistance, and to the Standing Clerk, thank you very much. She did a great job today.

(The Chair recognized Sen. Cataldo.)

SENATOR CATALDO: I just want to thank all my colleagues for the sympathy and roses I received over the past two weeks for the occasion of my sister passing. Thank you very much, by the way, all of you.

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 introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, and processing enrolled bill reports and amendments and when we recess, we recess to the call of the Chair.

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