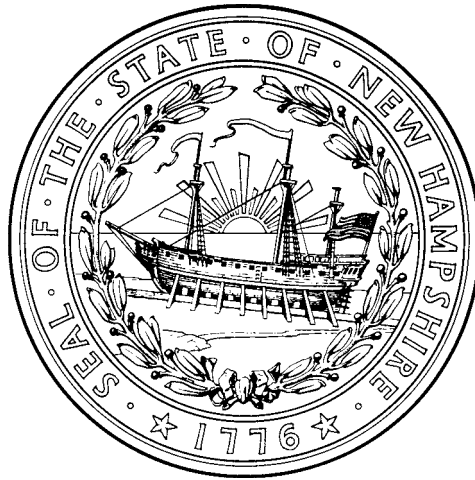


March 13, 2014
Nos. 6-7

STATE OF NEW HAMPSHIRE

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



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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MARCH 6, 2014 SESSION
COMMENCEMENT – MARCH 13, 2014 SESSION**

SENATE JOURNAL 6 *(continued)*

March 6, 2014

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 461-FN, relative to long-term care services.

HB 1104-FN, relative to railroad motorcars.

HB 1111, clarifying the term “valid claim” for property insurance.

HB 1112, making technical corrections to the standard valuation law.

HB 1115, excluding condominium assessments from homestead rights.

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

HB 1132-FN, relative to school building security.

HB 1145, relative to the proposed Sewalls Falls Bridge in the city of Concord and the Riverdale Road Bridge in the town of New Boston.

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

HB 1186, relative to rulemaking authority of certain occupational boards concerning examinations.

HB 1248, relative to the acceptance of risk in outdoor recreational activities.

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

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

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

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

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

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

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

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

HB 1384, relative to rehearings by the public utilities commission.

HB 1386, relative to the minutes of county proceedings.

HB 1400, establishing the New Hampshire “First-in-the-Nation” presidential primary centennial anniversary commission.

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

HB 1435, requiring law enforcement officials to disclose specific information relating to a police checkpoint.

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

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

HB 1457-FN, establishing a committee to study the use of the sex offender registry.

HB 1465-FN, authorizing one-day permits for transportation of trailers for disposal or destruction.

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

HB 1543, relative to filing for state representative special elections and relative to processing absentee ballots.

HB 1544, relative to special election ballots.

HB 1545, relative to voting booths.

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

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

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

HB 1630-FN-A, relative to gaming in New Hampshire.

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

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

HB 1178, relative to the sale and transfer of animals from animal shelters.

HB 1226, establishing a committee to study end-of-life decisions.

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

HB 1251-FN-A, repealing a limitation on appropriations for New Hampshire Public Television.

HB 1274, relative to the payment of rent and security deposits.

HB 1331, relative to the membership and reporting date of the interbranch criminal and juvenile justice council.

HB 1442, relative to mental health courts.

HB 1448, relative to vessel registration.

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

HB 1622-FN, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use.

HOUSE MESSAGE

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

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

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 1125-FN, repealing the crime of adultery. (Judiciary)

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

HB 1245, relative to municipal lease agreements for certain equipment. (Public and Municipal Affairs)

HB 1289, relative to interference with custody. (Judiciary)

HB 1320, relative to incompatibility of town offices. (Public and Municipal Affairs)

HB 1370, providing for minority party membership on the executive committee of the county convention. (Public and Municipal Affairs)

HB 1386, relative to the minutes of county proceedings. (Public and Municipal Affairs)

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

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 7

March 13, 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, if you probably imagine, my colleagues and I have spent a lot of time this winter trying to second-guess the weather forecast. And yesterday was one of those days we ended up cancelling an evening event because of an impending snowstorm, which didn't get beyond rain. So, there you go. But it made me think that so much of our daily life is devoted to making plans and decisions, and only occasionally that we have everything necessary to make a truly informed decision, or a fool-proof plan. And yet, when we look back at our life journeys, we can see so many occasions with so many chains of events with good and right endings. And we see outcomes that we might never have imagined, which might have been reached by round-about means, and which turned out to be significant milestones in our lives.

It can be hard to accept that we don't have control over every single detail of our destiny, but it's also very comforting to know that there's someone who does. And that someone wants the very best for us.

So, my prayer today is a 19th and 20th century prayer. Let us pray.

Lord, you lead us by ways we cannot know, through joy and sorrow, through victory and defeat, beyond our understanding. Give us faith to see your guiding hand in all things; that being neither lifted up by seeming success, nor cast down by seeming failure, we may press forward wherever you lead, to the glory of your name. Amen.

Eric Milner-White, 1884-1963 and G. W. Briggs, 1875-1959

Sen. Odell led the Pledge of Allegiance.

Sen. Bragdon is excused for the day.

INTRODUCTION OF GUESTS

Senator Kelly introduced Chloe Roy, a student and constituent from Keene, and her mother, Shanna Beckwith, program director at the New Hampshire Coalition Against Domestic and Sexual Violence, visiting in the balcony today.

Sen. D'Allesandro introduced firefighters visiting in the gallery today: from Nashua Fire Department: Kevin Pelletier, May 2012 hire; Tom Keefe, November 2012 hire; Ryan Morse, May 2013; James Waller, November 2012; Pat Kerrigan, May 2013; Mike Hatfield, November 2012; Jeremie Galipeault, November 2012; Richard Garland, May 2012; Ryan Cronin, May 2012; and Fred Larson, May 2012; from Laconia Fire Department: Dan Doucette, February 2012; Trevor Greene, May 2013; and Scott Lewandowski, February 2012; from Dover Fire Department: Matt Adams, July 2013; and Nicholas Deschamps, February 2014.

Sen. Soucy introduced firefighters and police officers visiting in the gallery today: Manchester Fire Department: Hayden Starr, August 2012 hire; T. J. Burkush, July 2012 hire; Chris Ellison, August 2012; and Joe Russo, August 2012; Manchester Police Department: Casey Finn, March 2012 hire; Michael Garon, July 2012; and John Lopez, July 2012.

Senator Hosmer introduced Hannah Phipps, and Sen. Larsen introduced Jackson Bouley, both from Bishop Brady High School, serving as Senate Pages for the day.

Sen. Watters introduced Woodman Park School, visiting in the balcony today.

FN REPORT FOR MARCH 13, 2014

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

COMMERCE

SB 207-FN, relative to paycheck equity.

SB 224-FN, relative to diminished earnings capacity and protections for certain wage earners and relative to independent medical examinations.

SB 340-FN, requiring the insurance department to hold public hearings before approval of products to be sold on the health exchange.

ENERGY AND NATURAL RESOURCES

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 218-FN-L, relative to group I retirement system membership for all members hired on or after July 1, 2014.

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

SB 334-FN, relative to certification and licensure for mold assessment or remediation services.

SB 364-FN, relative to group II service retirement allowances and relative to establishing a supplemental savings plan in the retirement system.

HEALTH, EDUCATION AND HUMAN SERVICES

SB 371-FN, establishing a senior citizens bill of rights.

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

JUDICIARY

SB 303-FN, relative to bad faith assertions of patent infringement.

SB 320-FN, relative to assault of a sports official.

PUBLIC AND MUNICIPAL AFFAIRS

SB 313-FN, relative to political contributions by state contractors and other recipients of state grants or appropriations.

WAYS AND MEANS

SB 208-FN, allowing for the deduction of foreign taxes paid from taxable dividends under the interest and dividends tax.

SB 335-FN, establishing a credit against the business profits tax for donations to a regional vocational education center.

SB 420-FN-A, reducing the rates of the business profits tax and business enterprise tax.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

SB 257, relative to retail beer sales. Removed by Sen. Watters

SB 378, relative to identification information contained in political advertising. Removed by Sen. Carson.

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

COMMERCE

SB 224-FN, relative to diminished earnings capacity and protections for certain wage earners and relative to independent medical examinations. Inexpedient to Legislate, Vote 5-0. Senator Sanborn for the committee.

This bill would have established diminished earning capacity rates for certain injured workers under the workers' compensation law and would have changed the mile radius for independent medical examinations from a 50 mile radius from the injured worker's residence to a 75 mile radius. The Committee supports the Governor's call for a comprehensive study of workers' compensation issues before moving forward with this legislation.

SB 356, relative to agreements between health care providers and patients regarding prescription drugs and workers' compensation. Interim Study, Vote 5-0. Senator Sanborn for the committee.

This bill would require an injured worker and his or her health care provider to enter into an agreement containing certain information if certain medication is prescribed. While the committee agrees that opioid use is extremely high in New Hampshire and a problem that needs to be addressed, a little more time is needed to allow the New Hampshire Pharmacy Board to gather data and get all stakeholders to agree on a way forward.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 334-FN, relative to certification and licensure for mold assessment or remediation services. Interim Study, Vote 5-0. Senator Carson for the committee.

This bill requires persons providing residential mold assessment or remediation services for mold contamination in residential dwellings be certified by certain professional organizations and licensed by the joint board of licensure and certification. The Committee believes that this bill needs further study.

SB 418, relative to the proclamation of firefighters memorial day. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

SB 418 changes the date for the proclamation of firefighters memorial day from the second Sunday in October to a Saturday or Sunday in the last weekend in September. This allows New Hampshire firefighters to participate in the National Fallen Firefighters Memorial held on the October weekend.

Public and Municipal Affairs

March 6, 2014

2014-0903s

04/06

Amendment to SB 418

Amend the bill by replacing section 2 with the following:

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

WAYS AND MEANS

SB 286, relative to abatements for prior years' property taxes. Ought to Pass with Amendment, Vote 5-0. Senator Rausch for the committee.

This bill provides needed clarity that selectmen in any community may, for good cause, vote to abate property taxes. This clarification became necessary after a ruling by the Board of Tax and Land Appeals created confusion. The committee amendment simply changes the paragraph structure in section 3 of the bill to be consistent with the structure of section 1.

Senate Ways and Means

March 4, 2014

2014-0863s

10/06

Amendment to SB 286

Amend the bill by replacing section 3 with the following:

3 Abatement Application; Unorganized Places. Amend RSA 81:5 to read as follows:

81:5 Abatement of Taxes.

I. The commissioners of the county in which the real estate is situated, for good cause shown, may abate any tax, ***including prior years' taxes***, assessed by them or by their predecessors, including any portion of interest accrued on such tax in the unincorporated towns or unorganized places.

II. Any person aggrieved by the assessment of a tax, who has complied with the requirements of RSA 74, may, by March 1 following the date of notice of the tax under RSA 76:1-a, and not afterwards, apply in writing to the commissioners in accordance with RSA 76:16. Upon receipt of an application for abatement, the commissioners shall review the application and respond in accordance with RSA 76:16, [H] **III.** If the commissioners neglect or refuse to abate, any person aggrieved, having complied with the requirements of RSA 74, may, on or before September 1 after the date of notice of tax under RSA 76:1-a, and not afterwards, file an appeal with the superior court in the county where the property is located, or with the board of tax and land appeals, upon payment of a \$65 filing fee. After appropriate inquiry or hearing, the board or court, as the case may be, shall make such order thereon as justice requires.

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

REGULAR CALENDAR REPORTS

COMMERCE

SB 204-FN, relative to medical conditions covered by workers' compensation. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

Commerce
March 4, 2014
2014-0867s
01/09

Amendment to SB 204-FN

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

AN ACT relative to a fund for certain medical conditions covered by workers' compensation and establishing a commission to study soft tissue injuries under workers' compensation.

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

1 New Sections; First Responder's Critical Injury Fund; Commission. Amend RSA 281-A by inserting after section 32 the following new sections:

281-A:32-a First Responder's Critical Injury Fund.

I. There is hereby established the first responder's critical injury fund. In addition to other payments made under RSA 281-A, a group II retirement system member may request additional compensation under this fund. If the impairment to a group II retirement system member resulting from an injury is partial, with a determination that the employee has reached maximum medical improvement and that such maximum medical improvement is less than 100 percent, the governor may draw a warrant, with approval by the executive council, for payments in addition to benefits payable under this chapter for an award to be paid to such employees in amounts provided by RSA 281-A:28 for the number of weeks set forth in this section for permanent bodily loss or impairment:

(a) Permanent loss or impairment of heart, lung, or brain	208
(b) Permanent loss or impairment of other internal organs	104
(c) Permanent loss or impairment of speech, touch, taste, or smell	104

II. Payments awarded under this section shall be subject to all other provisions of RSA 281-A. Total compensation paid under this section shall not exceed that allowed under RSA 281-A:32, IX.

281-A:32-b Commission Established; Membership; Duties.

I. There is established a commission to study soft tissue injuries for purposes of workers' compensation.

(a) The members of the commission shall be as follows:

- (1) Two members of the senate, appointed by the president of the senate.
- (2) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (3) The commissioner of the department of employment security, or designee.
- (4) The commissioner of the department of labor, or designee.
- (5) The commissioner of the department of insurance, or designee.
- (6) A representative of a self-funded insurer, appointed by the governor.
- (7) Two public members representing business interests, appointed by the governor.
- (8) Two public members representing labor interests, appointed by the governor.

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

II.(a) The commission shall study soft tissue injuries for purposes of workers' compensation.

(b) The commission shall solicit information and testimony from any person or entity the commission deems relevant to its study.

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

IV. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2015.

2 Repeal. RSA 281-A:32-b, relative to a commission to study soft tissue injuries under workers' compensation, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2015.

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

2014-0867s

AMENDED ANALYSIS

This bill establishes the first responders critical injury fund to make awards of additional workers' compensation upon warrant by the governor with approval by the executive council for group II retirement system members who suffer certain medical conditions. This bill also establishes a commission to study soft tissue injuries for purposes of workers' compensation.

The question is on the adoption of 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. Larsen, seconded by Sen. Sanborn.

Sen. Bragdon is excused.

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

The following Senators voted No: Reagan.

Yeas: 22 - Nays: 1

Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 207-FN, relative to paycheck equity. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

Commerce

March 5, 2014

2014-0871s

06/10

Amendment to SB 207-FN

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

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

275:37 Equal Pay.

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

- (a) A seniority system;
- (b) A merit or performance-based system;
- (c) A system which measures earnings by quantity or quality of production;
- (d) Expertise;

(e) Shift differentials;

(f) A demonstrable factor other than sex, such as education, training, or experience.

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

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

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

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

275:38-a Non-retaliation Provision.

I. No employer shall discharge or in any other manner discriminate against any employee who:

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

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

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

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

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

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

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

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

275:41-b Pay Disclosure.

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

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

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

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

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

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

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

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

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

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

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

2014-0871s

AMENDED ANALYSIS

This bill modifies provisions of law regarding pay equity.

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

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9

Sen. Pierce, Dist. 5

March 12, 2014

2014-0976s

06/10

Floor Amendment to SB 207-FN

Amend the introductory paragraph of RSA 275:38-a, I as inserted by section 3 of the bill by replacing it with the following:

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

The question is on the adoption of Floor Amendment 0976s. Adopted

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. Larsen, seconded by Sen. Boutin.

Sen. Bragdon is excused.

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, bill ordered to Third Reading.

SB 292, relative to insurance company regulation. Ought to Pass, Vote 5-0. Senator Hosmer for the committee.

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

SB 295, prohibiting an employer from using credit history in employment decisions. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Commerce

March 5, 2014

2014-0873s

06/05

Amendment to SB 295

Amend section 1 of the bill by inserting after RSA 275:72 the following new RSA section:

275:73 Exception. Any employer who reasonably believes that the lack of access to an employee's credit history at the time of hiring may adversely impact the employer's business, the welfare of other employees, or the welfare of other individuals associated with the employer or the employer's business shall be exempt from the provisions of RSA 275:72.

Recess. Out of recess.

The question is on the adoption of 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 340-FN, requiring the insurance department to hold public hearings before approval of products to be sold on the health exchange. Ought to Pass with Amendment, Vote 5-0. Senator Cataldo for the committee.

Commerce

March 4, 2014

2014-0865s

01/09

Amendment to SB 340-FN

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

AN ACT requiring the insurance department to hold public information sessions and provide a comment period before approval of products to be sold on the health exchange.

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

1 New Section; Public Information Sessions and Comment Period Required. Amend RSA 420-N by inserting after section 5 the following new section:

420-N:5-a Public Information Sessions and Comment Period Required. No later than 6 weeks following the filing deadline for insurance products to be sold on an exchange marketplace in New Hampshire each year, and before the commissioner approves such insurance products, the commissioner shall hold at least 2 public

information sessions, in different regions of the state concerning the proposed provider networks of insurance products proposed to be sold on the exchange marketplace for the following calendar year. Notwithstanding any other provision of law, information regarding the proposed network of hospitals, essential community providers as defined in 45 C.F.R. 156.235, primary care and specialty physicians and diagnostic labs included under any such insurance plan shall be made available to the public at or before these information sessions. This information shall be shared orally at the public information sessions and in writing on the department's Internet website. The commissioner shall provide public notice of these information sessions in compliance with RSA 91-A, and shall, to the extent practicable, make audio and video footage of these information sessions available through the department's Internet website. The commissioner shall accept public comments on the proposed networks at the information sessions and for at least 2 weeks following the conclusion of the public information sessions, and shall enable members of the public to register their comments in writing through the department's website. Insurance carriers may amend their proposed network submissions for 4 weeks following the end of the public comment period each year preceding their inclusion in the exchange marketplace, provided that the commissioner shall make such any amendments available to the public. As applicable, the commissioner shall issue to the senate president and the speaker of the house any recommendations regarding expanding the subject matter of this section by legislation to include additional features of the proposed insurance products.

2 Repeal. RSA 420-N:5-a, relative to public hearings before approval of products to be sold on the exchange, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2019.

II. The remainder of this act shall take effect 30 days after its passage.

2014-0865s

AMENDED ANALYSIS

This bill requires the insurance department to hold public information sessions and provide a comment period before approval of products to be sold on the exchange marketplace.

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

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9

March 10, 2014

2014-0948s

01/04

Floor Amendment to SB 340-FN

Amend RSA 420-N:5-a as inserted by section 1 of the bill by replacing it with the following:

420-N:5-a Public Information Sessions and Comment Period Required. On or before June 15 of each year, and before the commissioner approves insurance products to be sold on a federally-facilitated exchange in New Hampshire, the commissioner shall hold at least 2 public information sessions, in different regions of the state concerning the proposed provider networks of insurance products proposed to be sold on the federally-facilitated exchange for the following calendar year. Notwithstanding any other provision of law, information regarding the proposed network of hospitals and essential community providers as defined in 45 CFR 156.235 included under any such insurance plan shall be made available to the public at or before these information sessions. This information shall be shared orally at the public information sessions and in writing on the department's Internet website. The commissioner shall provide public notice of these information sessions in compliance with RSA 91-A, and shall, to the extent practicable, make audio and video footage of these information sessions available through the department's Internet website. The commissioner shall accept public comments on the proposed networks for at least 2 weeks following the conclusion of the public information sessions, and shall enable members of the public to register their comments in writing through the department's website. Insurance carriers may amend their proposed network submissions by August 1 of the year preceding their inclusion in the federally-facilitated exchange, provided that the commissioner shall make any such amendments available to the public.

The question is on the adoption of Floor Amendment 0948s. Adopted.

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

SB 345, repealing the prospective repeal of the annual public hearing and report on health insurance costs and trends. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

Commerce
March 4, 2014
2014-0866s
01/09

Amendment to SB 345

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Annual Report Concerning Premium Rates in the Health Insurance Market. RSA 420-G:14-a, VI is repealed and reenacted to read as follows:

VI.(a) The commissioner shall prepare an annual report concerning premium rates in the health insurance market and the factors that have contributed to rate increases during prior years. The annual report shall be designed to provide information which identifies and quantifies health care spending trends and the underlying factors that contributed to increases in health insurance premiums. The report shall include recommendations and strategies for increasing the efficiency of New Hampshire's health care financing and delivery system. The report shall be based on the commissioner's analysis of information and data available to the commissioner, including:

- (1) Information and analysis of the amount and impact of uncompensated care.
- (2) Past and current medical loss ratios of insurance carriers in New Hampshire.
- (3) Comparison and analysis of the cost of medical care by payment type.
- (4) Information and analysis of total public reimbursements to hospitals and other health care providers by federal, state, and local governments.
- (5) Information and analysis of insurance premiums by provider network.
- (6) Information and analysis of plan and premium information on the Federal Employee Plan and National Account offered by Anthem Blue Cross Blue Shield.
- (7) Comparison and analysis to insurance claim data collected by other states.
- (8) Testimony at the public hearing, and any other information or documents submitted in connection with the public hearing.

(b) The commissioner shall submit the annual report to the governor, the president of the senate, and the speaker of the house of representatives on or before November 1 of each year.

3 New Section; Prohibition on Charging Certain Premiums. Amend RSA 420-N by inserting after section 8 the following new section:

420-N:8-a Prohibition on Charging Certain Premiums. No insurance carrier shall charge different premiums for identical health care plans offered through an exchange marketplace and offered outside of such an exchange.

2014-0866s

AMENDED ANALYSIS

This bill repeals the prospective repeal of the annual public hearing and report on health insurance costs and trends and adds certain criteria to the report. The bill also prohibits insurance carriers from charging different premiums for identical health care plans offered through a federally-facilitated exchange and offered outside of such an exchange.

The question is on the adoption of 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 362, relative to the sale of unpasteurized apple cider. Interim Study, Vote 4-1. Senator Bradley for the committee.

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

ENERGY AND NATURAL RESOURCES

SB 200-FN-A, relative to energy infrastructure development. Ought to Pass with Amendment, Vote 3-2. Senator Bradley for the committee.

Energy and Natural Resources

March 6, 2014

2014-0919s

06/09

Amendment to SB 200-FN-A

Amend RSA 162-R:2, II as inserted by section 1 of the bill by replacing it with the following:

II. "Committee" means the site evaluation committee established under RSA 162-H:3.

Amend RSA 162-R:2, V as inserted by section 1 of the bill by replacing it with the following:

V. "Energy infrastructure" includes electric transmission lines, natural gas transmission lines, carbon dioxide pipelines, and other energy transport pipelines or conduits. "Energy infrastructure" shall not include:

(a) Energy generation facilities.

(b) Electric transmission lines or energy transport pipelines that cross an existing energy infrastructure corridor or are within an existing energy infrastructure corridor for a distance of less than 5 miles.

(c) Upgrades to existing electric transmission lines that the utility determines to be required due to asset condition and which do not change the voltage of the existing line.

Amend RSA 162-R:4 as inserted by section 1 of the bill by replacing it with the following:

162-R:4 Use of Designated Corridors.

I. All new energy infrastructure and all upgrades to an existing energy infrastructure that are not designated by ISO-New England as necessary for system reliability shall use designated corridors, where feasible, and shall be buried.

II. The committee shall approve above-ground energy infrastructure only when it determines that no feasible burial alternative exists due to public safety or engineering constraints.

Amend 162-R:5, I as inserted by section 1 of the bill by replacing it with the following:

I. The committee shall establish and implement a regular process for soliciting, accepting, and evaluating energy infrastructure proposals for use of a designated corridor and shall adopt rules, pursuant to RSA 541-A, relative to such process. As part of this process, the committee shall provide public notice of the availability of the designated corridor for energy infrastructure development, a description of the type of development anticipated in the designated corridor, and the opportunity for potential developers to submit proposals for use of the designated corridor.

Amend RSA 162-R:5, III as inserted by section 1 of the bill by replacing it with the following:

III. The committee shall evaluate and render decisions on energy infrastructure proposals for use of a designated corridor in accordance with RSA 162-R:6 and RSA 162-H.

Amend RSA 162-R:6, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Is consistent with the New Hampshire energy policy established in RSA 378:37.

(f) Is consistent with the criteria for evaluating projects under RSA 162-H.

Amend the introductory paragraph of RSA 162-R:7, III as inserted by section 1 of the bill by replacing it with the following:

III. The department shall contract for the services of a professional appraiser or appraisers to assist the department in its duties. The professional appraiser contracted under this paragraph shall:

Amend RSA 162-R:9 as inserted by section 1 of the bill by replacing it with the following:

162-R:9 Exempted Projects. ISO-New England reliability upgrades and above-ground transmission facilities 50 feet in height or lower shall be exempt from the requirements of this chapter.

Amend RSA 162-R:10 as inserted by section 1 of the bill by replacing it with the following:

162-R:10 Applicability. The provisions of this chapter shall apply to any application for energy infrastructure received as of September 1, 2013.

Sen. Prescott moved to Lay on the Table SB 200-FN-A. Adopted.

Sen. Forrester is in opposition to the motion to Table SB 200-FN-A.

SB 245-FN, relative to procedures and authority of the site evaluation committee. Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Energy and Natural Resources

March 6, 2014

2014-0921s

06/10

Amendment to SB 245-FN

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

AN ACT relative to the siting of energy facilities.

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

1 Energy Facility Evaluation and Siting, Construction and Operation. Amend RSA 162-H:1 to read as follows:

162-H:1 Declaration of Purpose. The legislature recognizes that the selection of sites for energy facilities, including the routing of high voltage transmission lines and energy transmission pipelines, ~~[will]~~ **may** have [a] significant ~~[impact upon]~~ **impacts and benefits on the following:** the welfare of the population, **property values**, the location and growth of industry, the overall economic growth of the state, the environment of the state, ~~[and]~~ **historic sites, aesthetics, air and water quality**, the use of natural resources, **and public health and safety**. Accordingly, the legislature finds that it is in the public interest to maintain a balance between ~~[the environment]~~ **those potential significant impacts** and the need for new energy facilities in New Hampshire; that undue delay in the construction of needed facilities be avoided and that full and timely consideration of environmental consequences be provided; that all entities planning to construct facilities in the state be required to provide full and complete disclosure to the public of such plans; and that the state ensure that the construction and operation of energy facilities is treated as a significant aspect of land-use planning in which all environmental, economic, and technical issues are resolved in an integrated fashion, all to assure that the state has an adequate and reliable supply of energy in conformance with sound environmental principles. The legislature, therefore, hereby establishes a procedure for the review, approval, monitoring, and enforcement of compliance in the planning, siting, construction, and operation of energy facilities.

2 New Paragraph; Energy Facility Evaluation and Siting, Construction and Operation; Definitions; Participating State Agency. Amend RSA 162-H:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Participating state agency" means each state agency having regulatory or other jurisdiction over, or interest in, an energy facility, including any aspect of construction, operation, or impacts of such facility, or a state agency that is consulted by an applicant for an energy facility certificate.

3 New Paragraph; Energy Facility Evaluation and Siting, Construction and Operation; Definitions; Staff Director. Amend RSA 162-H:2 by inserting after paragraph XII the following new paragraph:

XIII. "Staff director" means the staff director of the committee established by this chapter.

4 Site Evaluation Committee. RSA 162-H:3 is repealed and reenacted to read as follows:

162-H:3 Site Evaluation Committee Established.

I. There is hereby established a committee to be known as the New Hampshire site evaluation committee to evaluate petitions for certificates for site and facility, exemption from jurisdiction, and declaratory rulings; to oversee the operations of certificated facilities to ensure they are meeting the conditions of their certificates; to assist the public in understanding the requirements of this chapter; and to engage in rulemaking as needed.

II. The committee shall consist of 7 members, who shall be appointed by the governor, with the consent of the council, one of whom shall be designated as chairman by the governor. All members shall be residents of the state of New Hampshire. No committee member nor any member of his or her family shall receive income from energy facilities within the jurisdiction of the committee. All members shall refrain from ex parte communications regarding any matter pending before the committee. All members shall comply with RSA 15-A and RSA 15-B.

III. Members shall serve 4 year terms and until their successors are appointed and qualified, provided that, for the initial appointments, one shall be appointed to a one year term, 2 shall be appointed to 2 year terms, 2 shall be appointed to 3 year terms, and 2 shall be appointed to 4 year terms.

IV. Any member chosen to fill a vacancy occurring other than by expiration of term shall be appointed for the unexpired term of the member who is to be succeeded.

V. Three of the members shall be appointed based on geographic regions of the state such that one shall reside in Coos, Carroll, Grafton, or Belknap county; one shall reside in Sullivan, Cheshire, or Hillsborough county; and one shall reside in Merrimack, Strafford, or Rockingham county. The remaining 4 members shall be appointed based on their expertise or experience, to represent each of the following disciplines:

- (a) Environmental protection or natural resource conservation, or both.
- (b) Energy facility design, construction, operation, or management.
- (c) Community and regional economic development.
- (d) Regional planning.

VI. Five members of the committee shall constitute a quorum for the purpose of conducting the committee's business, with the exception of administrative actions which may be taken by the chairman, or designated presiding officer, or procedure rulings which may be made by a hearing officer.

VII. Any member of the committee may be removed by the governor and council for inefficiency, neglect of duty, or misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard.

VIII. The committee shall be administratively attached to the public utilities commission pursuant to RSA 21-G:10.

IX. Committee members shall be compensated at a per diem rate for any day involving more than 7 hours spent on committee matters and 1/2 the per diem rate for any day involving 7 hours or fewer spent on committee matters. The per diem rate shall be at a rate equal to the daily salary rate for a commissioner of the public utilities commission at the initial step.

X. The Chairman may:

- (a) Serve as the chief executive of the committee.
- (b) Delegate to other members the duties of presiding officer, as appropriate.
- (c) Establish, with the consent of the panel, the budgetary requirements of the agency.
- (d) Engage personnel in accordance with this chapter.

XI. Each application or petition shall be considered by the full committee. In the event that fewer than 5 members are available to sit, the governor shall appoint one or more alternates with the consent of the executive council.

XII. The committee shall have a full time staff director who, with committee approval, may engage additional technical, legal, or administrative support to fulfill the functions of the committee as necessary.

5 New Section; Staff Director. Amend RSA 162-H by inserting after section 3 the following new section:

162-H:3-a Staff Director. The site evaluation committee shall establish the position of staff director. The staff director shall be a classified state employee at labor grade 34. The salary of the staff director shall be paid from the site evaluation committee fund established in RSA 162-H:21.

6 Powers of the Committee. Amend RSA 162-H:4, III and III-a to read as follows:

III. The committee may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to ***the staff director or*** such state agency or official represented on the committee as it deems appropriate, but, subject to RSA 162-H:10, it may not delegate authority to hold hearings, issue certificates, determine the terms and conditions of a certificate, or enforce a certificate. Any authorized representative or delegate of the committee shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate-holder as are relevant to the terms or conditions of the certificate.

III-a. The committee may delegate to ***the staff director or*** an agency or official represented on the committee the authority to specify the use of any technique, methodology, practice, or procedure approved by the committee within a certificate issued under this chapter, or the authority to specify minor changes in the route alignment to the extent that such changes are authorized by the certificate for those portions of a proposed electric transmission line or energy transmission pipeline for which information was unavailable due to conditions which could not have been reasonably anticipated prior to the issuance of the certificate.

7 Powers of Committee. RSA 162-H:4, V is repealed and reenacted to read as follows:

V. Once an energy facility application has been accepted, the staff director may designate a hearing officer to hear and decide procedural matters that are before the committee, including procedural schedules, petitions for intervention, consolidation of parties with substantially similar interests, discovery schedules and motions, and identification of disputed issues for decision by the committee.

8 New Paragraph; Application for Certificate. Amend RSA 162-H:7 by inserting after paragraph I the following new paragraph:

I-a. At least 30 days prior to filing an application, an applicant for a certificate shall hold at least one public information session open to the public in a municipality where the energy facility is located or will be located. The applicant shall publish a public notice not less than 14 days before such session in one or more newspapers having a regular circulation in the county in which the session is to be held, describing the nature and location of the proposed facility. At such session, the applicant shall present information regarding the project and receive comments from the public. The applicant shall notify the chairperson of the committee in advance of the time and place of such session and arrange for a transcript of the session to be prepared.

9 Application for Certificate. Amend RSA 162-H:7, IV through VI-e to read as follows:

IV. Each application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms. Upon the filing of an application, the committee shall expeditiously forward a copy to the ***participating*** state agencies ~~[having jurisdiction]~~ ***and to other state agencies that may have comments or information requests regarding the application.*** Upon receipt of a copy, each agency shall conduct a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the ***participating*** state agencies ~~[having jurisdiction]~~, that agency shall, in writing, notify the committee of that fact and specify what information the applicant must supply; thereupon the committee shall provide the applicant with a copy of such notification and specification. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall be deemed not accepted either by the committee or by any of the ***participating*** state agencies ~~[having jurisdiction]~~ if the applicant is ~~[seasonably]~~ ***reasonably*** notified that it has not supplied sufficient information for any of the ***participating*** state agencies having jurisdiction in accordance with this paragraph.

V. Each application shall also:

- (a) Describe in reasonable detail the type and size of each major part of the proposed facility.
- (b) Identify both the preferred choice and any other choices for the site of each major part of the proposed facility.
- (c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.
- (d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.

(e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.

(f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each community in which the facility is proposed to be located.

(g) Provide the transcript of the pre-application public information session and a statement from the applicant regarding any changes made to the proposed project in response to such session.

(h) In the case of projects proposing overhead transmission facilities, present underground alternatives and site alternatives.

(i) Provide such additional information as the committee may require to carry out the purposes of this chapter.

V-a. Each application shall be accompanied by an application fee under RSA 162-H:21, II.

VI. The committee shall decide whether or not to accept the application within 60 days of filing. If the committee rejects an application because it determines it to be administratively incomplete, the applicant may choose to file a new and more complete application or cure the defects in the rejected application within 10 days of receipt of notification of rejection.

VI-a. Within 30 days after acceptance of the application, the committee shall hold at least one public ~~hearing~~ **information session** in each county in which the proposed facility is to be located, in accordance with RSA 162-H:10. **Within 30 days after the last public information session, the committee shall hold at least one public hearing in each county in which the proposed facility is to be located, in accordance with RSA 162-H:10.**

VI-b. All participating state agencies shall report their progress to the committee within ~~5 months~~ **150 days** of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision.

VI-c. All participating state agencies shall make and submit to the committee a final decision on the parts of the application that relate to its jurisdiction, no later than ~~8 months~~ **240 days** after the application has been accepted.

VI-d. Within ~~9 months~~ **365 days** of the acceptance of an application, the committee shall issue or deny a certificate for an energy facility.

VI-e. Notwithstanding any other provision of this chapter, the committee shall employ the time frames specified under RSA 162-H:6-a to any proposal for the upgrade of the transmission system considered part of the Coos county loop.

VI-f. All state agencies not having regulatory jurisdiction that elect to be participating state agencies shall comply with the provisions of RSA 162-H:7-a.

VI-g. For each application for a certificate, each participating state agency and each state agency otherwise providing input to the committee shall designate a staff liaison responsible for providing timely reports, comments, and submissions to the committee.

10 New Section; Role of State Agencies. Amend RSA 162-H by inserting after section 7 the following new section:

162-H:7-a Role of Participating State Agencies.

I. Participating state agencies shall participate in committee proceedings as follows:

(a) Receive proposals or permit requests within the agency's jurisdiction, expertise, or both; determine completeness of elements required for their permitting or other programs; and report on such issues to the committee;

(b) Review proposals or permit requests and submit recommended draft permit terms and conditions to the committee;

(c) Identify issues of concern on the proposal or permit request or notify the committee that the application raises no issues of concern;

(d) For those agencies identifying issues of concern, appear before the committee at a hearing to provide input and answer questions of parties and committee members; and

(e) Review and comment on proposed certificate conditions or rulings to confirm the proposed rulings are in conformity with the laws and regulations applicable to the project and state whether they conclude that the certificate or ruling is appropriate in light of their respective statutory responsibilities.

II. The commissioner or director of each participating agency shall advise the chairperson of the name of the individual on the participating agency staff designated to be the participating agency representative on the docket for each docketed proceeding. The committee chairman may request the attendance of an agency's designated representative or designee at a session of the committee if that person's availability could materially assist the committee in its examination or consideration of a matter.

III. All communications between the committee and participating agencies regarding a pending committee matter shall be included in the official record and be publicly available.

IV. Each participating agency has the right to rehearing and appeal of a certificate or other decision of the committee.

11 Counsel for the Public. Amend RSA 162-H:9, I to read as follows:

I. Upon notification that an application for a certificate has been filed with the committee in accordance with RSA 162-H:7, the attorney general shall appoint an assistant attorney general as a counsel for the public. The counsel shall represent the public in seeking to ~~[protect the quality of the environment and in seeking to assure an adequate supply of energy]~~ ***assure that the committee has acquired all necessary information to make its decision and has fulfilled all other requirements of this chapter.*** The counsel shall be accorded all the rights and privileges, and responsibilities of an attorney representing a party in formal action and shall serve until the decision to issue or deny a certificate is final.

12 Public Hearing; Studies; Rules. Amend RSA 162-H:10 to read as follows:

162-H:10 Public Hearing; Studies; Rules.

I. Within 30 days after acceptance of an application for a certificate of site and facility, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one ~~[joint]~~ public ~~[hearing]~~ ***information session*** in each county in which the proposed facility is to be located and shall publish a public notice not less than 14 days before said ~~[hearing]~~ ***session*** in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. ***The session shall be for public information on the proposed facilities with the applicant presenting the information to the site evaluation committee and to the public.***

I-a. Within 30 days after the last public information session pursuant to paragraph I, the site evaluation committee shall hold at least one joint public hearing in each county in which the proposed facility is to be located and shall publish a public notice not less than 14 days before such session in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. The public hearings shall be joint hearings, with representatives of the ~~[other agencies that have jurisdiction over the subject matter]~~ ***participating state agencies*** and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. ~~[The hearings shall be for public information on the proposed facilities with the applicant presenting the information to the site evaluation committee and to the public.]~~ Notwithstanding any other provision of law, the hearing shall be a joint hearing with the other state agencies and shall be in lieu of all hearings otherwise required by any of the other state agencies; provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

II. Except for informational ~~[hearings]~~ ***meetings***, subsequent hearings shall be in the nature of adjudicative proceedings under RSA 541-A and may be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee. The committee shall give adequate public notice of the time and place of each subsequent session. ***In lieu of the full committee, a hearing officer designated by the staff director may preside at hearings concern-***

ing procedural matters before the committee and the identification of significant disputed issues for consideration by the full committee. The full committee shall preside at all hearings regarding the significant disputed issues identified by the hearing officer.

III. The site evaluation committee shall consider and weigh all evidence presented at public hearings and shall consider and weigh written information and reports submitted to it by members of the public before, during, and subsequent to public hearings. The committee shall grant free access to records and reports in its files to members of the public during normal working hours ~~and~~, shall permit copies of such records and reports to be made by interested members of the public at their expense, ***and shall post all such records and reports regarding pending applications for certificates on a website.***

IV. The site evaluation committee shall require from the applicant whatever information it deems necessary to assist in the conduct of the hearings, and any investigation or studies it may undertake, and in the determination of the terms and conditions of any certificate under consideration.

V. The site evaluation committee and counsel for the public shall jointly conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter ~~and may employ a consultant or consultants, legal counsel and other staff in furtherance of the duties imposed by this chapter~~, the cost of which shall be borne by the applicant in such amount as may be approved by the committee. The site evaluation committee and counsel for the public are further authorized to assess the applicant for all travel and related expenses associated with the processing of an application under this chapter.

V-a. The site evaluation committee may use funds collected through application fees to employ a consultant or consultants, legal counsel, hearing officers, staff responsible for public and municipal engagement with committee matters, and other staff in furtherance of the duties imposed by this chapter.

VI. The site evaluation committee shall issue such rules to administer this chapter, pursuant to RSA 541-A, after public notice and hearing, as may from time to time be required.

VII. No later than January 1, 2015, the committee shall adopt rules, pursuant to RSA 541-A, relative to criteria for the siting of energy facilities, including specific criteria to be applied in determining if the requirements of RSA 162-H:16, IV(b) and (c) have been met by the applicant for a certificate of site and facility. Prior to the adoption of such rules, the office of energy and planning shall hire and manage one or more consultants to conduct a public stakeholder process to develop recommended regulatory criteria, which may include consideration of issues identified in attachment C of the 2008 final report of the state energy policy commission, as well as others that may be identified during the stakeholder process. The office of energy and planning shall submit a report based on the findings of the public stakeholder process to the committee by January 1, 2014.

13 Enforcement. Amend RSA 162-H:12, I to read as follows:

I. Whenever the committee, ***or the staff director as designee***, determines that any term or condition of any certificate issued under this chapter is being violated, it shall, in writing, notify the person holding the certificate of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the committee may suspend the person's certificate. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing.

14 Informational Meetings. Amend RSA 162-H:15 to read as follows:

162-H:15 Informational Meetings. Upon request of the governing body of a community in which the proposed facility is to be located, or upon request of the committee, the applicant shall provide informational meetings to inform the public of the proposed project ***in addition to the required public information sessions required by RSA 162-H:7 and RSA 162-H:10.***

15 Findings and Certificate Issued. Amend RSA 162-H:16, IV to read as follows:

IV. The site evaluation committee, after having considered available alternatives, ***including reasonable alternative not described in the application***, and fully reviewed the environmental impact of the site or route, and other relevant factors bearing on whether the objectives of this chapter would be best served by the issuance of the certificate, must find that ~~[the site and facility]~~:

(a) **The** applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

(b) **The site and facility** will not unduly interfere with the orderly development of the region with due consideration having been given to the views of ~~[municipal and]~~ regional planning commissions and municipal ~~[governing]~~ **legislative** bodies.

(c) **The site and facility** will not have an unreasonable adverse effect, **including unreasonable adverse cumulative effects**, on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.

(d) [Repealed.]

(e) **The site and facility will serve the public interest when taking into account:**

(1) **The net environmental effects of the facility, considering both beneficial and adverse effects.**

(2) **The net economic effects of the facility, including but not limited to costs and benefits to energy consumers, property owners, state and local tax revenues, employment opportunities, and local and regional economies.**

(3) **Whether construction and operation of the facility will be consistent with federal, regional, state, and local policies.**

(4) **Whether the facility as proposed is consistent with municipal master plans and land use regulations pertaining to (i) natural, historic, scenic, cultural resources and (ii) public health and safety, air quality, economic development, and energy resources.**

(5) **Such additional public interest considerations as may be deemed pertinent by the committee.**

(f) **The site and facility will be consistent with the state energy strategy established in RSA 4-E:1.**

16 New Sections; Fees; Applicability; Transitional Responsibilities. Amend RSA 162-H by inserting after section 20 the following new sections:

162-H:21 Fund Established; Fees.

I. There is hereby established in the office of the state treasurer a nonlapsing fund to be known as the site evaluation committee fund. All moneys in such fund shall be continually appropriated to the site evaluation committee for the purposes of the committee. The fund shall be established with an advance from the renewable energy fund established in RSA 362-F:10 in an amount not to exceed \$500,000. Repayment of the initial renewable energy fund advance shall be made over time, whenever the site evaluation committee fund shall exceed 2 years of committee operations.

II. Any entity seeking an application for a certificate of site and facility, an amendment to a certificate of site and facility, a ruling for exemption from the committee's requirements, or a declaratory or other ruling shall be accompanied by an application fee. The application fee shall be paid upon filing. Application fees shall be established by the committee through rules, based on a number of factors, including but not limited to:

(a) Nameplate capacity.

(b) Capacity and length of transmission lines or pipelines.

(c) Capacity for processing fuels.

(d) Anticipated time required before the committee for the application or petition to be acted upon.

III. An annual operating fee shall be assessed on all energy facilities as defined by RSA 162-H:2, VII that are currently operating within the state. The formula for the assessment of the operating fee shall be set forth in administrative rules. The operating fee shall collect sufficient revenues to enable the committee to oversee and ensure compliance with respect to all such facilities, and shall be available to the committee to hear and consider all applications or petitions filed with the committee.

IV. All fees shall be deposited to the site evaluation committee fund. The site evaluation committee fund shall always maintain a balance sufficient to cover 2 years of committee operations. The committee may waive assessments of operating fees if the balance of the site evaluation committee fund is sufficient in the view of the committee to meet committee needs in the next biennium.

162-H:22 Applicability.

I. The provisions of this chapter shall apply to any application or petitions received on or after June 1, 2014.

II. Matters pending prior to July 1, 2014 shall be governed by the standards in place prior to the enactment of this section and shall be addressed by the committee in effect at the time the matters were filed.

III. The committee in existence prior to July 1, 2014 shall cease to exist when all matters pending as of July 1, 2014 have been resolved, through ruling on requests for rehearing or reconsideration.

162-H:23 Transitional Responsibilities. Any matter filed after June 1, 2014 shall be reviewed by the committee; all time frames shall be tolled until the committee is established and staffed.

17 Repeal. The following are repealed:

I. RSA 162-H:6-a, relative to time frames for review of renewable energy facilities.

II. RSA 4-C:6, II(e), relative to energy facility evaluation committee.

III. RSA 162-H:7, VI-e, relative to upgrades of transmission systems that are part of the Coos county loop.

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

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

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

SB 281-FN, relative to the siting of wind turbines. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources

March 6, 2014

2014-0920s

06/09

Amendment to SB 281-FN

Amend RSA 162-H:4-a, II as inserted by section 1 of the bill by replacing it with the following:

II. In creating rules to govern the siting of large wind energy systems, the site evaluation committee shall address, but not be limited to, the following:

(a) Visual impacts within a range of 10 miles from any part of the facility, and in its discretion, impacts beyond 10 miles.

(b) Cumulative impacts to natural, scenic, recreational, and cultural resources from multiple towers or projects, or both.

(c) Set-back requirements to protect property owners from undue health and safety impacts such as noise, shadow flicker, and ice throw.

(d) The establishment of scientifically-based standards for project-related sound pressure levels, both in the audible and low frequency ranges, and provisions for independent monitoring to ensure on-going compliance.

(e) Impacts including, but not limited to, rare plants and natural communities; exemplary examples of natural communities; threatened, endangered, or special concern wildlife species and the primary habitat of these species; migrating and resident birds and bats; and high elevation spruce-fir forests.

(f) A fire protection plan approved by the state fire marshal, after consultation with local public safety authorities, as a condition for a certificate.

(g) A site decommissioning and restoration plan as a condition for a certificate, the costs of which are independently assessed annually, requiring the applicant to provide that a secure financial instrument is in place prior to the initiation of project construction that is sufficient to fund the removal of all structures and site restoration. No secure financial instrument shall include the projected salvage value of any structure to be decommissioned.

(h) The use of best available mitigation measures to avoid or minimize aesthetic, ecological, health, and property value impacts as a condition for a certificate, and the establishment of a methodology to evaluate and mitigate negative impacts on property values.

(i) The best available science and technology. The site evaluation committee may update regulations and standards adopted by the committee as frequently as is appropriate based on changes in science and technology.

2014-0920s

AMENDED ANALYSIS

This bill establishes guidelines for the site evaluation committee in adopting rules to govern the siting of large wind energy systems in New Hampshire.

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

Sen. Odell offered a floor amendment.

Sen. Odell, Dist. 8

March 12, 2014

2014-0987s

06/04

Floor Amendment to SB 281-FN

Amend RSA 162-H:4-a as inserted by section 1 of the bill by deleting paragraph III.

The question is on the adoption of Floor Amendment 0987s. Adopted.

Sen. Forrester is in opposition to the Floor Amendment on SB 281-FN.

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

Recess. Out of recess.

SB 325-FN-L, relative to oil spill preparedness and response. Ought to Pass with Amendment, Vote 5-0. Senator Woodburn for the committee.

Energy and Natural Resources

March 6, 2014

2014-0922s

06/10

Amendment to SB 325-FN-LOCAL

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

1 Utility Property Tax; Administration. Amend RSA 83-F:7, I to read as follows:

I. The commissioner shall collect the taxes, interest, additions to tax and penalties imposed under this chapter and shall pay over to the state treasurer ~~[for deposit in the education trust fund established by RSA 198:39 the amount of the funds collected:]~~:

(a) For deposit in the education trust fund established in RSA 198:39, the amount of funds collected except those specified in subparagraph (b).

(b) For deposit in the oil pollution control fund established in RSA 146-A:11-a, the amount of funds collected beginning January 1, 2014 from all utilities owning or possessing utility property used for the production, supply, distribution, transmission, or transportation of crude petroleum and refined petroleum products or combinations thereof.

2 New Paragraph; Oil Discharge or Spillage in Surface Water or Groundwater; Definitions; Oil Pipeline Facility. Amend RSA 146-A:2 by inserting after paragraph III the following new paragraph:

III-a. "Oil pipeline facility" means any intrastate pipeline structure, or section of any interstate pipeline structure of any kind and its related appurtenances located within the boundaries of this state that is used or capable of being used for pumping, handling, transferring, transporting, processing, refining or storing oil;

3 Oil Discharge or Spillage in Surface Water or Groundwater; Personnel. Amend RSA 146-A:11 to read as follows:

146-A:11 Personnel. The department of environmental services shall establish and maintain at ports within the state, ***in counties where oil pipelines are located***, and other places as it shall determine,

such employees and equipment as in its judgment may be necessary to carry out RSA 146-A. Inspection and enforcement employees of the department of environmental services in their line of duty pursuant to RSA 146-A shall have the powers of a constable under RSA 104:9.

4 Oil Pollution Control Fund. Amend RSA 146-A:11-a, I and II to read as follows:

I. There is hereby established the New Hampshire oil pollution control fund. This nonlapsing, revolving fund shall, at a minimum, pay the salaries and expenses of the persons specified in RSA 146-A:11, except as the legislature may otherwise determine, as well as the costs to implement the provisions of RSA 146-A which include, but are not limited to, the salaries and expenses of additional personnel to the extent that such salaries and expenses are incurred in implementing the provisions of this chapter, and the other costs of containment or removal or corrective measures deemed necessary by the department of environmental services as a result of an actual or potential oil discharge into or onto the surface water or groundwater of the state. Moneys from the fund shall be used to mitigate the adverse effects of oil discharges including, but not limited to, provision of emergency water supplies to persons affected by such pollution, and, where necessary as determined by the department of environmental services, the establishment of an acceptable source of potable water to injured third parties. Not more than 10 percent of the moneys in the fund shall be allocated annually for research programs dedicated to the development and improvement of preventive and cleanup measures concerning such oil discharges. ~~[In addition, up to \$100,000 of such 10 percent shall be allocated annually to the Piscataqua River Cooperative to train and equip personnel in oil spill response.]~~ In the event of an oil discharge, the department of environmental services may expend, with the approval of governor and council, such additional sums as are necessary to clean up the discharge except that the total amount expended may not exceed the balance in the New Hampshire oil pollution control fund. Income derived from the oil pollution control fund shall only be used for those administrative costs needed to implement RSA 146-A and any other costs cited in this section.

II. Moneys in the fund not currently needed to meet the obligations of the department of environmental services under this chapter shall be deposited with the state treasurer to the credit of said fund and may be invested as provided by law. Interest received on such investment shall also be credited to the fund. If the fund's balance becomes greater than \$5,000,000, the license fees established in RSA 146-A:11-b, *and II-a* shall be discontinued and only re-established when the fund's balance is 20 percent below the \$5,000,000 balance.

5 New Paragraph; License Required. Amend RSA 146-A:11-b by inserting after paragraph II the following new paragraph:

II-a. Any person who imports or causes to be imported oil into the state using pipelines, including those that transport oil between states other than New Hampshire or for international transport of oil products, shall be licensed by the department of safety under this chapter. The annual fee for the license shall be \$1.25 per barrel of the licensee's maximum possible daily pipeline capacity in the state. The fee shall be paid monthly by such person to the department of safety. The department of safety shall deposit the fees paid into the oil pollution control fund administered by the department of environmental services. Imposition of the fee shall be based on the records of the person and certified as accurate to the department of safety,

6 License Required. Amend RSA 146-A:11-b, III to read as follows:

III. Any person who imports or causes to be imported oil into the state, *except those using oil pipelines*, and who is licensed under this chapter ~~[shall be entitled to a credit against his annual license fee assessed under this section equal to the amount of any hazardous material transporter's license fee which he has paid to the department of safety pursuant to the provisions of RSA 21-P:20 upon presenting satisfactory evidence of payment of the hazardous material transporter's fee for any vehicles involved in the importation, transfer or transport of oil into this state. Any person licensed under this section]~~ may seek, and shall receive for valid claims, an import credit for oil which the person transfers out of state during any reporting period.

7 License Required. Amend RSA 146-A:11-b by inserting after paragraph III the following new paragraph:

III-a. Any person who imports or causes to be imported oil into the state using oil pipelines, including those that transport oil between states other than New Hampshire or for international transport of oil products, and who is licensed under this chapter shall be entitled to a credit against his or her annual license fee assessed under this section equal to the amount of \$1.25 per barrel of unutilized pipeline capacity, calculated by subtracting the average barrels per day of oil transported through the licensee's pipeline during any reporting period from the licensee's maximum possible daily pipeline capacity in the state.

8 New Paragraph; Rulemaking. Amend RSA 146-A:11-c by inserting after paragraph I-a the following new paragraph:

I-b. Requirements for oil pipeline facility owners to prepare, submit, and comply with a facility response plan prepared in accordance with 49 C.F.R. part 194.103. Such rules may require pipeline facility owners not subject to 49 C.F.R. part 194.103 to prepare, submit, and comply with a facility response plan that provides equivalent or greater spill protection than a plan required under 49 C.F.R. part 194.103.

9 New Section; Severability. Amend RSA 146-A by inserting after section 17 the following new section:

146-A:18 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.

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

Sen. Bradley moved to Recommit to Committee SB 325-FN-L. Adopted.

INTRODUCTION OF GUESTS

Sen. D'Allesandro introduced firefighters and police officers visiting in the gallery today: from Hampton Fire Department: Kyle Averill, July 2012 hire; Portsmouth Fire Department: Adam LaMonica, July 2012 hire; and Bruce Gosselin, October 2013; from Salem Police Department: Sean Wilson, July 2012; Brian Lawrence, May 2013; Robert Farah, May 2013; Robert Kirley, July 2012; and Corbin Decker, September 2012; from the Derry Fire Department: Robert Marini, April 2013; Anthony Derosa, April 2013; and Ryan Hickey, December 2012.

SB 407, relative to wolf hybrids. Ought to Pass with Amendment, Vote 5-0. Senator Woodburn for the committee.

Energy and Natural Resources

March 6, 2014

2014-0923s

10/03

Amendment to SB 407

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

1 Wolf Hybrids; Possession. RSA 466-A:3 is repealed and reenacted to read as follows:

466-A:3 Possession.

I. No person shall newly acquire a wolf hybrid, by gift, by sale, by breeding, or by taking from the wild.

II. Any person who owns a wolf hybrid on the effective date of this section shall license the wolf hybrid as a dog under RSA 466:1, shall ensure the wolf hybrid is spayed or neutered, shall make the animal available for inspection by an animal control officer or law enforcement officer, and shall comply with all other requirements of this chapter.

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

2014-0923s

AMENDED ANALYSIS

This bill prohibits the acquisition of wolf hybrids beginning January 1, 2015.

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

Sen. Forrester offered a floor amendment.

Sen. Forrester, Dist. 2

March 12, 2014

2014-0979s

08/10

Floor Amendment to SB 407

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

1 New Chapter; Wolf Hybrids. Amend RSA by inserting after chapter 212-B the following new chapter:

CHAPTER 212-C

WOLF HYBRIDS

212-C:1 Wolf Hybrid; Defined.

“Wolf hybrid” means any canine which has had a wolf ancestor within the previous 4 generations. This definition shall include a wolf or wolf hybrid as either a sire or dam, grandsire or dam, great-grandsire or dam or great-great grandsire or dam. An animal shall also be considered a wolf hybrid if it has been represented by its owner or former owner as having wolf ancestry.

212-C:2 Possession.

I. No person shall newly acquire a wolf hybrid, by gift, by sale, by breeding, or by taking from the wild.

II. Any person who owns a wolf hybrid which is licensed as a dog under RSA 466:1 on the effective date of this section shall continue to license the wolf hybrid as a dog under RSA 466:1, shall ensure the wolf hybrid is spayed or neutered, shall make the animal available for inspection by an animal control officer or law enforcement officer, and shall comply with all other requirements of this chapter.

212-C:3 Authority; Rulemaking.

I. The fish and game department shall have the authority to enforce the provisions of this chapter.

II. The executive director of the fish and game department shall adopt rules, under RSA 541-A, relative to standards for the export, regulation, treatment, confinement, and control of wolf hybrids.

212-C:4 Penalty; Administrative Fines.

I. Any person in violation of this chapter or any rule adopted under this chapter shall be guilty of a class A misdemeanor.

II. Any person who violates any provision of this chapter, or any rule or order of the executive director of the fish and game department, shall be subject to the imposition of an administrative fine levied by the department, not to exceed \$1,000 for each violation.

2 Repeal. RSA 466-A, relative to wolf hybrids, is repealed.

3 Applicability of Rules. All existing rules adopted by the commissioner of the department of agriculture, markets, and food under RSA 466-A which are in effect upon the effective date of this act shall be transferred to and enforced by the fish and game department and remain effective until such time as the rules expire, are repealed, or are amended by the executive director of fish and game.

4 Effective Date.

I. RSA 212-C:2 as inserted by section 1 of this act shall take effect January 1, 2015.

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

The question is on the adoption of Floor Amendment 0979s. Adopted.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 218-FN-L, relative to group I retirement system membership for all members hired on or after July 1, 2014. Inexpedient to Legislate, Vote 3-2. Senator Soucy for the committee.

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

SB 315-FN, establishing the board of building officials. Ought to Pass with Amendment, Vote 4-1. Senator Carson for the committee.

Senate Executive Departments and Administration

March 5, 2014

2014-0890s

10/06

Amendment to SB 315-FN

Amend RSA 310-A:203, II as inserted by section 2 of the bill by replacing it with the following:

II. "Code of ethics" means the code of ethics adopted by the board to be followed by building officials who are certified by the board.

Amend the section heading of RSA 310-A:205 as inserted by section 2 of the bill by replacing it with the following:

310-A:205 Code of Ethics for New Hampshire Building Officials. The board shall adopt under RSA 541-A a code of ethics for building officials, which shall include substantially the following:

Amend RSA 310-A:206, III as inserted by section 2 of the bill by replacing it with the following:

III. Members shall be appointed for 5-year terms. Initial appointments for terms of less than 5 years may be made in order to stagger the appointments. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only, a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. Appointees to the unexpired portion of a full term shall become members of the board on the day following such appointment. A board member may be removed for cause by the governor and council under RSA 4:1.

Amend RSA 310-A:210, I and II as inserted by section 2 of the bill by replacing it with the following:

I. Each applicant for certification as a building official shall meet the following minimum requirements:

(a) Completion of no less than 80 hours of board-approved education covering the core components of the statewide building code; provided that this requirement shall not apply to applicants until one year after the effective date of initial rules adopted by the board approving education courses for eligibility for certification.

(b) Have successfully completed high school or its equivalent.

(c) Proof of passing the board-adopted examination required for certification.

(d) Be at least 18 years of age.

(e) Submit to the board a notarized criminal history records release form as provided by the New Hampshire state police, which authorize the release of the applicant's criminal records, if any. The applicant shall bear the cost of the criminal records check.

II. A person who was actively engaged as a building official in this state for at least 12 months preceding the effective date of this subdivision shall be eligible for certification by the board without completion of the requirements of subparagraphs I(a) and (c). An applicant under this paragraph shall be issued a certification by providing evidence satisfactory to the board of the knowledge and experience equivalent to the requirements of subparagraph I(a). All such applicants shall meet the requirements of subparagraphs I(b), (d), and (e), pay an initial fee, and fulfill all other certification application requirements.

The question is on the adoption of 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 358, adding the community college system to the definition of public employer for purposes of the public employee labor relations board. Ought to Pass with Amendment, Vote 4-1. Senator Carson for the committee.

Senate Executive Departments and Administration

March 4, 2014

2014-0888s

06/04

Amendment to SB 358

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

2 Public Employer Labor Relations; Definitions; Legislative Body. Amend RSA 273-A:1, VII to read as follows:

VII. "Legislative body" means that governmental body having the power to appropriate public money. The legislative body of the state **community college system and** university system shall be the board of trustees.

3 Abusive Work Environment; Definitions; Employer; Employee. Amend RSA 275-E:10, III-IV to read as follows:

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

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

4 Contingency. If HB 591 of the 2014 legislative session becomes law, section 3 of this act shall take effect at 12:01 a.m. on the effective date of HB 591. If HB 591 of the 2014 legislative session does not become law, section 3 of this act shall not take effect.

5 Effective Date.

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

II. Section 4 of this act shall take effect upon its passage.

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

2014-0888s

AMENDED ANALYSIS

This bill adds the community college system to the definition of public employer for purposes of the public employee labor relations board.

This bill also modifies the definitions of employer and employee under abusive work environments.

The question is on the adoption of 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 364-FN, relative to group II service retirement allowances and relative to establishing a supplemental savings plan in the retirement system. Inexpedient to Legislate, Vote 3-2. Senator Reagan for the committee.

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

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

Sen. Bragdon is excused.

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

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

Yeas: 12 - Nays: 11

Adopted.

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bills were special ordered to the call of the Chair:

Finance SB 203, Public and Municipal Affairs SB 374, Rules, Enrolled Bills and Internal Affairs CACR 17, CACR 19, and Ways and Means SB 367-FN-A.

FINANCE

SB 404-FN, relative to the acquisition of real property for state government purposes. Ought to Pass with Amendment, Vote 6-0. Senator Odell for the committee.

Senate Finance

February 18, 2014

2014-0623s

05/01

Amendment to SB 404-FN

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

1 Acquisition and Disposal of Real Estate; By Purchase. Amend RSA 4:29 to read as follows:

4:29 By Purchase. The governor, with the advice and consent of the council, may acquire on behalf of the state, either by purchase or otherwise, as hereinafter provided, any real estate within the state which [he] **the governor** may deem necessary for any military purpose, for public parks, public buildings, or for any other public improvement **or state government** purposes and to accept deeds thereof in the name of the state; provided, however, that 60 days before a purchase of any real estate within the city of Concord or the Concord region, the governor shall provide written notice of such proposed purchase to the state-capitol-region planning commission. No dam or any real property appurtenant thereto or any rights and easements in either may be acquired pursuant to the authority of this section or any other provision of law except an act of the legislature which authorizes the acquisition of a particular dam, real property, or right or easement. **Any real property purchased pursuant to this section may be located or configured in accordance with the best interest of the state as dictated by the particular needs or requirements of the proposed use for which the real property is acquired.**

2 Payment. Amend RSA 4:38 to read as follows:

4:38 Payment. The governor, with the advice and consent of the council, is authorized to draw [his] **a** warrant upon any money in the treasury available for military purposes or not otherwise appropriated, in payment for real estate acquired for military purposes under the provisions of this chapter, or, if [and] **real property** is so acquired for other public **or state government** purposes, only upon money appropriated for such purposes, **including money appropriated in the capital budget.**

2014-0623s

AMENDED ANALYSIS

This bill permits the governor, with the advice and consent of council, to acquire property for state government purposes.

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

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

HEALTH AND HUMAN SERVICES

SB 308-FN, relative to innovation in the delivery of health care. Ought to Pass with Amendment, Vote 3-2. Senator Kelly for the committee.

Health, Education and Human Services

March 4, 2014

2014-0856s

01/04

Amendment to SB 308-FN

Amend the introductory paragraph of RSA 151-I:4, I as inserted by section 2 of the bill by replacing it with the following:

I. The attorney general shall review applications submitted under this chapter. In reviewing applications, the attorney general shall consider, but not be limited to, the following standards and as further developed under rules adopted pursuant to RSA 151-I:10:

Amend RSA 151-I:4, II as inserted by section 2 of the bill by replacing it with the following:

II. The attorney general may consider all other relevant information, including but not limited to the state health plan established under RSA 151-C:4-a. The attorney general shall consult with the commissioners of the department of health and human services and the insurance department as necessary relative to matters affecting the jurisdiction of those departments. The attorney general may provide the application and other information necessary to facilitate such consultation.

Amend RSA 151-I:11 as inserted by section 2 of the bill by replacing it with the following:

151-I:11 Assessed Expenses.

I. The attorney general shall employ independent experts, including consultants, financial advisors, and counsel, which are reasonably necessary to review the application, application for renewal, and periodic monitoring required under this chapter. These expenses shall be assessed to the parties to the agreement and shall be in addition to any other fees required under this chapter.

II. For the purposes of developing the rules required under RSA 151-I:10, the attorney general shall assess each acute care hospital licensed under RSA 151 an administrative fee. The total amount collected shall be equal to the amount actually expended for the development of the administrative rules or \$300,000, whichever is less. The amount to be collected shall be prorated as of the fiscal year ending on June 30, 2014, among all acute care hospitals licensed under RSA 151. Funds collected under this section shall be deposited in the general fund.

151-I:12 Application of Other Laws. The requirements of this chapter shall be in addition to the requirements in RSA 7:19-b and RSA 151-C, if otherwise applicable.

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. RSA 151-I:10 and RSA 151-I:11, II, as inserted by section 2 of this act, shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 2015.

2014-0856s

AMENDED ANALYSIS

This bill establishes the Health Care Delivery Innovation Through Cooperation Act. Under this bill, the attorney general may issue certificates for cooperative agreements among health care providers and entities governing the sharing of personnel, facilities, and other assets. The attorney general is granted rulemaking authority for the purposes of the bill. The bill assesses an administrative fee on acute care hospitals for the purposes of paying for the development of the administrative rules governing the new chapter.

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

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

SB 368-FN, increasing maximum fine for lead remediation. Ought to Pass, Vote 4-1. Senator Gilmour for the committee.

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

SB 371-FN, establishing a senior citizens bill of rights. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

Health, Education and Human Services

March 4, 2014

2014-0855s

01/04

Amendment to SB 371-FN

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

AN ACT requiring the establishment of a senior citizens bill of rights.

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

1 New Chapter; Senior Citizens Bill of Rights. Amend RSA by inserting after chapter 161-L the following new chapter:

CHAPTER 161-M

SENIOR CITIZENS BILL OF RIGHTS

161-M:1 Purpose. The purpose of this chapter is to establish a senior citizens bill of rights, which shall apply to the management of housing for older persons and independent living retirement communities, as defined in this chapter.

161-M:2 Definition. In this chapter, "facility" means "housing for older persons" as defined in RSA 161-J:2, III, and "independent living retirement community" as defined in RSA 161-J:2, III-a.

161-M:3 Senior Citizens Bill of Rights. The management of a facility shall establish policies consistent with the senior citizens bill of rights as set forth in this chapter. The senior citizens bill of rights shall inform residents of the facility that each resident has the following rights:

I. Dignity and privacy, including the right to:

(a) Self-organize and meet with other residents or members to discuss the policies, procedures, and services of the facility.

(b) Be represented by an individual of your own choice.

(c) Engage in concerted activities for your own purpose.

(d) Individually and severally, obtain outside advice, consultation, and services of your own choosing and at your own expense on any matter, including, but not limited to, medical, legal, and financial matters.

(e) Independence and individuality, and to have your needs and preferences recognized.

(f) Privacy within a private residential unit, subject to rules of the facility reasonably designed to promote the health, safety, and welfare of the resident.

(g) Personal space and the furnishing and decorating of personal space as private.

(h) Be free to select or refuse services and to accept responsibility for the consequences.

(i) Be free to develop and maintain social ties with opportunities for meaningful interaction and involvement with the community.

(j) Recognition that ensuring your well-being does not violate your civil rights.

(k) Set your own schedule, have visitors, and leave and enter the facility as you desire.

(l) Private communications, including receiving and sending unopened correspondence, telephone access, and visiting with persons of your choice.

(m) Freedom to participate in and benefit from community services and activities so as to achieve the highest possible level of independence, autonomy, and interaction within the community.

(n) Exercise civil and religious liberties.

(o) Meet with other residents or members to discuss the policies, procedures, and services of the facility.

II. Resolution of complaints, including the right to:

(a) Acknowledgment that you are entitled to methods of resolving complaints and freedom from abuse, neglect, and the use of chemical and physical restraints.

(b) Assurances that methods of preventing and responding to incidents involving injury, loss of property, abuse, and neglect shall be identified and implemented.

(c) Be treated with consideration, respect, and due recognition of personal dignity, individuality, and the need for privacy.

(d) Present grievances and recommend changes in policies, procedures, and services to the manager or staff of the facility, government officials, or any other person without restraint, interference, coercion, discrimination, or reprisal from the facility.

(e) Be free from retaliation if the resident makes a complaint or joins a tenant association.

III. Due process, including the right to:

(a) Not be evicted except upon execution of proper statutory authority or court proceedings.

(b) Have rules and regulations applied uniformly to all tenants.

(c) Be free from unreasonable, arbitrary, or capricious rules and regulations.

(d) A 30-day written notice prior to any change of rules or regulations, except for changes necessary to protect your health or safety.

(e) A 10-day period to correct a violation of rules or regulations.

(f) A 90-day written notice prior to increases of fees, charges, or assessments.

(g) Reasonable notice of any planned disruption of services.

(h) Have essential services furnished at all times, including water, electricity, and heat, subject to planned disruptions or emergencies.

- (i) Annual lease renewal, if you remain in good standing.
- (j) Receive a copy of any rules or regulations of the facility.

161-M:4 Gardens. Each facility shall allow residents to establish and maintain a garden if the facility has land appropriate for use as a garden; provided, that any such resident establishing a garden shall consult with the management of the facility regarding the type of herbs, fruits, flowers, vegetables or other plants the resident would like to plant in the garden.

161-M:5 Posting Requirement. The management of a facility shall conspicuously post in an area accessible to residents, employees, and visitors the following:

I. A copy of the senior citizens bill of rights as provided in RSA 161-M:3. Management of a facility shall provide each resident with a copy of the senior citizens bill of rights at the time of initial lease execution and upon each lease renewal.

II. A description of the complaint procedures established by the management of a facility pursuant to the senior citizens bill of rights, including the name, address, and telephone number of a person authorized to receive complaints.

III. A notice informing a resident that a violation of the senior citizens bill of rights constitutes an unfair or deceptive act or practice under the consumer protection laws of this state. The notice shall inform the resident of the right to file a complaint with the New Hampshire department of justice, office of the attorney general, consumer protection and antitrust bureau, including the telephone number and name of the person in the consumer protection and antitrust bureau authorized to receive such complaints.

161-M:6 Penalty. Any facility or person who violates any provision of this chapter shall be guilty of an unfair or deceptive act or practice as provided in RSA 358-A and shall be penalized in accordance with RSA 358-A:6.

2 New Paragraph; Regulation of Business Practices for Consumer Protection; Acts Unlawful. Amend RSA 358-A:2 by inserting after paragraph XIV the following new paragraph:

XV. Failure of a facility, as defined in RSA 161-M:2, or person to comply with the provisions of RSA 161-M regarding the senior citizens bill of rights.

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

2014-0855s

AMENDED ANALYSIS

This bill establishes a senior citizen bill of rights and requires it to be posted in housing for older persons and independent retirement living communities.

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

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24
March 10, 2014
2014-0947s
01/04

Floor Amendment to SB 371-FN

Amend RSA 161-M:3, I as inserted by section 1 of the bill by deleting subparagraph (o).

Amend RSA 161-M:2 as inserted by section 1 of the bill by replacing it with the following:

161-M:2 Definition. In this chapter, "facility" means "housing for older persons" as defined in RSA 161-J:2, III, and "independent living retirement community" as defined in RSA 161-J:2, III-a. In this chapter "facility" shall not include continuing care retirement communities as defined in RSA 420-D, condominiums as defined in RSA 356-B:3, V, manufactured housing parks as defined in RSA 205-A:1, or any facility licensed under RSA 151.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5.

3 New Section; Applicability of RSA 161-M. Amend RSA 161-J by inserting after section 7 the following new section:

161-J:7-a Applicability of RSA 161-M. All provisions of RSA 161-M shall apply to independent living retirement communities, defined in RSA 161-J:2, III-a, and housing for older persons, defined in RSA 161-J:2, III.

4 New Paragraph; Housing for Older Persons. Amend RSA 354-A:15 by inserting after paragraph VI the following new paragraph:

VII. Housing for older persons as defined in this section shall comply with the provisions of RSA 161-M.

The question is on the adoption of Floor Amendment 0947s. Adopted.

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

SB 414-FN, relative to Medicaid-funded services provided as a part of a child's individualized education program. Ought to Pass with Amendment, Vote 4-1. Senator Stiles for the committee.

Health, Education and Human Services

March 4, 2014

2014-0842s

04/09

Amendment to SB 414-FN

Amend RSA 186-C:29, I as inserted by section 1 of the bill by replacing it with the following:

I. Medicaid-funded services that are provided as part of a child's individualized education program shall be provided for the sole purpose of enabling the child to benefit from special education or to receive a free and appropriate public education. If a child receives Medicaid-funded services as part of the child's special education program and also receives the same or similar medical services outside of his or her special education program, the services that are provided outside of the child's special education program shall not be considered to be duplicative provided such services are medically necessary. Medicaid-funded services that are provided as part of a child's individualized education program shall not be considered to be duplicative services if the child receives the same or similar medical services outside of his or her special education program, provided both services are medically necessary.

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

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

JUDICIARY

SB 202, relative to the elements of the crime of burglary. Ought to Pass, Vote 4-0. Senator Lasky for the committee.

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

SB 303-FN, relative to bad faith assertions of patent infringement. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Judiciary

March 5, 2014

2014-0878s

05/10

Amendment to SB 303-FN

Amend RSA 359-M as inserted by section 2 of the bill by inserting after RSA 359-M:4 the following new section:

359-M:5 Exemption. A demand letter or assertion of patent infringement that includes a claim for relief arising under 35 U.S.C. section 271(e)(2) or 42 U.S.C. section 262 shall not be subject to the provisions of this chapter.

The question is on the adoption of 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 320-FN, relative to assault of a sports official. Interim Study, Vote 4-0. Senator Boutin for the committee.

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

PUBLIC AND MUNICIPAL AFFAIRS

SB 313-FN, relative to political contributions by state contractors and other recipients of state grants or appropriations. Inexpedient to Legislate, Vote 4-1. Senator Lasky for the committee.

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

SB 344, relative to New Hampshire cable franchises. Interim Study, Vote 4-1. Senator Stiles for the committee.

Recess. Out of recess.

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

A division vote was requested.

Yeas: 12 - Nays: 9

Adopted.

SB 376, requiring pooled risk management governing board members to comply with financial disclosure requirements. Ought to Pass, Vote 3-2. Senator Lasky for the committee.

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

RULES, ENROLLED BILLS AND INTERNAL AFFAIRS

SB 314, establishing an independent legislative redistricting commission. Interim Study, Vote 4-0. Senator Kelly for the committee.

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

WAYS AND MEANS

SB 208-FN, allowing for the deduction of foreign taxes paid from taxable dividends under the interest and dividends tax. Interim Study, Vote 5-0. Senator Hosmer for the committee.

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

SB 300, allowing municipalities to calculate and set annual property tax rates for the municipality. Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

Senate Ways and Means

March 4, 2014

2014-0859s

10/06

Amendment to SB 300

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

AN ACT relative to the setting of tax rates and the disposition of rooms and meals tax revenues by the department of revenue administration.

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

1 New Paragraph; Setting of Tax Rates by Commissioner. Amend RSA 21-J:35 by inserting after paragraph VI the following new paragraph:

VII. On or before October 1 of each year, the following state agencies shall provide the department of revenue administration estimates of local aid to be distributed to municipalities and school districts in the current fiscal year for the following local aid programs:

(a) State treasury: meals and rooms distribution pursuant to RSA 78-A:26.

(b) Department of transportation: highway construction aid pursuant to RSA 235:23.

(c) Department of environmental services: water pollution control grants pursuant to RSA 486, water filtration grants pursuant to RSA 486-A, and landfill closure grants pursuant to RSA 149-M:43.

(d) Department of education: federal forest land aid pursuant to RSA 227-H:20 through RSA 227-H:22, state aid for an adequate education pursuant to RSA 198:40-a, school building aid pursuant to RSA 198:15-a, and catastrophic aid pursuant to RSA 186-C:18.

2 Rooms and Meals Tax; Revenues; Administration. Amend the introductory paragraph of RSA 78-A:26, I to read as follows:

I. Beginning on July 1, 1995, and for each fiscal year thereafter, the department shall pay over all revenue, except revenues identified in paragraph III of this section, collected under this chapter to the state treasurer. On or before ~~[October 1]~~ **September 15** of each year, the department shall determine the cost of administration of this chapter for the fiscal year ending on the preceding June 30, and it shall notify the state treasurer of these costs by a report certified by them as to correctness. After deducting the cost of administration of the chapter from the total income, the state treasurer shall distribute the net income as follows:

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

2014-0859s

AMENDED ANALYSIS

This bill requires certain agencies to report estimates of local aid to the department of revenue administration for the setting of tax rates. The bill also changes the date for the department to determine the costs of administration of the rooms and meals tax.

The question is on the adoption of 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 327-FN, relative to economic revitalization zone tax credits. Ought to Pass, Vote 5-0. Senator Odell for the committee.

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

SB 335-FN, establishing a credit against the business profits tax for donations to a regional vocational education center. Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

Senate Ways and Means

March 4, 2014

2014-0861s

10/06

Amendment to SB 335-FN

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

AN ACT establishing a commission to study career and technical education centers.

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

1 New Section; Regional Vocational Education Centers; Commission Established. Amend RSA 188-E by inserting after section 10 the following new section:

188-E:10-a Study Commission on Career and Technical Education.

I. There is established a commission to study career and technical education (CTE). The members of the commission shall be as follows:

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The director of the division of career technology and adult learning.
- (d) The commissioner of the department of resources and economic development, or designee.
- (e) The chancellor of the community college system, or designee.
- (f) Three CTE directors, one member of a school board, and one SAU administrator, appointed by the commissioner of education.
- (g) A representative of the Business and Industry Association of New Hampshire, appointed by the association.

(h) Three representatives of skilled trades or businesses related to CTE programs, appointed by the governor.

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

III. The commission shall study career and technical education, and make recommendations concerning:

(a) Tax credit programs for donations of equipment and funding for the cost of apprenticeship and training programs offered by a regional vocational center, including the compensation of employees in direct supervision and training of students in a vocational education center program;

(b) Funding for construction and renovation programs; and

(c) Increasing partnerships between businesses, skilled trades, advanced manufacturing, and CTE programs.

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

V. The commission shall file and interim report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014, and a final report on or before January 1, 2015.

2 Repeal. RSA 188-E:10-a, relative to the commission to study career and technical education, is repealed.

3 Effective Date.

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

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

2014-0861s

AMENDED ANALYSIS

This bill creates a commission to study career and technical education centers.

The question is on the adoption of 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 369-FN-A, relative to the Medicaid enhancement tax. Ought to Pass with Amendment, Vote 5-0. Senator Odell for the committee.

Senate Ways and Means

March 4, 2014

2014-0862s

10/06

Amendment to SB 369-FN-A

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

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

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

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

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

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

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

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

4 Contingency; Medicaid Enhancement Tax; Uncompensated Care Fund; Definition of Hospital. Sections 1 and 2 of this act, deleting special hospitals for rehabilitation from the definition of "hospital" under the Medicaid enhancement tax and the uncompensated care fund, shall take effect on the approval date of the waiver request required in section 3 of this act, and shall apply to the taxable period ending June 30, 2014 and to every taxable period thereafter. The commissioner of health and human services shall certify the effective date to the secretary of state and the director of legislative services upon receipt of such approval.

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

84-A:3 Tax Due.

I. For the taxable period beginning July 1, 2014, and ending June 30, 2015, each hospital shall pay 100 percent of its medicaid enhancement tax due and payable for the taxable period no later than the fifteenth day of the fourth month of the taxable period. Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the last day of the month in which such payment is due.

II. For the taxable period beginning July 1, 2015, and for every taxable period thereafter, each hospital shall pay 25 percent of its Medicaid enhancement tax due and payable for the taxable period no later than the fifteenth day of October, January, March, and June of the taxable period. Notwithstanding any provision of this chapter or any other law, no penalty or interest shall be imposed for failure to make payment of tax when due if such payment is made on or before the last day of the month in which such payment is due.

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

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

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

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

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

8 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 4 of this act.

II. Sections 5-7 of this act shall take effect July 1, 2014.

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

2014-0862s

AMENDED ANALYSIS

This bill removes the application of the Medicaid enhancement tax to special hospitals for rehabilitation contingent on approval of a waiver. The bill also changes payment of the tax to 4 times per year.

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

Sen. Odell offered a floor amendment.

Sen. Odell, Dist. 8
March 11, 2014
2014-0960s
10/09

Floor Amendment to SB 369-FN-A

Amend the bill by replacing section 5 with the following:

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

84-A:3 Tax Due.

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

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

The question is on the adoption of Floor Amendment 0960s. Adopted.

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

SB 367-FN-A, requiring adjustment of the road toll according to changes in the Consumer Price Index. Ought to Pass with Amendment, Vote 4-1. Senator Rausch for the committee.

Senate Ways and Means
March 4, 2014
2014-0860s
10/06

Amendment to SB 367-FN-A

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

2 New Section; Motor Vehicle Laws; Adjustment of Road Toll; Publication. Amend RSA 260 by inserting after section 32 the following new section:

260:32-a Adjustment of Road Toll; Publication.

I. The rate for the levy of the road toll under RSA 260:32 shall be adjusted, effective July 1, 2014, by multiplying the effective rate during the prior 12-month period by a fraction, the numerator being the annual average CPI for the year 2013 and the denominator being the annual average CPI for the year 2003.

II. The road toll adjustment required in paragraph I shall be calculated by the state treasurer and forwarded to the governor, president of the senate, speaker of the house of representatives, and the commissioner of the department of safety at least 30 days before the effective date of any road toll adjustment. The commissioner of the department of safety shall publish statewide the adjusted road toll rate. The state treasurer shall make the CPI and adjusted road toll calculations to 3 decimal places.

III. In this section, "CPI" means the United States Bureau of Labor Statistics Consumer Price Index for All Urban Consumers, all items, not seasonally adjusted, for the Boston, Brockton, Nashua; MA-NH-ME-CT area.

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

2014-0860s

AMENDED ANALYSIS

This bill requires the adjustment in 2014 of the road toll imposed on sales of motor fuels according to changes in the Consumer Price Index.

The question is on the adoption of 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. Rausch, seconded by Sen. Bradley.

Sen. Bragdon is excused.

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

The following Senators voted No: Forrester, Bradley, Cataldo, Sanborn, Carson, Reagan, Soucy, Prescott, Morse.

Yeas: 14 - Nays: 9

Adopted, bill ordered to the Committee on Finance (Rule 4-5).

FINANCE

SB 203, relative to permissible uses of electronic benefit transfer (EBT) cards. Ought to Pass with Amendment, Vote 5-0. Senator Forrester for the committee.

Senate Finance

March 5, 2014

2014-0877s

05/06

Amendment to SB 203

Amend the bill by deleting section 3 and renumbering the original sections 4-5 to read as 3-4, respectively.

The question is on the adoption of 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. Bradley, seconded by Sen. Boutin.

Sen. Bragdon is excused.

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

The following Senators voted No: Kelly, Larsen, Fuller Clark.

Yeas: 20 - Nays: 3

Adopted, bill ordered to Third Reading.

PUBLIC AND MUNICIPAL AFFAIRS

SB 374, establishing a commission to review and make recommendations to standardize and make uniform the definitions of "domicile" and "residency" in state statutes. Ought to Pass, Vote 3-2. Senator Forrester for the committee.

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

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

Sen. Bragdon is excused.

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

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

Yeas: 14 - Nays: 9

Adopted, bill ordered to Third Reading.

RULES, ENROLLED BILLS AND INTERNAL AFFAIRS

CACR 17, relating to natural rights. Providing that discrimination based on sexual orientation is prohibited. Ought to Pass, Vote 4-0. Senator Kelly for the committee.

Recess. Out of recess.

Sen. Kelly offered a floor amendment.

Sen. Kelly, Dist. 10
March 12, 2014
2014-0988s
06/09

Floor Amendment to CACR 17

Amend the resolution by replacing paragraph I with the following:

I. That article 2 of the first part of the constitution be amended to read as follows:

[Art.] 2. [Natural Rights.] All ~~[men]~~ **individuals** have certain natural, essential, and inherent rights - among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex ~~[or]~~, national origin, **or sexual orientation**.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending Article 2 of the first part of the constitution to read as follows:

[Art.] 2. [Natural Rights.] All individuals have certain natural, essential, and inherent rights - among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex, national origin, or sexual orientation.”

The question is on the adoption of Floor Amendment 0988s. Adopted.

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

A roll call is required.

Sen. Bragdon is excused.

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 by necessary 3/5 vote. Resolution ordered to Third Reading.

CACR 19, relating to dedicated funds. Providing that dedicated funds shall be used solely for the purpose of the fund. Ought to Pass, Vote 4-0. Senator Fuller Clark for the committee.

Recess. Out of recess.

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

A roll call is required.

Sen. Bragdon is excused.

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

The following Senators voted No: Soucy, D’Allesandro.

Yeas: 21 - Nays: 2

Adopted by necessary 3/5 vote. Resolution ordered to Third Reading.

WAYS AND MEANS

SB 420-FN-A, reducing the rates of the business profits tax and business enterprise tax. Interim Study, Vote 5-0. Senator Odell for the committee.

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

Sen. Woodburn is in opposition to the motion of Interim Study on SB 420-FN-A.

Recess. Out of recess.

COMMERCE

SB 257, relative to retail beer sales. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Commerce
March 5, 2014
2014-0872s
03/05

Amendment to SB 257

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

2 Removal of Beer. Amend the section heading of RSA 179:27-a to read as follows:

179:27-a Removal of Opened Table Wine Bottle; ***Removal of Beer in Refillable Container.***

3 New Paragraph; Removal of Beer. Amend RSA 179:27-a by inserting after paragraph II the following new paragraph:

III. Any business holding an on-premises license may sell beer for consumption off the premises in a refillable container sealed by the licensee that contains beer dispensed from a keg by the licensee.

4 New Section; Commission to Study the Sale of Beer in Refillable Containers. Amend RSA 176 by inserting after section 18 the following new section:

176:19 Commission to Study the Sale of Beer in Refillable Containers.

I. There is established a commission to study the sale of beer in refillable containers.

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

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

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

(c) The liquor commissioner, or designee.

(d) The commissioner of the department of health and human services, or designee.

(e) A wholesale distributor licensee, appointed by Beer Distributors of New Hampshire.

(f) A beverage manufacturer licensee, appointed by the Granite State Brewers Association.

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

IV. The commission shall study health and safety issues arising from authorizing liquor licensees to sell beer in refillable containers.

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

VI. The commission shall report its findings and any recommendations for proposed rules to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, the commissioner of the department of health and human services, and the state library on or before December 1, 2014.

5 Repeal. RSA 176:19, relative to commission to study the sale of beer in refillable containers, is repealed.

6 Effective Date.

I. Sections 1-3 of this act shall take effect July 1, 2015.

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

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

2014-0872s

AMENDED ANALYSIS

This bill authorizes off-premises and on-premises licensees to sell beer in sealed refillable containers. This bill also establishes a commission to study the sale of beer in refillable containers.

Sen. Bradley moved to Lay on the Table SB 257. Adopted.

Sen. Sanborn asserts Rule 6-25 on SB 257.

SPECIAL ORDER

Without objection SB 378 is Special Ordered to 3/27/14. Adopted by the necessary 2/3 vote.

MOTION TO REMOVE FROM THE TABLE

Sen. Bradley moved to remove SB 213-FN from the table. Adopted.

SB 213-FN, establishing a registry for physician orders for life-sustaining treatment.

The question is on the motion of Refer to Interim Study on SB 213-FN.

Sen. Bradley moved to Recommit to Committee 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

CACR 17, relating to natural rights. Providing that discrimination based on sexual orientation is prohibited.
CACR 19, relating to dedicated funds. Providing that dedicated funds shall be used solely for the purpose of the fund.

SB 202, relative to the elements of the crime of burglary.

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

SB 207, relative to paycheck equity.

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

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

SB 292, relative to insurance company regulation.

SB 295, prohibiting an employer from using credit history in employment decisions.

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

SB 303-FN, relative to bad faith assertions of patent infringement.

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

SB 335-FN, establishing a commission to study career and technical education centers.

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

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

SB 358, adding the community college system to the definition of public employer for purposes of the public employee labor relations board.

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

SB 374, establishing a commission to review and make recommendations to standardize and make uniform the definitions of "domicile" and "residency" in state statutes.

SB 376, requiring pooled risk management governing board members to comply with financial disclosure requirements.

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

SB 407, relative to wolf hybrids.

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

SB 418, relative to the proclamation of firefighters memorial day.

LIST OF RULE 6-25'S FOR THE DAY

Sen. Bragdon: SB 204-FN, SB 224-FN, SB 356, SB 376.

Sen. Sanborn: SB 257.

ANNOUNCEMENTS

(The Chair recognized Sen. Larsen.)

SENATOR LARSEN: Rule 2-17, just to mark the passing of Representative Jim Pilliod, who was with us for many years as a colleague in the House. He was a physician, a pediatrician, much loved by his community, but also those of us who knew him. I call his spirit irrepressible. He was always a person full of interest and ideas and compassion, and his passing leaves a hole, I'm sure, in his community and in his family hearts, and also those of us who knew him and appreciated his contributions to our state. Thank you, Mister President.

(The Chair recognized Sen. Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. I want to thank you and thank the members of the staff for your patience as I ran down to Bedford. My wife was applying for her green card. It was a very nervous - it's nervous to go to Bedford down that big highway; no bumps, straight, flat. But when I got there, Mister President, I was so relieved that the person who interviewed me, not only was she from Colebrook, but she interned in this very Senate for Senator Flanders. So, that brought great ease to me and I appreciate that very much.

I also want to, Mister President, congratulate a former member of this body, Joe Kenney, who won a special election the other day.

And, finally, Mister President, I want to recognize a very big symbol in my district, in the State of New Hampshire, Mount Washington. Fifty years ago this spring, Mount Washington was purchased by the State from Dartmouth College, and that is a symbol of New Hampshire, the North Country, and also the balance that I think we do so well in this state between development, and preservation, but also that struggle, that quarrel between mankind, person-kind, and nature. That wild nature that we have in our great State.

And with that, Mister President, I want to invite you and all of the Senate to go with me and the Senator from Laconia as well as Commissioner Rose to the top of Mount Washington on the 21st of March on the snowcap, and you're all invited, we're leaving at 12:30. We'll have a great time; just let me know, it's first come, first serve, and we will celebrate the 50th anniversary of this great Mountain becoming part of New Hampshire's property. And you're all welcome, just let me know if you want to come. Thank you.

(The Chair recognized Sen. Fuller Clark.)

SENATOR FULLER CLARK: Thank you. I rise to recognize the passing of another member of the House: that's Larry Emerton, who also passed away in the last week. He was a devoted public servant, he gave many years to the New Hampshire House. It was a pleasure to have worked with him. He was a man of distinction and of integrity and deeply loved, and he will be missed by all. Thank you.

(The Chair recognized Sen. Pierce.)

SENATOR PIERCE: Unanimous consent? I just want to thank my colleagues for the vote on CACR 17. It's a momentous day for me, personally, but it's not about me it's a momentous day, I think, for the state that we're committed to equality, and that we are committed to the foundational principles upon which this state and this great country were founded, and we affirmed that today, and I thank everyone for their vote on that.

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.