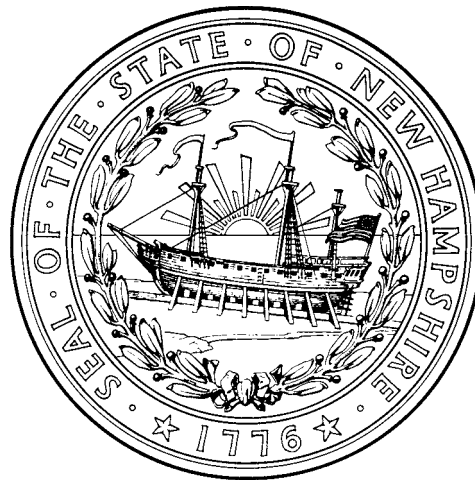


March 6, 2014  
Nos. 5-6

# **STATE OF NEW HAMPSHIRE**

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



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

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – FEBRUARY 19, 2014 SESSION  
COMMENCEMENT – MARCH 6, 2014 SESSION**

# SENATE JOURNAL 5 *(continued)*

*February 19, 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 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

14-2863

*SB 416-FN-A*, relative to highway fund appropriations. (Bradley, Dist 3; Morse, Dist 22; Forrester, Dist 2; Odell, Dist 8: Finance)

14-2855

*SB 417*, relative to information required on electric utility bills. (Fuller Clark, Dist 21; Prescott, Dist 23; Bradley, Dist 3; Odell, Dist 8; Woodburn, Dist 1; Borden, Rock 24; Pastor, Graf 12: Energy and Natural Resources)

14-2856

*SB 418*, relative to the proclamation of firefighters memorial day. (Sanborn, Dist 9; Watters, Dist 4: Public and Municipal Affairs)

14-2859

*SB 419*, establishing a medical malpractice panel and insurance oversight committee. (Bradley, Dist 3; Carson, Dist 14; Boutin, Dist 16: Judiciary)

14-2862

*SB 420-FN-A*, reducing the rates of the business profits tax and business enterprise tax. (Sanborn, Dist 9; Stiles, Dist 24: Ways and Means)

14-2860

*SB 421*, establishing a committee to study timely consumer access to prescription drugs under the managed care law. (Soucy, Dist 18; Schlachman, Rock 18; K. Williams, Hills 4: Commerce)

14-2861

*SB 422*, relative to the definition of pharmacy benefit manager. (Soucy, Dist 18; Schlachman, Rock 18; K. Williams, Hills 4: Commerce)

## 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 1125-FN, repealing the crime of adultery.

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

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

HB 1177, relative to the anti-rebating law.

HB 1188, relative to paycheck equity.

HB 1197, permitting the construction of a dam at the natural outlet of Jenness Pond in the town of Northwood.

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

HB 1209, relative to On-Board Diagnostics (OBD II) testing and the OBD II testing advisory committee.

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

HB 1227, making changes to parole and parole board procedures.

HB 1237, prohibiting residency restrictions for registered sex offenders and offenders against children.

HB 1245, relative to municipal lease agreements for certain equipment.

HB 1246, relative to the composition of public agency boards concerning housing standards.

HB 1261-FN-L, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog.

HB 1289, relative to interference with custody.

HB 1301, relative to transportation of alcoholic beverages by a minor.

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

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

HB 1320, relative to incompatibility of town offices.

HB 1347, establishing a house committee to study apportionment of state representative districts.

HB 1368, relative to consideration of criminal records for occupational and professional licensing.

HB 1389, naming a bridge in Derry the Lance Corporal Michael E. Geary bridge.

HB 1404, relative to payroll cards.

HB 1405, prohibiting an employer from using credit history in employment decisions.

HB 1407, relative to privacy in the workplace.

HB 1459, relative to domicile for voting purposes during a temporary absence.

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

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

HB 1498, relative to wages lost when an employee submits to a medical examination required under workers' compensation law.

HB 1542, relative to nomination of a political organization.

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

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

HB 1632, relative to child support orders for children with disabilities.

#### INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

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

#### First and Second Reading and Referral

HB 114, relative to abutter access over subdivided land. (Public and Municipal Affairs)

HB 226, relative to promotion of New Hampshire liquor and wines. (Executive Departments and Administration)

HB 227, relative to property and casualty insurance. (Commerce)

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

HB 256-FN, relative to establishing a voluntary hike safe card for fish and game search and rescue operations, relative to deputy fish and game conservation officers, extending a commission on sustainability of the fish and game department, and establishing a committee to study funding of the fish and game search and rescue fund. (Energy and Natural Resources)

HB 297, relative to the management of trust funds and capital reserve funds and pertaining to library trustees. (Public and Municipal Affairs)

HB 343-FN, establishing a commission to study regulatory requirements for pawnbrokers and secondhand dealers in New Hampshire. (Commerce)

HB 350, prohibiting discrimination against the unemployed. (Commerce)

HB 421, relative to regulation of real estate brokerage and sales by the real estate commission. (Executive Departments and Administration)

HB 422, relative to the adoption, revision, and amendment of municipal charters. (Public and Municipal Affairs)

HB 427, relative to tobacco tax laws. (Ways and Means)

HB 430, requiring insurance companies sending out solicitations for insurance to include a disclosure on such solicitations. (Commerce)

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

HB 459 relative to poker in private residences. (Ways and Means)

HB 466-FN, relative to determining qualifications of voters. (Public and Municipal Affairs)

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. (Executive Departments and Administration)

HB 474, relative to eligibility for in-state tuition rates at the university system of New Hampshire. (Health, Education and Human Services)

HB 485-FN-A, establishing keno. (Ways and Means)

HB 496-FN, relative to driving privileges for certain first-time DWI offenders. (Judiciary)

HB 533, relative to the mathematics requirement for high school graduation. (Health, Education and Human Services)

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

HB 562, relative to title loans. (Commerce)

HB 569, relative to the placement of all new electric transmission lines in New Hampshire. (Energy and Natural Resources)

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

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

HB 590, relative to the unauthorized practice of law. (Judiciary)

HB 597-FN, relative to a drug-free workplace for licensed health care facilities and providers. (Health, Education and Human Services)

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

HB 654-FN, relative to licensure and renewal fees. (Executive Departments and Administration)

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

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

HB 685, relative to state agency communications. (Executive Departments and Administration)

HB 1108-FN, requiring voir dire examination of prospective jurors in all criminal cases. (Judiciary)

HB 1109, relative to providing notice to abutters of a petitioned warrant article to discontinue a class VI road. (Public and Municipal Affairs)

HB 1124, relative to the adoption of zoning ordinances in towns that use official ballot voting. (Public and Municipal Affairs)

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

HB 1169, relative to enforcement of labor laws by the department of labor. (Commerce)

HB 1174, establishing a committee to study the payment of subminimum wages to persons with disabilities. (Commerce)

HB 1182, relative to membership of the state transparency website oversight committee. (Executive Departments and Administration)

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

HB 1222, prohibiting commercial use of the law enforcement and fallen firefighters memorials. (Executive Departments and Administration)

HB 1243, relative to the confidentiality of criminal background checks of school employees and volunteers. (Health, Education and Human Services)

HB 1309, making a technical change in the workers' compensation law. (Commerce)

HB 1334, relative to contributions to charities by employees. (Commerce)

HB 1335-FN, establishing a committee to study the university system of New Hampshire's purchasing process and practices and their effect on the New Hampshire economy. (Finance)

HB 1371, relative to grading and improving subdivision streets. (Public and Municipal Affairs)

HB 1579-FN, relative to penalties for the injury or death of a domestic animal caused by trapping which is in violation of law or rules, and establishing a committee to study the administration of trapping laws and rules and the issuance of trapping licenses by the fish and game department including education requirements and penalties for violations. (Energy and Natural Resources)

HB 1613, relative to payment of the Medicaid enhancement tax. (Ways and Means)

Out of Recess. Call the Senate to Order.

#### MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

# SENATE JOURNAL 6

*March 6, 2014*

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

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

Good morning. Well, yesterday, many denominations of the Christian Church celebrated Ash Wednesday. You may have seen my colleagues and me out on City Plaza. We were offering prayer and "Ashes to Go" to anyone who wishes to receive them. Of course, Ash Wednesday is the first of the forty days of Lent and it reminds us of our mortality. It reminds us of our need for repentance and renewal, and it encourages us to see the season of Lent as an opportunity to address the things that get between us and God so that we can walk more closely with God, and make the most of the transitory life that we have in this world.

The ashes of Ash Wednesday remind us that we come from dust and that we will return to dust. That we're fragile and insignificant compared to our creator. And we're transient, too. We're dust on the wind, compared to our ageless and our timeless God.

But we're also precious. We're loved beyond measure by the God who made us, who looks at us, who sees our beauty, and delights in us. And so the season of Lent is a time of recognizing our transience and our insignificance and turning those into strength and meaning.

The prayer I have for you today is from the Episcopal Church, *Book of Common Prayer*.

*Almighty and everlasting God, you hate nothing you have made and forgive the sins of all who are penitent: create and make in us new and contrite hearts, that we, worthily lamenting our sins and acknowledging our wretchedness, may obtain of you, the God of all mercy, perfect remission and forgiveness; through Jesus Christ our Lord, who lives and reigns with you and the Holy Spirit, one God, forever and ever. Amen.*

Sen. Hosmer led the Pledge of Allegiance.

#### INTRODUCTION OF GUESTS

Senator Fuller Clark introduced Shuang Wu, and Sen. Watters introduced Yue Zhou, both from the University of New Hampshire, serving as Senate Pages for the day.

Sen. Boutin introduced the Hooksett Memorial School, visiting in the balcony today.

#### FN REPORT FOR MARCH 6, 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 403-FN, prohibiting the sale or possession of sky lanterns.

SB 405-FN, requiring the registration of radon mitigation system installers with the board of home inspectors.

##### HEALTH, EDUCATION AND HUMAN SERVICES

SB 406-FN, relative to certain health care data.

SB 412-FN, relative to managed care network adequacy and federal health care reform.

SB 413-FN-A, relative to access to health insurance coverage.

##### PUBLIC AND MUNICIPAL AFFAIRS

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

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

##### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 222, restructuring the department of administrative services, division of plant and property management.

Without objection, the FN Report is adopted.

#### CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

SB 222, restructuring the department of administrative services, division of plant and property management. Removed by Sen. Bragdon.

SB 213-FN, establishing a registry for physician orders for life-sustaining treatment. Removed by Sen. Reagan.

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

##### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 251, relative to horse access to state land. Inexpedient to Legislate, Vote 5-0. Senator Reagan for the committee.

This bill allows horseback riding on any trail in the multi-use statewide trail system. Recently, JLCAR took up rules proposed from the Department of Resources and Economic Development (DRED) on this matter and all has been resolved to the satisfaction of the horse and related animal community who were in attendance at all public hearings. There is no need to further this legislation.

SB 381, relative to the membership of the joint legislative oversight committee on the emergency management system. Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This bill deletes two senate members from the joint legislative oversight committee on the emergency management system. The bill also adds a quorum requirement to the committee.

SB 385, relative to examination requirements for chiropractors. Ought to Pass, Vote 5-0. Senator Reagan for the committee.

This legislation makes changes in statute to the examination requirements for chiropractors which are presently in rules.

SB 393, relative to the housing finance authority and surplus lands housing program. Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill clarifies definitions and eligibility requirements for participation in programs administered by the housing finance authority. The bill also permits the authority to sell or transfer undeveloped land received under the surplus lands housing program.

SB 398, relative to employment negotiations between the state and individual bargaining units. Inexpedient to Legislate, Vote 5-0. Senator Cataldo for the committee.

This legislation would require the state to negotiate terms and conditions of employment and all cost items with each bargaining unit individually and separately. The Committee believes that it is best to have everyone at the same table bringing efficiency for the employer and for the employee organizations.

SB 403-FN, prohibiting the sale or possession of sky lanterns. Inexpedient to Legislate, Vote 5-0. Senator Soucy for the committee.

This bill prohibits the sale or possession of sky lanterns. The committee heard a great deal of testimony concerning the litter caused by sky lanterns. The committee was concerned that efforts to regulate and enforce a ban or tethering requirement would be difficult to enforce as the devices' users and sellers are not easily identified.

SB 405-FN, requiring the registration of radon mitigation system installers with the board of home inspectors. Ought to Pass with Amendment, Vote 5-0. Senator Cataldo for the committee.

This bill requires the registration of radon mitigation system installers with the board of home inspectors. The amendment brought forward corrects the name of the national organization where certification is required.

Senate Executive Departments and Administration  
February 20, 2014  
2014-0687s  
08/09

#### **Amendment to SB 405**

Amend RSA 310-A:189-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Any person engaged in the installation of radon mitigation devices in New Hampshire shall hold a current certification from either the National Radon Proficiency Program offered by the American Association of Radon Scientists and Technologists or the National Radon Safety Board.

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

SB 406-FN, relative to certain health care data. Interim Study, Vote 5-0. Senator Sanborn for the committee.

This bill requires certain encrypted health care information collected by the insurance department to be available to the public upon request to the department of health and human services under certain circumstances. The committee feels as though further study of this information is needed in order to provide certain information to the public.

SB 412-FN, relative to managed care network adequacy and federal health care reform. Inexpedient to Legislate, Vote 5-0. Senator Gilmour for the committee.

This bill was serving as a placeholder to correct concerns about healthcare reform. As the issues are being addressed through different avenues, it is no longer necessary and should therefore be found as

“Inexpedient to Legislate.” As introduced, the bill repeals the joint health care reform oversight committee and deletes the prohibition relative to a state-based health exchange. Additionally, it requires insurance carriers which offered a health insurance product on the health exchange that consists of a narrow network to also offer a broad network individual product.

#### JUDICIARY

SB 353, recodifying RSA 168-B, relative to surrogacy. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This legislation updates and recodifies our surrogacy statute to reflect the changes in national practice and language as technology and medical procedures evolve.

Senate Judiciary  
February 25, 2014  
2014-0716s  
05/06

#### **Amendment to SB 353**

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

1 Purpose. The purpose of this chapter is to update New Hampshire’s surrogacy law to reflect advances in assisted reproduction technologies and updated surrogacy laws that have been enacted across the United States, and to meet the needs of individuals who wish to become parents, but physically cannot for whatever reason. Assisted reproductive technologies allow for the possibility of parenthood that otherwise would not be available for these individuals. In addition, families, who are looking for an appealing alternative to adoption due to their desire to have a child with the same genetic makeup of one, or both, of the intended parents, are increasingly looking to assisted reproductive technologies. There have been significant advancements in assisted reproductive technologies over the past few decades, and these technologies are rapidly growing in both use and acceptance, so much so that surrogacy is almost considered commonplace. However, despite the fact that the needs of families have been increasingly met through assisted reproductive technologies, specifically gestational surrogacy, our laws have not kept pace with advancing technology. As our society changes regarding opportunities for parenthood, it is important that New Hampshire’s governing law keeps pace and remains relevant to the needs of New Hampshire’s families. Currently in New Hampshire, there is unclear and complicated guidance for individuals who wish to benefit from assisted reproductive technologies and gestational surrogacy, and the present statute creates unnecessary encumbrances for those who wish to use advancements in assisted reproductive technologies for the creation of their families, so that such technologies are not utilized. In order to codify current best legal practices regarding gestational surrogacy arrangements, this act:

I. Ensures that there is appropriate and clear statutory language that establishes updated and consistent standards and procedural safeguards for the protection of all parties to gestational carrier arrangements and agreements, and to facilitate the use of assisted reproductive technologies in our society and in accordance with the public policy of this state;

II. Defines, confirms, and protects the legal status and best interests of children born as a result of gestational carrier arrangements and agreements prior to birth;

III. Protects the legal rights of intended parents in gestational carrier arrangements and agreements;

IV. Ensures that all parties in gestational carrier arrangements are legally protected and entering into gestational carrier agreements with the same rights, expectations, and responsibilities; and

V. Standardizes the minimum components of gestational carrier agreements, and recognizes that written gestational carrier agreements are valid and enforceable legal contracts.

2 Surrogacy. RSA 168-B is repealed and reenacted to read as follows:

#### **CHAPTER 168-B SURROGACY**

168-B:1 Definitions. In this chapter:

I. “Artificial insemination” means the introduction of semen into a women’s vagina, cervical canal, or uterus through extracorporeal or noncoital means.

II. “Assisted reproduction” means a method of causing pregnancy other than sexual intercourse. The term includes, but is not limited to:



- (a) Artificial insemination.
- (b) Donation of eggs.
- (c) Donation of embryos.
- (d) In-vitro fertilization and transfer of embryos.
- (e) Intracytoplasmic sperm injection.

III. "Compensation" means payment of any reasonable, valuable consideration to the gestational carrier.

IV. "Court" means that superior court in the county where the gestational carrier resides, where the intended parent or parents reside, or where the resulting child is born or is expected to be born, unless otherwise indicated in this chapter or by the gestational carrier agreement.

V. "Donor" means an individual who contributes a gamete or gametes or an embryo or embryos for the purpose of assisted reproduction with no claim or claims to present or future parental rights and obligations to any resulting child.

VI. "Embryo" means the fertilized egg.

VII. "Embryo transfer" means all medical and laboratory procedures that are necessary to effectuate the transfer of an embryo into the uterine cavity.

VIII. "Gamete" means either the ovum (egg) or the spermatozoa (sperm).

IX. "Gestational carrier" means a woman who is neither an intended parent nor a donor, who agrees to become pregnant with a child, to whom she is not genetically related, by assisted reproduction and pursuant to a gestational carrier arrangement.

X. "Gestational carrier agreement" means a written contract between the gestational carrier, her spouse or partner, if any, and the intended parent or parents, that sets forth the obligations, rights, and duties of the parties to a gestational carrier arrangement.

XI. "Gestational carrier arrangement" means the process by which a gestational carrier attempts to become pregnant with a child through assisted reproduction using the gamete or gametes provided by the intended parent or parents and/or donor or donors, which may or may not be genetically related to the intended parent or parents, and to which the gestational carrier has made no genetic contribution, and carry and give birth to such a child with the intention that the child will be solely the legal child of the intended parent(s).

XII. "Health care provider" means a person who is duly licensed, certified, authorized, or registered under the laws of the state to provide health care, and includes all medical, psychological, counseling, and social work professionals.

XIII. "Intended parent" means a person who intends to become a parent of any child that results from a gestational carrier agreement. This term shall include intended mothers, intended fathers, or a combination of both. In the case of a married couple, any reference to an intended parent shall include both spouses for all purposes of this chapter.

XIV. "In vitro fertilization" means all medical and laboratory procedures that are necessary to effectuate the extracorporeal combining of egg and sperm and the resulting fertilization of the egg.

XV. "Mental health consultation" means an in-person meeting with a licensed mental health professional for the purposes of educating the participants about the effects and potential consequences of their participation in a gestational carrier arrangement, and of evaluating any potential psychological issues and risks posed by a party to a gestational carrier arrangement, including, but not limited to, the intended parent or parents or the gestational carrier's mental health, external and environmental factors, ability to manage relationships, potential attachment issues, and ability to carry out his or her obligations, rights, and duties under a gestational carrier arrangement.

XVI. "Mental health professional" means an individual who:

- (a) Holds a masters or doctoral degree in the field of psychiatry, psychology, counseling, social work, psychiatric nursing, or marriage and family therapy; and

- (b) Is duly licensed, certified, authorized, or registered under the laws of a state to practice in the mental health field.

**168-B:2 Parent-Child Relationship.**

I. A person is the parent of a child to whom she has given birth, except as otherwise provided in this chapter and if the pregnancy was established pursuant to a gestational carrier arrangement.

II. A person is the parent of a child conceived via assisted reproduction if the person, except when acting in the capacity of a donor, consents to the performance of assisted reproduction or provides a gamete or gametes or an embryo or embryos for use in the assisted reproduction.

III. A donor is not a parent of a child conceived through assisted reproduction.

IV. If a child is conceived via assisted reproduction after the death of the person referenced in paragraph II, consent to assisted reproduction shall be deemed valid only if the person had consented in writing prior to death that if assisted reproduction were to occur after death, the deceased individual would be a parent of the child.

V. Notwithstanding any other provision of law, a person is presumed to be the parent of a child if:

(a) The child is born to a person's spouse during the marriage, or within 300 days after the marriage is terminated for any reason, or after a decree of separation is entered by the court.

(b) Before the child's birth, the person and the child's other parent have attempted to marry each other by a marriage solemnized in apparent compliance with the law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid; and

(1) If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 300 days after its termination for any reason; or

(2) If the attempted marriage is invalid without a court order, the child is born within 300 days after the termination of cohabitation.

(c) After the child's birth, the person and the child's other parent have married, or attempted to marry each other by a marriage solemnized in apparent compliance with the law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid; and

(1) The person has acknowledged parentage of the child in a writing filed with the appropriate court or state agency;

(2) With the person's consent, the person is named as the child's parent on the birth certificate; or

(3) The person is obligated to support the child under a written voluntary promise or by court order.

(d) While the child is under the age of majority, the person receives the child into the person's home and openly holds out the child as that person's child.

VI. A presumption under paragraph V may be rebutted in an appropriate action only by clear and convincing evidence. The existence of the parent-child relationship presumed under paragraph V shall not, however, be rebutted by evidence that the child was conceived by means of assisted reproduction, so long as the presumptive parent complies with the requirements of paragraph II. In the absence of such compliance, a presumptive parent's consent shall be conclusively presumed by such parent's failure to object to the parent-child relationship by filing an action to dispute parentage within 30 days after the child's birth. If 2 or more presumptions of parentage arise that conflict with each other, the presumption that on the facts is founded on the weightier considerations of policy and logic controls. The presumption shall be rebutted by a court decree establishing parentage of the child with another person.

**168-B:3 Legitimacy.** If, under the provisions of this chapter, a parent-child relationship is created between 2 persons, the child shall be considered, for all purposes of law, the legitimate child of the parent.

**168-B:4 Effect of Noncompliance.** Noncompliance with the requirements of this chapter shall not affect the determination of parenthood under this chapter.

**168-B:5 Parental Status of a Gestational Carrier and Her Spouse or Partner, If Any.** Neither a gestational carrier nor her spouse or partner, if any, shall be a parent of a child conceived as a result of assisted reproduction and a gestational carrier arrangement.

**168-B:6 Parental Status of a Donor.** A donor shall not be a parent of a child conceived as a result of assisted reproduction and a gestational carrier arrangement.

168-B:7 Parental Status of the Intended Parent. A child conceived as a result of assisted reproduction and a gestational carrier arrangement shall be the child solely of the intended parent or parents. The parental rights of physical custody shall vest with the intended parent or parents immediately upon the birth of the child.

168-B:8 Rights and Responsibilities of Intended Parent. An intended parent of any child resulting from assisted reproduction and a gestational carrier arrangement shall meet each of the following requirements prior to any medical procedures to impregnate the gestational carrier:

I. He, she, or they have completed a mental health consultation.

II. He, she, or they have undergone legal consultation with independent legal counsel regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

168-B:9 Eligibility of a Gestational Carrier. Prior to any medical procedures to impregnate the gestational carrier, a woman, intending to be a gestational carrier, shall meet all of the following requirements:

I. She is at least 21 years of age.

II. She has given birth to at least one child.

III. She has completed a physical medical evaluation, in substantial conformance with the guidelines set forth by the American Society for Reproductive Medicine, relating to the anticipated pregnancy.

IV. She has completed a mental health consultation

V. She, and her spouse or partner, if any, have undergone legal consultation with independent legal counsel regarding the terms of the gestational carrier agreement and have been advised of the potential legal consequences of the gestational carrier agreement.

168-B:10 Enforceability of Gestational Carrier Agreement. To best protect all parties entering into a gestational carrier arrangement, a gestational carrier agreement shall meet the minimum requirements under RSA 168-B:11. A gestational carrier agreement that conforms to these requirements is a legal contract that is presumed to be valid and enforceable and is legally enforceable by the court. The parties to a gestational carrier agreement may petition the court for an order affirming the status of a gestational carrier agreement. The court shall issue such an order upon a finding that the agreement meets the minimum requirements under RSA 168-B:11.

168-B:11 Requirements for a Gestational Carrier Agreement. A gestational carrier agreement shall meet all of the following minimum requirements:

I. It shall be in writing.

II. It shall be executed prior to the commencement of any medical procedures to impregnate the gestational carrier.

III. All parties shall be represented by legal counsel regarding the gestational carrier agreement and the gestational carrier and her spouse or partner, if any, shall have legal counsel that is separate and independent from the legal counsel for the intended parents.

IV. It shall expressly provide for the following:

(a) The express written agreement of the gestational carrier to:

(1) Undergo embryo transfer, become pregnant by means of assisted reproduction, and attempt to carry and give birth to the resulting child;

(2) Relinquish all rights, obligations, and duties as a parent of the resulting child; and

(3) Surrender physical custody of the resulting child to the intended parent or parents immediately upon birth of the child.

(b) The express written agreement of the gestational carrier's spouse or partner, if any, if such spouse or partner is a party to the agreement, to abide by the obligations imposed on the spouse or partner pursuant to the terms of the gestational carrier agreement, including, but not limited to, the relinquishment of all rights, obligations, and duties as a parent of the resulting child.

(c) The express written agreement of the intended parent or parents to:

(1) Accept sole rights, obligations, and duties as parent or parents of the resulting child;

(2) Accept sole physical custody of the resulting child immediately upon birth, regardless of number, gender, and/or physical or mental condition; and

(3) Assume sole responsibility for the support of the resulting child immediately upon birth.

(d) The express written agreement of all parties as to how reasonable compensation, if any, shall be paid to the gestational carrier, including, but not limited to, payment of the gestational carrier's reasonable medical, counseling, legal, and/or other expenses related to the gestational carrier arrangement.

(e) The express written agreement of all parties as to how, if the gestational carrier breaches a provision of this chapter or of the gestational carrier agreement, and such a breach causes harm to the resulting child, the gestational carrier will cover her potential liability for such harm, pursuant to RSA 168-B:18.

#### 168-B:12 Parentage Orders.

I. Any of the parties to a gestational carrier agreement may petition the circuit court for a parentage order declaring that the intended parent or parents are the sole parents of a child resulting from assisted reproduction and a gestational carrier arrangement, and that the gestational carrier and her spouse or partner, if any, are not the parent or parents of such a child. Such a petition may be brought in the circuit court in the county where the gestational carrier resides, where the intended parent or parents reside, or where the resulting child is born or is expected to be born. Such a petition may be brought either before, during, or subsequent to the pregnancy. The court shall, within 30 days, grant the petition upon a finding that the parties have substantially complied with the requirements of this chapter pertaining to the execution of a gestational carrier agreement. Sworn affidavits demonstrating substantial compliance shall be sufficient to permit such a finding and a hearing shall not be required unless the court requires additional information which cannot reasonably be ascertained without a hearing. In the absence of such substantial compliance, the court may in its discretion issue such parentage order upon a finding that the parties intended to enter into a gestational carrier arrangement and the best interests of the child would be met by permitting parentage to be established in this manner. Such parentage orders issued under this section shall conclusively establish or affirm, where applicable, the parent-child relationship.

II. Upon the request of any party, such parentage order shall direct that the certificate of birth name the intended parent or parents as the sole parent or parents of the resulting child and that such a certificate of birth shall not name the gestational carrier or her spouse or partner, if any, as the parent or parents of the resulting child.

III. All proceedings pursuant to this section shall be closed to the public, and papers and records pertaining to such proceedings shall be subject to inspection only upon consent of all the parties or upon a showing of good cause supported by a court order.

168-B:13 Marriage or Partnership of a Gestational Carrier During the Gestational Carrier Arrangement. The marriage or partnership of a gestational carrier after she executes a gestational carrier agreement does not affect the validity or the terms of the gestational carrier agreement, and her spouse or partner shall not be a parent of the resulting child.

168-B:14 Intestate and Testate Succession. Subject to the provisions of RSA 168-B:15, a child shall be considered a child only of his or her parent or parents and the parent or parents shall be considered the parent or parents of the child, as determined for the purposes of:

I. Intestate succession.

II. Taking against the will of any person.

III. Taking under the will of any person, unless such will provides otherwise.

IV. Being entitled to any support or similar allowance during the administration of a parent's estate.

#### 168-B:15 Death of the Intended Parent or Parents.

I. Prior to any embryo transfer pursuant to the gestational carrier arrangement, the intended parent or parents shall make guardianship provisions for the prospective child by amending their existing estate planning documents, or by executing estate planning documents containing such provisions if they have no existing estate planning documents.

II. In the event that the intended parent or parents predecease the birth of the resulting child, the terms and conditions of the gestational carrier agreement shall remain in full force and effect, and the resulting child shall be delivered into the sole care and custody of the guardian nominated in the estate planning documents of the intended parent or parents, or of the guardian designated by a court of appropriate jurisdiction, if both parents are deceased, or into the sole care and custody of the surviving intended parent if only one of the 2 intended parents is deceased.

III. Any child conceived by assisted reproduction and pursuant to the terms of the gestational carrier agreement shall have all testamentary and inheritance rights from the intended parent or parents, and shall have no testamentary or inheritance rights from the gestational carrier and her spouse or partner, if any. The intended parent or parents shall have testamentary and inheritance rights from the resulting child as parents.

168-B:16 Noncompliance. Noncompliance by the gestational carrier, the gestational carrier's spouse or partner, if any, or by the intended parent or parents occurs when that party breaches a provision of this chapter and/or a provision of the gestational carrier agreement.

168-B:17 Effect of Noncompliance. Except as otherwise provided in this chapter, in the event of a party's noncompliance with the requirements of this chapter and/or with a provision of the gestational carrier agreement, the court shall determine the respective rights and obligations of the parties, unless the gestational carrier agreement provides otherwise.

168-B:18 Remedies.

I. Except as expressly provided in the gestational carrier agreement, the intended parent or parents shall be entitled to all remedies available at law or equity.

II. Except as expressly provided in the gestational carrier agreement, the gestational carrier shall be entitled to all remedies available at law or equity.

III. A breach of a provision of this chapter and/or of the gestational carrier agreement by the intended parent or parents, after the gestational carrier is impregnated, shall not relieve such intended parent or parents of the intended parent or parents obligations imposed by this chapter.

IV. In the event of a breach of a provision of this chapter and/or of the gestational carrier agreement by the intended parent or parents, after the gestational carrier is impregnated, the gestational carrier shall be entitled to receive all compensation and other moneys due to the gestational carrier under the gestational carrier agreement.

V. A breach of a provision of this chapter and/or of the gestational carrier agreement by the gestational carrier, after the gestational carrier is impregnated, shall not relieve the gestational carrier of her obligations imposed by this chapter.

VI. If the gestational carrier breaches a provision of this chapter and/or of the gestational carrier agreement, and such a breach causes harm to the resulting child, the gestational carrier may be liable for payment of the resulting child's medical expenses not otherwise covered by the intended parent's or parents' insurance.

168-B:19 Irrevocability. No action to invalidate a gestational carrier agreement meeting the requirements of this chapter or to challenge the rights of parentage established pursuant to this chapter for a gestational carrier arrangement shall commence once the pregnancy is established.

168-B:20 Rulemaking. The department of health and human services shall adopt rules, pursuant to RSA 541-A, to carry out its duties under this chapter. Until such time as the department of health and human services adopts rules pursuant to this section, medical evaluations, mental health consultations, and other procedures required under this chapter shall be conducted in accordance with the relevant sections of guidelines published by the American Society for Reproductive Medicine (ASRM), the Society for Assisted Reproductive Technologies (SART), and the American College of Obstetricians and Gynecologists (ACOG).

168-B:21 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter, which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

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

SB 389, relative to the enforcement authority of fish and game officers. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

This legislation gives the authority to Fish and Game to enforce motor vehicle statutes on our roads and is necessitated by OHRVs which can travel on both trails and public roads. The bill has the support of law enforcement.

Senate Judiciary  
February 25, 2014  
2014-0714s  
10/04

#### Amendment to SB 389

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

AN ACT relative to the enforcement of motor vehicle laws by officers of the fish and game department.

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

1 New Paragraph; Fish and Game; Powers; Motor Vehicle Laws. Amend RSA 206:26 by inserting after paragraph XIV the following new paragraph:

XV. To enforce all provisions of RSA title XXI relative to motor vehicle laws.

2 Fish and Game Officers; Prohibition Deleted. Amend RSA 206:26-b, II to read as follows:

II. The executive director and each conservation officer shall not:

(a) Serve civil processes; or

(b) Act or be used or called upon for service within any town in any industrial dispute unless actual violence has occurred, and then only upon order of the governor[; ~~or~~

(c) ~~Have general power to enforce any provision of RSA title XXI relative to motor vehicles~~].

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

2014-0714s

#### AMENDED ANALYSIS

This bill allows the fish and game officers to enforce the motor vehicle laws.

#### PUBLIC AND MUNICIPAL AFFAIRS

SB 206-FN, relative to proof of identity by voters. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

This bill establishes requirements for challenging alternative forms of identification of voters. The reason for the objection must be in writing, and must state the specific source of the information or personal knowledge upon which the challenge is based.

Public and Municipal Affairs  
February 20, 2014  
2014-0694s  
03/10

#### Amendment to SB 206-FN

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

1 Obtaining a Ballot; Challenges. 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 clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, ***identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based***, 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 clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, ***identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the verification of identity is based,*** the voter shall be required to execute a challenged voter affidavit ***as if no verification was made.***

2 New Subparagraph; 2015 Version; Obtaining a Ballot; Identification. Amend RSA 659:13, II(a) by inserting after subparagraph (6) the following new subparagraph:

(7) A photo identification not authorized by subparagraphs (1) through (6) but determined to be legitimate by the supervisors of the checklist, the moderator, or the town or city clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to the use of such photo identification, identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based, the voter shall be required to execute a challenged voter affidavit as if no identification was presented.

3 Obtaining a Ballot; Challenges; 2015 Version. 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 clerk, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, ***identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based,*** the voter shall be required to execute a challenged voter affidavit ***as if no verification was made.***

4 Effective Date.

I. Sections 2-3 of this act shall take effect September 1, 2015, at 12:03 a.m.

II. The remainder of this act shall take effect 60 days after its passage.

SB 276, relative to notifying a UOCAVA voter of an invalid absentee ballot application. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

This bill requires that notice to a UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act) voter of an invalid absentee ballot application be in accordance with procedures for refusing to certify applications of other absentee voters.

SB 347, relative to municipal enforcement of land use ordinances. Ought to Pass with Amendment, Vote 5-0. Senator Forrester for the committee.

This bill allows pleas by mail for violations of municipal land use ordinances and establishes a fine for landlords failing to designate an agent.

Public and Municipal Affairs  
February 20, 2014  
2014-0693s  
03/09

### **Amendment to SB 347**

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

1 New Paragraph; Local Ordinance Citations. Amend RSA 31:39-d by inserting after paragraph IX the following new paragraph:

IX-a. For any offense that is subject to enforcement under RSA 676:17, a person who fails to respond to a citation under this section within the time stated in the citation shall be subject to the subsequent offense penalties of RSA 676:17.

2 Local Ordinance Citations. Amend RSA 31:39-d, X to read as follows:

X. This section shall not apply to ~~[offenses that are subject to enforcement under RSA 676]~~ ***violations of the New Hampshire building code as defined in RSA 155-A:1, IV***, or to motor vehicle offenses under title XXI or any local law enacted thereunder.

3 New Section; Failure to File; Penalty. Amend RSA 540 by inserting after section 1-b the following new section:

540:1-c Penalty. The governing body of a municipality may establish a fine not to exceed \$100 for the failure to file a statement designating an agent for service of process as required under RSA 540:1-b. Any such fine may be collected in the same manner as a fine for violation of a municipal ordinance, and shall be for the use of the municipality.

4 Landlord's Agent Required. Amend RSA 540:1-b, I to read as follows:

I. An owner of restricted property, as defined in RSA 540:1-a, II, who resides within the state of New Hampshire shall, within 30 days of becoming the owner or within 30 days of the effective date of this section, whichever occurs later, file a statement with the town or city clerk of the municipality in which the property is located that provides the name, address, and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner relating to the restricted property. Such person authorized to accept service may be the owner of the premises. ***This section shall not apply to manufactured housing parks as defined in RSA 205-A:1, II.***

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

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

## REGULAR CALENDAR REPORTS

### COMMERCE

SB 361, relative to mortgage originators and depository institutions. Ought to Pass with Amendment, Vote 5-0. Senator Hosmer for the committee.

Commerce  
February 19, 2014  
2014-0635s  
08/04

### Amendment to SB 361

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

AN ACT relative to the licensing requirements for mortgage bankers and brokers.

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

1 Mortgage Bankers and Brokers; License Required. Amend RSA 397-A:3, V(b)(4)-(5) to read as follows:

(4) Files and maintains a bond in accordance with RSA 397-A:5, III(c) to cover the business conducted by its originators; ~~and~~

(5) Licenses its originators in this state through the Nationwide Mortgage Licensing System and Registry; ***and***

***(6) Cooperates with and provides access to records and documents required by the commissioner to carry out examinations of its licensed originators' activities in accordance with RSA 397-A:12.***

2 New Paragraph; Mortgage Bankers and Brokers; License Required. Amend RSA 397-A:3 by inserting after paragraph V the following new paragraph:

VI. For purposes of licensing its mortgage loan originators in this state, other entities and financial institutions not otherwise required to be licensed under this chapter may voluntarily make a filing on the Nationwide Mortgage Licensing System and Registry as an exempt entity and in such case shall comply with subparagraphs V(b)(1), (3), (4), (5), and (6).

3 Mortgage Bankers and Brokers; Prohibitions. Amend RSA 397-A:3-a, III to read as follows:

III. No individual may act as a ~~[mortgage banker or broker]~~ ***principal*** for more than one mortgage broker, mortgage servicer, mortgage banker, or other financial institution at the same time, unless the entities are affiliates.

4 Mortgage Bankers and Brokers; License Application; Requirements. Amend RSA 397-A:5, IV-c(b)(1)(B)-(C) to read as follows:



(B) Three hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; ~~and~~

(C) Two hours of training related to lending standards for the nontraditional mortgage product marketplace; and

***(D) Two hours of New Hampshire mortgage law education if the person did not previously pass a written test specific to New Hampshire mortgage laws; and***

5 Mortgage Bankers and Brokers; Lending Practices. Amend RSA 397-A:14, I to read as follows:

I. Any first mortgage loan, ***other than a reverse mortgage***, made under the provisions of this chapter shall provide for the computation of interest on a simple interest basis.

6 Effective Date.

I. Section 4 of this act shall take effect January 1, 2015.

II. The remainder of this act shall take effect 60 days after its passage.

2014-0635s

#### AMENDED ANALYSIS

This bill makes various changes to the statutes relative to the licensing of mortgage bankers and brokers. The question is on the adoption of the Committee Amendment. Adopted.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION,  
SB 397, relative to the sale of wines from Argentina. Ought to Pass, Vote 4-1. Senator Reagan for the committee.

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

Senator Reagan moved Refer to Interim Study.

The question is on the motion of Refer to Interim Study. Adopted.

#### FINANCE

SB 220-FN, relative to the regulation of electricians by the electricians' board. Ought to Pass, Vote 5-1. Senator D'Allesandro for the committee.

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

SB 246-FN, relative to penalties for speeding. Ought to Pass, Vote 6-0. Senator Larsen for the committee.

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

SB 259-FN, establishing a palliative care center for health care consumers and providers and continually appropriating a special 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 262-FN, revising the form for "summons instead of arrest" and prohibiting attachments in small claims actions. Ought to Pass, Vote 6-0. Senator Bragdon for the committee.

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

SB 395-FN, relative to the retirement classification of the director of the division of forests and lands. Ought to Pass, Vote 3-2. Senator D'Allesandro for the committee.

Recess. Out of recess.

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

Sen. Prescott is in opposition to the motion of Ought to Pass on SB 395-FN.

Recess. Out of recess.

#### HEALTH, EDUCATION AND HUMAN SERVICES

SB 413-FN-A, relative to access to health insurance coverage. Ought to Pass with Amendment, Vote 4-1. Senator Stiles for the committee.

Health, Education and Human Services

February 19, 2014

2014-0651s

01/04

#### **Amendment to SB 413-FN-A**

Amend RSA 126-A:5, XXIII(a) as inserted by section 2 of the bill by replacing it with the following:

XXIII.(a) The commissioner shall provide access to the health insurance premium payment (HIPP) program established by the department pursuant to section 1906 of the Social Security Act of 1935 to Medicaid newly eligible adults from 0 – 133 percent of the federal poverty level (FPL) who are eligible for medical assistance under section 1902(a)(10)(A)(i)(VIII) of the Social Security Act of 1935, as amended, 42 U.S.C. section 1396a(a)(10)(A)(i) (“newly eligible adults”) and their spouse and dependents if applicable until December 31, 2016 to maximize the use of private insurance and available federal assistance. All newly eligible adults who have access to qualified employer sponsored insurance either directly as an employee or indirectly through another individual who is eligible for qualified employer sponsored insurance, shall be required to participate in the HIPP program in order to receive medical assistance, if eligible and determined by the department to be cost effective as required by the federal Centers for Medicare and Medicaid Services (CMS).

Amend RSA 126-A:5, XXIV(e) as inserted by section 2 of the bill by replacing it with the following:

(e) For coverage under the voluntary bridge to marketplace premium assistance program, the commissioner shall negotiate an amendment to its existing managed care contracts to provide new private insurance plans which will qualify for this program. Alternative benefit plans shall reimburse at rates that are sufficient to ensure improved access to and quality of care. Such plans shall maximize to the extent allowable wellness programs, cost-sharing mechanisms, and disincentives for inappropriate emergency room use.

Amend RSA 126-A:5, XXV(a) as inserted by section 2 of the bill by replacing it with the following:

XXV.(a) Consistent with the time frames in this paragraph, there is hereby established the marketplace premium assistance program. This will be a premium assistance program for newly eligible adults and their eligible spouse and dependents, if applicable, who are ineligible for the HIPP program established in RSA 126-A:5, XXIII until December 31, 2016 and shall be administered by the department of health and human services. In order to receive medical assistance from the program, newly eligible adults who are ineligible for the HIPP program shall choose from any qualified health plans (QHPs) offered on the federally-facilitated exchange if cost effective; provided, however, that any newly eligible adult who had coverage under an alternative benefit plan (ABP) offered by a managed care organization (MCO) under paragraph XIX during the voluntary bridge to marketplace premium assistance program established under RSA 126-A:5, XXIV shall be automatically enrolled at the beginning of open enrollment in a comparable QHP by that same MCO if one is available unless, such newly eligible adult subsequently chooses a different QHP during the enrollment period. If a comparable QHP is not offered by the newly eligible adult’s MCO then the newly eligible adult may choose from any QHPs, if cost effective. Provider payments shall be in an amount which shall be no less than before the effective date of this paragraph.

Amend the bill by replacing section 10 with the following:

10 Applicability. If at any time the federal match rate applied to medical assistance for newly eligible adults under RSA 126-A:5, XXIII-XXV between July 1, 2014 – December 31, 2016 is less than 100 percent as set forth in 42 U.S.C. section 1396d(y)(1), then RSA 126-A:5, XXIII, XXIV, and XXV shall immediately be repealed upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services.

Recess. Out of recess.

The question is on the adoption of the Committee Amendment.

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

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

The following Senators voted No: Cataldo, Sanborn, Reagan, Prescott.

Yeas: 19 - Nays: 4

Adopted.

Sen. Bragdon asserts Rule 6-25 on SB 413-FN-A.

Sen. Sanborn offered floor amendment 0850s.

Sen. Sanborn, Dist. 9

March 4, 2014

2014-0850s

01/04

### **Floor Amendment to SB 413-FN-A**

Amend the bill by inserting after section 10 the following and renumbering the original sections 12 and 13 to read as 13 and 14, respectively:

11 Waiver Provisions; Department of Health and Human Services. All waivers required to be submitted by the department of health and human services to the Centers for Medicare and Medicaid Services for any program contained in this act shall be obtained from the Centers for Medicare and Medicaid Services before the commencement of any such program.

Amend the bill by replacing section 14 with the following:

14 Effective Date.

I. Section 13, paragraphs I-VII of this act shall take effect December 31, 2016.

II. Section 13, paragraph IX of this act shall take effect November 1, 2014.

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

Recess. Out of recess.

The question is on the adoption of Floor Amendment 0850s.

Recess. Out of recess.

The question is on the adoption of Floor Amendment 0850s.

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

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

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

Yeas: 9 - Nays: 14

Failed.

Sen. Bragdon asserts Rule 6-25 on SB 413-FN-A.

Sen. Sanborn offered floor amendment 0882s.

Sen. Sanborn, Dist. 9

March 5, 2014

2014-0882s

01/09

### **Floor Amendment to SB 413-FN-A**

Amend the bill by replacing section 1 with the following:

1 Statement of Purpose. The state of New Hampshire shall develop the New Hampshire health protection program to provide a coordinated strategy to access private insurance coverage for uninsured, low-income citizens with income up to 100 percent of the federal poverty level (FPL) using available, cost-effective health care coverage options for Medicaid newly eligible individuals at the earliest practicable date. The strategy shall promote the improvement of overall health through access to private insurance coverage options and draw appropriate levels of federal funding available through a Medicaid Section 1115 demonstration waiver. Increasing access to private health insurance will increase provider reimbursement rates and reduce the burden of uncompensated care in New Hampshire.

Amend RSA 126-A:5, XXIII(a) as inserted by section 2 of the bill by replacing it with the following:

XXIII.(a) The commissioner shall provide access to the health insurance premium payment (HIPP) program established by the department pursuant to section 1906 of the Social Security Act of 1935 to Medicaid newly eligible adults from 0 – 100 percent of the federal poverty level (FPL) who are eligible for medical assistance under section 1905(y) of the Social Security Act of 1935, as amended, 42 U.S.C. 1396d(y) (“newly eligible adults”) and their spouse and dependents if applicable until December 31, 2016 to maximize the use of private insurance and available federal assistance. All newly eligible adults who have access to qualified employer sponsored insurance either directly as an employee or indirectly through another individual who is eligible for qualified employer sponsored insurance, shall be required to participate in the HIPP program in order to receive medical assistance, if eligible and determined by the department to be cost effective as required by the federal Centers for Medicare and Medicaid Services (CMS).

The question is on the adoption of Floor Amendment 0882s.

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

The following Senators voted Yes: Cataldo, Sanborn, Reagan, Prescott.

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

Yeas: 4 - Nays: 19

Failed.

Sen. Bragdon asserts Rule 6-25 on SB 413-FN-A.

Sen. Sanborn offered floor amendment 0883s.

Sen. Sanborn, Dist. 9

March 5, 2014

2014-0883s

01/09

### **Floor Amendment to SB 413-FN-A**

Amend the bill by replacing section 10 with the following:

#### **10 Applicability.**

I. If at any time the federal match rate applied to medical assistance for newly eligible adults under RSA 126-A:5, XXIII-XXV between July 1, 2014 – December 31, 2016 is less than 100 percent as set forth in 42 U.S.C. section 1396d(y)(1), then RSA 126-A:5, XXIII, XXIV, and XXV shall immediately be repealed upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services.

II. The New Hampshire health protection act established in this act shall be capped at 50,000 participants or \$300,000,000 total expenditures, whichever is greater.

Recess. Out of recess.

The question is on the adoption of Floor Amendment 0883s.

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

The following Senators voted Yes: Cataldo, Sanborn, Carson, Reagan, Prescott.

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

Yeas: 5 - Nays: 18

Failed.

Sen. Bragdon asserts Rule 6-25 on SB 413-FN-A.

Sen. Bradley offered floor amendment 0889s.

Sen. Bradley, Dist. 3

March 5, 2014

2014-0889s

09/10

### **Floor Amendment to SB 413-FN-A**

Amend RSA 126-A:5, XXVI as inserted by section 2 of the bill by replacing it with the following:

XXVI. Any unemployed individual who qualifies for the voluntary bridge to marketplace premium assistance program established in paragraph XXIV or the marketplace premium assistance program established in paragraph XXV shall be referred to the department of employment security for the purpose of helping the unemployed individual find employment.

Amend the bill by replacing section 10 with the following:

#### **10 Applicability; Eligibility.**

I. If at any time the federal match rate applied to medical assistance for newly eligible adults under RSA 126-A:5, XXIII-XXV between July 1, 2014 – December 31, 2016 is less than 100 percent as set forth in 42 U.S.C. section 1396d(y)(1), then RSA 126-A:5, XXIII, XXIV, and XXV shall immediately be repealed upon notification by the commissioner of the department of health and human services to the secretary of state and the director of legislative services.

II Any state plan amendment or waiver required under 126-A:5, XXIII-XXV that is submitted to the Centers for Medicare and Medicaid Services (CMS), shall comply with 42 U.S.C. section 18001, et seq., as amended by 42 U.S.C. section 1305, et seq., 42 U.S.C. section 7, et seq. and any applicable regulations by CMS governing eligibility for newly eligible adults regarding citizenship, referral requirements for employment or seeking employment, and allowable income resource restrictions.

Recess. Out of recess.

The question is on the adoption of Floor Amendment 0889s.

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, Sanborn, Kelly, Gilmour, Lasky, Carson, Larsen, Boutin, Reagan, Soucy, Rausch, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: (None)

Yeas: 23 - Nays: 0

Adopted.

Sen. Bragdon asserts Rule 6-25 on SB 413-FN-A.

Recess. Out of recess.

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

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

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

The following Senators voted No: Cataldo, Sanborn, Carson, Reagan, Prescott.

Yeas: 18 - Nays: 5

Adopted, bill ordered to Third Reading.

Sen. Bragdon asserts Rule 6-25 on SB 413-FN-A.

**JUDICIARY**

SB 209, expanding the good samaritan law to engineers and architects. Ought to Pass with Amendment, Vote 4-1. Senator Carson for the committee.

Senate Judiciary  
February 24, 2014  
2014-0712s  
01/06

**Amendment to SB 209**

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

1 New Section; Liability Limited; Licensed Engineers and Architects. Amend RSA 508 by inserting after section 12-b the following new section:

508:12-c Liability Limited; Licensed Engineers and Architects.

I. Any engineer or engineering firm, or architect or architectural firm licensed pursuant to RSA 310-A who, in good faith, voluntarily and without charge or compensation, acting under the direction of the director of the division of homeland security and emergency management, the state fire marshal, or a town or city emergency management director who is managing a natural or human-caused disaster or other life-threatening emergency, provides rescue, relief, professional advice or assistance in connection with such disaster or emergency, shall not be liable for any civil damages alleged to have been caused by acts or omissions of such licensed professional or firm in providing the requested assistance, subject to the following conditions:

(a) The service rendered applies to the practice of engineering or architecture and concerns any building, structure, or system, whether publicly or privately owned, that is involved in or affected by the disaster or emergency;

(b) The service rendered relates to the structural integrity of the entire building or system or any portion thereof, or to a nonstructural element of the structure or system, affecting public safety; and

(c) The service is rendered during the time in which the emergency exists.

II. The immunity granted under this section shall not apply to acts or omissions constituting gross negligence, or wanton or willful misconduct.

2 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.

SB 253, relative to grounds for termination of parental rights. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

Senate Judiciary  
February 25, 2014  
2014-0713s  
05/01

**Amendment to SB 253**

Amend the bill by replacing section 1 with the following:

1 New Section; Termination of the Parent-Child Relationship in Cases of Sexual Assault. Amend RSA 170-C by inserting after section 5 the following new section:

170-C:5-a Termination of the Parent-Child Relationship in Cases of Sexual Assault. A petition for termination of the parent-child relationship shall be granted in cases where the child's birth is the result of sexual assault of the birth mother and where termination of the parent-child relationship is in the best interests of the child. This section shall apply to a person who has been found to be the father of a child and who:

I. Has been convicted of or who has pled guilty or nolo contendere to a violation of sexual assault as defined in RSA 632-A:2 through RSA 632-A:4, or a similar statute in another state against the birth mother for his conduct in fathering the child; or

II. At a fact-finding hearing, is found beyond a reasonable doubt to have fathered the child through an act of non-consensual sexual penetration.

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

Recess. Out of recess.

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

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

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

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

Without objection, SB 413-FN-A is ordered to Third Reading.

SB 297, relative to apportionment of damages. Interim Study, Vote 5-0. Senator Soucy for the committee.

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

SB 390, relative to protection of employees who are victims of domestic abuse, sexual assault, stalking, or criminal harassment. Ought to Pass with Amendment, Vote 4-0. Senator Lasky for the committee.

Senate Judiciary  
February 21, 2014  
2014-0707s  
05/10

### **Amendment to SB 390**

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

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

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

1 New Subdivision; Protection of Employees from Domestic Violence. Amend RSA 275 by inserting after section 70 the following new subdivision:

#### **Protection from Domestic Violence**

275:71 Prohibited Conduct by Employer. It is an unlawful employment practice for an employer to:

I. Refuse to hire an otherwise qualified individual because the individual is a victim of domestic violence, harassment, sexual assault, or stalking.

II. Discharge, threaten to discharge, demote, suspend, or in any manner discriminate or retaliate against an individual with regard to promotion, compensation or other terms, conditions, or privileges of employment because the individual is a victim of domestic violence, harassment, sexual assault, or stalking.

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

2 Committee Established. There is established a committee to study the protection of employees from domestic violence.

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

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

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

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

III. The committee shall study how state laws, rules, and employment practices may be used to protect employees who are victims of domestic abuse, sexual assault, stalking, or criminal harassment.

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

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

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

2014-0707s

#### AMENDED ANALYSIS

This bill prohibits employers from discriminating against employees who are victims of domestic violence. The bill also establishes a committee to study the protection of employees from domestic violence.

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

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

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

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

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

#### PUBLIC AND MUNICIPAL AFFAIRS

SB 277, relative to absentee voter registration. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

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

SB 278, relative to the absentee voter website. Ought to Pass, Vote 3-0. Senator Pierce for the committee.

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

SB 280, relative to absentee voters. Ought to Pass, Vote 4-0. Senator Forrester for the committee.

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

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 222, restructuring the department of administrative services, division of plant and property management. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration

February 20, 2014

2014-0684s

05/10

#### Amendment to SB 222

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



AN ACT restructuring the department of administrative services, division of plant and property management and establishing the position of deputy commissioner in the department of information technology.

Amend RSA 21-I:1, II(m) as inserted by section 1 of the bill by replacing it with the following:

[4] **(m)** Developing and maintaining state owned and supported land and buildings, including public works design and construction relating to projects as defined in RSA [21-I:78, IX] **21-I:78 through 21-I:86.**

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

3 Nomination by Commissioner; Effective Date Contingency. Amend RSA 21-I:2, II to read as follows:

II. The commissioner shall nominate for appointment by the governor, with the consent of the council, each **unclassified** division director, the assistant commissioner, the deputy commissioner, the internal auditor, the financial data manager, the manager of risks and benefits, and the senior operational analyst. The **unclassified** division directors, the assistant commissioner, the deputy commissioner, the internal auditor, the financial data manager, the manager of risks and benefits, and the senior operational analyst shall each serve for a term of 4 years.

4 Applicability.

I. RSA 21-I: 2, II as amended by section 2 of this act shall take effect upon passage of this act if, and only if, at the time of the passage of this act, 2013, 144:26 has not taken effect pursuant to 2013, 144:27.

II. If, at the time of the passage of this act, 2013, 144:26 has taken effect pursuant to 2013, 144:27, then RSA 21-I: 2, II as amended by section 2 of this act shall not take effect.

III. RSA 21-I:2, II as amended by section 3 of this act shall take effect at 12:01 a.m. on the date that 2013, 144:26 takes effect pursuant to 2013, 144:27, or upon the passage of this act, whichever is later.

Amend RSA 21-I:11, I(a)(5) and (6) as inserted by section 6 of the bill by replacing them with the following:

(5) Maintaining a central inventory record of all state owned real property, physical plant and equipment, which record shall be made available to the comptroller to assist him or her in complying with accounting principles. In order to compile this record the director shall:

(A) Advise each state agency how to establish and maintain a perpetual inventory record system for real property, whether rented or owned, physical plant and equipment; and

(B) Require each state agency to report annually, in such form as prescribed by the director, an inventory of the real property, whether rented or owned, physical plant and equipment under its jurisdiction. The form of such report shall not be considered a rule subject to the provisions of RSA 541-A.

(6) Recommending to the commissioner fair and equitable charges to be assessed according to rules adopted pursuant to RSA 21-I:14, XI, against any recipients receiving any donated surpluses from the bureau of purchase and property's surplus distribution section which shall:

(A) Be sufficiently high to defray all administrative, warehousing, processing distribution and transportation costs incurred by the surplus distribution section and to allow the accumulation of a working capital reserve equal to the cost of 6 months' operation of the surplus distribution section so that the operation of said section shall result in no expense to the state; and

(B) Be maintained by the treasurer as a separate, restricted fund.

Amend RSA 21-I:11, I(c)(4) as inserted by section 6 of the bill by replacing it with the following:

(4) Supervising the activities and functions of the bureau of planning and management under RSA 21-I:12, II(a).

Amend the introductory paragraph of RSA 21-I:11, II as inserted by section 6 of the bill by replacing it with the following:

II. With reference to the division of procurement and support services and the rulemaking authority of the commissioner in this area, the following definitions shall apply:

Amend RSA 21-I:11-c, I(a)(3) as inserted by section 9 of the bill by replacing it with the following:

(3) Has previously provided false, deceptive, or fraudulent information on a vendor code number application form, or any other document submitted to the state of New Hampshire, which information was not corrected as of the time of the filing of a bid, proposal, or quotation;

Amend RSA 21-I:17-a, II as inserted by section 17 of the bill by replacing it with the following:

II. Upon the joint recommendation of the commissioner of administrative services and the governing board of any agency, the governor and council, in their discretion, may authorize such governing board, or one or more individuals designated by such governing board to purchase supplies for the agency directly from vendors in such quantities and for such sums as the governor and council shall prescribe; provided, however, that any such authority shall be subject to the limitations of the amounts appropriated and the purposes authorized by the legislature for the agency, and provided further that all such delegations of purchasing authority shall expire on December 31 of the even numbered years. Whenever such purchasing authority is so delegated to any agency, the requirements of ~~[RSA 21-I:11, IV and V,]~~ **RSA 21-I:11, I(a)(3) and (4)** and rules adopted pursuant to RSA 21-I:14, ~~[X]~~ **XII**, shall apply to the governing board or its authorized agent exercising such delegated authority.

Amend RSA 21-I:86, II as inserted by section 32 of the bill by replacing it with the following:

II. Any person aggrieved by the determination of the ~~[director of the division of plant and property management]~~ **deputy commissioner of administrative services**, or the ~~[director's]~~ **deputy's** designee, under paragraph I shall appeal to the commissioner, or the commissioner's designee, within 30 days of the ~~[director's]~~ **deputy's** determination.

Amend RSA 4:9-e, II(a) as inserted by section 36 of the bill by replacing it with the following:

II.(a) The ~~[director of the]~~ **administrator of the** division of plant and property ~~[management]~~ **in the department of administrative services**, subject to the direction and supervision of the commissioner of administrative services, shall act as the custodian of the September 11 memorial, and shall have charge of all matters relating to the care, maintenance, repair, and additions to the memorial.

Amend RSA 9:3-a, IV as inserted by section 40 of the bill by replacing it with the following:

IV. There shall be a governor's advisory committee on the capital budget consisting of the following, or their designees: commissioner of administrative services, ~~[administrator of the bureau]~~ **the manager of the division** of public works design and construction ~~[in the division of plant and property management,]~~ **in the department of administrative services**, chairperson of the senate capital budget committee, and chairperson of the house public works and ~~[highway]~~ **highways** committee. Members of the advisory committee may attend the hearings on capital budget requests, question those testifying, and contribute their opinions.

Amend the bill by replacing section 41 with the following:

41 State Government Waste Reduction. Amend RSA 9-C:1 to read as follows:

9-C:1 Purpose. State government has an obligation to put into practice, as part of its own operations, the interdependent principles of waste reduction, recycling, and recycled products purchase. State agencies shall strive to maximize the application of these principles in their normal operations. This chapter shall apply to all state agencies, as defined in RSA 9-C:2, V, whether or not they are required to make purchases through the division of ~~[plant and property management]~~ **procurement and support services in the department of administrative services**.

Amend the bill by replacing section 47 with the following:

47 Exceptions. Amend RSA 10-B:4, II to read as follows:

II. The governor and council, upon recommendation by the ~~[director of]~~ **administrator of the division of plant and property [management]** **in the department of administrative services** or other state agency authorized to build, acquire, or lease office space, may suspend the enforcement of all or part of this chapter or any rule adopted under it upon finding that an emergency or hardship exists which makes compliance with the provisions of this chapter unreasonable.

Amend the bill by replacing section 51 with the following:

51 Hillsborough County Competitive Bidding. Amend RSA 28:8-e, VI to read as follows:

VI. Competitive bidding by a department shall not be required if items can be procured through the ~~[division of purchase and property]~~ **state of New Hampshire, department of administrative services, division of procurement and support services** either by direct purchase or from the state supplier at the state price, provided the department files a full report with the county commissioners and with the executive committee.

Amend the bill by replacing section 59 with the following:

59 Department of Transportation. Amend RSA 228:6, IV to read as follows:

IV. Upon request of the [~~director of plant and property management~~] **department of administrative services, division of procurement and support services**, inspect and test, and advise the acceptance or rejection of, all materials and supplies purchased by the [~~division of plant and property management~~] **division of procurement and support services**.

Amend the bill by replacing section 68 with the following:

68 Coastal Risk and Hazards Commission. Amend RSA 483-E:2, I(e) to read as follows:

(e) The administrator of the [~~bureau~~] **division** of public works design and construction **in the department of administrative services**, or designee.

Amend the bill by replacing all after section 69 with the following:

70 Provision of Products for State Agencies. Amend RSA 622:28 to read as follows:

622:28 Provision of Products for State Agencies. No articles or supplies, except printing, such as are manufactured at the state prisons or for the state prisons in accordance with arrangements with other prison systems shall be purchased from any other source for the state or its departments or institutions if [~~the director of plant and property management~~] **the division of procurement and support services in the department of administrative services** determines that such purchases may be made at fair market value. The commissioner of corrections will advise the [~~director of plant and property management~~] **division of procurement and support services in the department of administrative services** as to what articles or supplies are available for purchase and their current prices.

71 Transfer Authority; Construction of Prior Laws, Contracts, and Rules.

I. All provisions of chapter law that remain in effect and refer to the department of administrative services' division of plant and property management shall be construed so as to apply to the appropriate division described in this act. All provisions of chapter law that remain in effect and refer to the division of plant and property management's bureau of public works design and construction, including but not limited to 2005, 291:1, V, shall be construed so as to apply to the department of administrative services' division of public works design and construction.

II. Rules and procedures which relate to the division of plant and property management shall be construed so as to apply to the appropriate divisions described in this act. Subject to the foregoing, administrative rules adopted by the commissioner of administrative services as to functions performed by, within or through the division of plant and property management shall remain in effect and continue in effect until repealed, amended, replaced, expired, or superseded by rules adopted by the commissioner of administrative services.

III. Any and all documents entered into by the division of plant and property management or any of its subunits, including but not limited to contracts, agreements, requests for proposals, requests for bids, requests for quotes, purchase orders, and other items shall be construed to apply to the appropriate division established under this act.

72 Transfer of Authority under RSA 21-I:11 and RSA 21-I:12. Pursuant to RSA 21-I:11 and RSA 21-I:12, as repealed and reenacted in sections 6 and 10 of this act, all powers, duties, and obligations of the division of plant and property management, and all bureaus or other subunits within the division, shall be transferred to the newly established divisions and their subunits without interruption or delay on the effective date of this act. The transfer shall include, but not be limited to, all personnel, equipment, and funding of the former division of plant and property management and its subunits. The department of administrative services may make such changes to the accounting structure and budgetary allocations for the biennium ending June 30, 2015 as it concludes are necessary or appropriate to effectuate and accommodate the changes made by this act.

73 Department of Information Technology; Position of Deputy Commissioner Established. Amend RSA 21-R:3 to read as follows:

21-R:3 Commissioner; **Deputy Commissioner**; Directors; Compensation.

I. The commissioner of the department of information technology shall be appointed by the governor, with the advice and consent of the council, and shall serve for a term of 4 years. The commissioner shall

be academically and technically qualified to hold the position, and shall be known as the chief information officer. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

***I-a. The commissioner of the department of information technology shall nominate for appointment by the governor, with the consent of the executive council, a deputy commissioner of the department of information technology, who shall serve for a term of 4 years and shall be qualified to hold that position by reason of education and experience. The deputy commissioner shall perform such duties as may be assigned by the commissioner, which may include, but not be limited to, the authority and power with approval of the commissioner to direct and supervise the operation and administration of any division of the department.***

II.(a) The commissioner shall nominate the following division directors for appointment by the governor, with the consent of the council:

- (1) The director of operations.
- (2) The director of technical support services.
- (3) The director of web support.
- (4) The director of agency software.

(b) Division directors shall serve for a term of 4 years and shall be qualified by reason of professional competence, education, and experience.

III. The salaries of the commissioner, ***deputy commissioner***, and division directors shall be as specified in RSA 94:1-a.

74 Salary of Deputy Commissioner of the Department of Information Technology. The salary of the deputy commissioner of the department of information technology established in section 73 of this act shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Upon completion of this action and appointment of the deputy commissioner, position 9U451 shall be abolished to allow for the transition of this unclassified position with its available appropriations into the unclassified position of deputy commissioner.

75 Applicability. Section 73 of this act shall take effect upon the abolition of position 9U451, the transfer of funding and appropriation to the unclassified position and the initial appointment of the deputy commissioner of the department of information technology, as certified by the commissioner of the department of information technology to the director of legislative services.

76 Effective Date.

- I. Sections 2 and 3 of this act shall take effect as provided in section 4 of this act.
- II. Section 73 of this act shall take effect as provided in section 75 of this act.
- III. The remainder of this act shall take effect upon its passage.

2014-0684s

#### AMENDED ANALYSIS

This bill:

I. Reorganizes the department of administrative services, division of plant and property management into 3 divisions: the division of procurement and support services, the division of plant and property, and the division of public works design and construction.

II. Establishes the position of deputy commissioner of the department of information technology.

The Chair ruled sections of Committee Amendment 0684s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the consideration of non-germane Committee Amendment 0684s to SB 222. 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).

## FINANCE

SB 213-FN, establishing a registry for physician orders for life-sustaining treatment. Interim Study, Vote 6-0. Senator Bragdon for the committee.

Sen. Bragdon moved to Lay on the Table SB 213-FN.

The question is on the motion to Lay on the Table SB 213-FN. Adopted.

## MOTION TO ADJOURN FROM EARLY SESSION

Sen. Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

## LATE SESSION

## Third Reading and Final Passage

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

SB 209, expanding the good samaritan law to engineers and architects.

SB 220-FN, relative to the regulation of electricians by the electricians' board.

SB 246-FN, relative to penalties for speeding.

SB 253, relative to grounds for termination of parental rights.

SB 259-FN-A, establishing a palliative care center for health care consumers and providers and continually appropriating a special fund.

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

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

SB 277, relative to absentee voter registration.

SB 278, relative to the absentee voter website.

SB 280, relative to absentee voters.

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

SB 353, recodifying RSA 168-B, relative to surrogacy.

SB 361, relative to the licensing requirements for mortgage bankers and brokers.

SB 381, relative to the membership of the joint legislative oversight committee on the emergency management system.

SB 385, relative to examination requirements for chiropractors.

SB 389, relative to the enforcement of motor vehicle laws by officers of the fish and game department.

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

SB 393, relative to the housing finance authority and surplus lands housing program.

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

SB 405-FN, requiring the registration of radon mitigation system installers with the board of home inspectors.

SB 413-FN-A, relative to access to health insurance coverage.

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

Sen. Bragdon: SB 413-FN-A.

## ANNOUNCEMENTS

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I'd like to take a point of personal privilege for a moment, please. When you've been around here as long as I've been around here, you'd notice, or you don't notice, the passing of certain individuals. Nick Halias passed away. Major Nick Halias was a retired State Trooper, who had distinguished service as a state trooper and went on to the University of New Hampshire and became the director of security at the University of New Hampshire. Nick had no children. Nick's wife is sick, as we speak, and there probably won't be a service for Nick maybe until April or later. But those of you who knew Nick know that he was just a super guy - always had a great smile, always was very attentive to detail, but a really, a great trooper, a great public servant. But, more than that, a great friend. I think the troopers loved him - had great, great respect for Nick and I had great respect for Nick. I met him when I was just getting into this business, and when you've been here for 40 years, and I've been here for 40 years - I can't believe it. First met Nick when I came on board, and then when I was elected to the council I spent a lot of time working with him and working with the Department of Safety. But, as I say, Nick was a go-to guy, a really solid human being. If you needed a friend, Nick was there to help you out - never, never gave up an opportunity to help somebody. He will be greatly missed. As I said, Nick had no children, his wife is sick as we speak. I think his wife has cancer and is recovering, but think of Nick as the kind of guy that always was there to help somebody else and was just a great example of what a New Hampshire Trooper should be. I know that Safety will miss him, we'll certainly miss him, but we won't forget him. And I think that's the one thing that happens in this life: we seem to forget those people who've done so much for us and so much for the state, but Nick will be remembered. And if there is a memorial service in April I'll let you know when and where that is. Thank you, Mister President.

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. Personal privilege, please. A great sadness was cast on the seacoast communities this past week with the passing of Representative Amy Perkins. Amy had served her community for three terms in the House and all of her constituents recognized her hard work and commitment to her constituents and her community. I had the privilege of working with Amy on many pieces of legislation and I can tell you that she really was a tough gal. And continuing in that frame, in the past few months Amy addressed her illness with dignity and with grace, and she demonstrated great strength in dealing with her illness and also accepting the ultimate outcome. I ask my colleagues to join me in extending our deepest sympathy to her family and friends, and support for them during this time. Thank you.

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Rule 2-17. I rise to recognize the passing of two women who were voices - advocates in their own right. Carol Moore, who was of Concord, a former state representative, and her ceremony and her remembrances are this weekend. Also to recognize the passing of the poet laureate of our state, Maxine Kumin. She was a Pulitzer prize-winning writer and one-time poet laureate - U.S. Poet Laureate. She died recently at the age of 88 in Warner and everyone in town knew her and loved her. She wrote about life in Warner and about nature. She enjoyed writing about her horses. She began writing poetry in the '50's and completed eighteen poetry collections over six decades, and she served as the poet laureate of New Hampshire from 1989 to 1994. She was praised by critics for her keen ear of the aural nature of verse, the clash of cadence and meter, and the ebb and flow of rhyme. And I would like to just quickly take a moment to read one of her poems called, "Homecoming". She wrote:

Having come unto  
the tall house of our habit  
where it settles rump downward  
on its stone foundations  
in the manner of a homely brood mare  
who throws good colts  
and having entered  
where sunlight is pasted on the windows  
ozone rises from the mullions  
dust motes pollinate the hallway  
and spiders remembering a golden age  
sit one in each drain  
we will hang up our clothes and our vegetables  
we will decorate the rafters with mushrooms  
on our hearth we will burn splits of silver popple

we will stand up to our knees in their flicker  
 the soup kettle will clang five notes of pleasure  
 and love will take up quarters.

*Up Country: Poems of New England (1972)*

So, as each of you go to your homecoming tonight, may love take up its quarters. Thank you, Mister President.  
 (The Chair recognized Sen. Gilmour.)

SENATOR GILMOUR: Thank you, Mister President. I'm reminded by the comments of my last three colleagues that nothing is certain and we were specifically reminded that we never know what the future will bring by our good senator from district 19 earlier today. But we should also be reminded by his presence that there are times of celebration and that we need to be grateful when another year has passed and we can celebrate it. And today is Senator Rausch's birthday. I know that my good friend and colleague from district 11 has said he doesn't like that we break out in song, but I would suggest for Senator Rausch we break out in song, and say: Happy birthday to you, happy birthday to you. Happy birthday dear Senator Rausch, happy birthday to you!

SENATOR MORSE: I'd like to take a moment of personal privilege to recognize a long-time Salem resident, and friend, Rita Palmer, who passed away last week at the age of 91. Born and raised in Salem, Rita was one of the town's most well-known and well-respected residents. She spent her life serving the state and our town as a civil servant, volunteer, and activist.

For years, Rita served on Judd Gregg's staff in varying capacities when Judd was a Congressman, Governor, and Senator. In those offices, she helped constituents from around the state navigate government in order to resolve issues both large and small. She approached the work with unquestioned dedication to helping people and making their lives better.

Locally, Rita was a member of the Salem Memorial Ladies Auxiliary, the Salem Historical Society, and the Salem Republican Town Committee, through which she made contributions to our community too numerous to list.

As a result of her experience and her way with people, Rita was one of the sharpest political minds in Salem. She knew the pulse of the town, the state, better than most.

Through my career, I have been honored to call Rita a friend, a mentor, and a confidant. She was a political influence of mine and someone I would seek out advice often and without reservation.

Rita Palmer was compassionate, caring, and thoughtful. She will long be remembered for her selfless contributions to the Town of Salem, and for the benefit that her work had on the lives of many during her time with us.

(The Chair recognized Sen. Pierce.)

SENATOR PIERCE: Thank you, Mister President. I just wanted to announce to the Senate that this week there were three firefighters in Claremont that were injured very badly. And I spoke to the sister of one of the firefighters, the one that was most injured. He was air-lifted over to Brigham and Women's Hospital and, despite the extent of his injuries, the prognosis is very good. He's expected to achieve 100% recovery from his injuries. It's going to take a while. The other two were not injured as badly, but I think we as public servants should recognize these people that they put their lives on the line for us, they put their families at risk for us, and we should honor them. Thank you, Mister President.

SENATOR MORSE: The thoughts and prayers of the Senate are with them.

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.