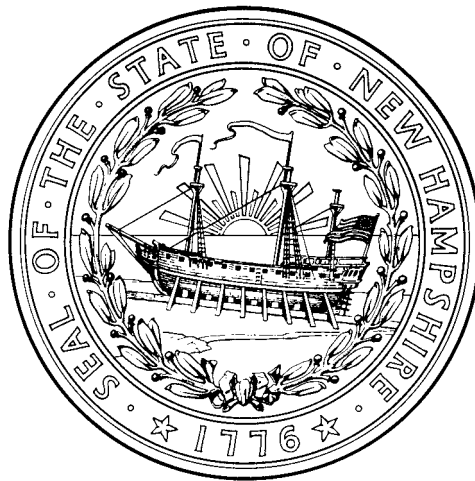


May 14, 2015
Nos. 13-14

STATE OF NEW HAMPSHIRE

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



**First Year of the 164th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MAY 7, 2015 SESSION
COMMENCEMENT – MAY 14, 2015 SESSION**

SENATE JOURNAL 13 *(continued)*

May 7, 2015

April 24, 2015
2015-1433-EBA
06/03

Enrolled Bill Amendment to SB 11

The Committee on Enrolled Bills to which was referred SB 11

AN ACT recodifying the Uniform Interstate Family Support Act.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to SB 11

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 11

Amend RSA 546-B:1, XVI(b) as inserted by section 1 of the bill by replacing line 3 with the following:
financial assistance provided to an individual obligee in place of child support;

Amend RSA 546-B:1, XVI(d) as inserted by section 1 of the bill by replacing it with the following:

(d) A person that is a creditor in a proceeding under Article 7.

Amend RSA 546-B:1, XVII as inserted by section 1 of the bill by replacing line 1 with the following:

XVII. "Obligor" means an individual or the estate of a decedent that:

Amend RSA 546-B:1, XVII(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Is alleged, but has not been adjudicated, to be a parent of a child;

Amend RSA 546-B:2-a, II as inserted by section 1 of the bill by replacing line 2 with the following:
basis of comity may apply the procedural and substantive provisions of Articles 1 through 6.

Amend RSA 546-B:3, I as inserted by section 1 of the bill by replacing line 1 with the following:

I. In a proceeding to establish or enforce a support order or to determine parentage of a

Amend RSA 546-B:9, V as inserted by section 1 of the bill by replacing line 1 with the following:

V. The tribunal that issued the controlling order under paragraph I, II, or III has continuing

Amend RSA 546-B:47 as inserted by section 1 of the bill by replacing lines 3 and 4 with the following:

issued in another state shall register that order in this state in the same manner provided in RSA 546-B:39 through RSA 546-B:46, if the order has not been registered. A petition for modification may

Amend the introductory paragraph of RSA 546-B:49, I as inserted by section 1 of the bill by replacing line 2 with the following:

issued in another state which is registered in this state, if, after notice and hearing, the tribunal finds that:

Amend RSA 546-B:53, VI(a) as inserted by section 1 of the bill by replacing line 7 with the following:

(3) May be reviewed and modified by a foreign tribunal; and

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

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 363, relative to Lyme disease awareness.

SB 231, relative to the month of inspection for municipal fleets.

Sen. Soucy moved adoption of the Report of Committee on Enrolled Bills. Adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

HB 108, relative to sealing nonpublic session minutes.

HB 109, relative to the testing of backflow devices.

HB 118, relative to vehicular assault.

HB 121, making a technical correction to the negligent driving statute.

HB 136, prohibiting tanning facilities from tanning persons under 18 years of age.

HB 146, relative to the board of dental examiners.

HB 147, relative to the homestead exemption amount.

HB 148, limiting the authority of delegates to Article V conventions.

HB 149, relative to qualifications for the office of county commissioner.

HB 151, establishing a committee to study end-of-life decisions.

HB 155, relative to municipal contracts for police chief.

HB 162, transferring authority for explosives and fireworks rules from the director of state police to the commissioner of safety.

HB 178, relative to exclusions from seasonal highway weight limit regulations.

HB 184, relative to travel insurance.

HB 193, relative to utility assessments for the use of village district roads.

HB 200, allowing homestead food operations exempt from licensure to sell homestead food products at retail food stores.

HB 201, relative to the acquisition of property rights at Back Lake dam in the town of Pittsburg, Lake Armington dam in the town of Piermont, Cass Pond dam in the town of Epsom, and Chesham Pond dam in the town of Harrisville by the department of environmental services.

HB 205, relative to lending practices of energy efficiency and clean energy districts.

HB 254, relative to exceptions to restrictions on boating.

HB 308, relative to the supervision of a real estate office and the duties of a facilitator under the real estate practice act.

HB 326, relative to the board of registration of medical technicians.

HB 354, relative to the closing of clam, oyster, and other bivalve areas for restoration.

HB 362, relative to the reliability of the electric grid.

HB 423, designating the bobcat as the New Hampshire state wildcat.

HB 478, relative to rulemaking for market conduct record retention and production.

HB 481, relative to commercial insurance.

HB 482, relative to the insurance claims adjuster definition.

HB 492, relative to military and historic re-enactments and commemorations.

HB 497, relative to interference with a cemetery burial plot.

HB 503, relative to presidential primary ballots.

HB 523, relative to the jurisdiction of the penalty appeal board.

HB 526, relative to transfers of appropriations in Carroll county.

HB 545, relative to eligibility for office.

HB 559, relative to vehicle registration by entities doing business in New Hampshire.

HB 604, relative to the use of mixed use school busses by special education pupils.

HB 610, relative to a school board vote on the reassignment of a pupil.

HB 621, establishing fines for violations of the “wide berth” laws.

SB 30, relative to the establishment of redevelopment districts in unincorporated places.

SB 70, relative to the processing of lobster tails.

SB 78, relative to original and youth operators’ licenses.

SB 90, relative to the judicial branch budget.

SB 98, relative to third party review required by the planning board.

SB 148, relative to the shellfish inspection program.

SB 154, authorizing the department of safety to set fees for motorcycle rider education programs.

SB 236, relative to alcohol ignition interlock requirements.

SB 243, relative to nonpublic sessions under the right-to-know law.

SB 249, relative to the Hampton and Exeter district divisions of the circuit court.

SB 251, relative to regulations for commercial composters.

SB 252, establishing a committee to study a number plate commemorating Laconia Motorcycle Week.

SB 258, changing the timing of determination of weighted case units for the purpose of calculating the judicial branch budget request and judicial salaries.

Sen. Prescott moved adoption of the Report of Committee on Enrolled Bills. Adopted.

Out of Recess. Call Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 14

May 14, 2015

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

Reverend Jason Wells, chaplain to the Senate, offered the following meditative thoughts and prayer.

Let us pray.

Almighty God, our creator and our redeemer. When you created us as human beings you gave us minds to reason and to reflect; you gave us hearts for compassion, and kindness, and understanding. We confess to you that all too often we neglect the gifts of heart and mind when we succumb to fear, and to pressures from others, and to sloganeering. And so we ask that you restore us to cast off fear and take on courage, and to use our minds and hearts as the gift you intended them to be. And seeing in one another that we are all frail human beings, succumb to the same fears and pressures and, yet, aspiring to be the noble stuff for which you have created us to be. And seeing each other in this way, strengthen us to work for the service of your people, created, here in New Hampshire, together. Amen.

Sen. Lasky led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Sen. Lasky introduced World Academy of Nashua visiting in the gallery today.

Sen. Fuller Clark introduced Moharimet Elementary Schools of Madbury visiting in the gallery today.

INTRODUCTION OF PAGES

Sen. Feltes introduced Selin Beril Tuter of The Derryfield School in Manchester serving as a Senate Page for the day.

Sen. Boutin introduced Catherine Rose Introcaso of The Derryfield School in Manchester serving as a Senate Page for the day.

SPECIAL ORDER

Without objection, the following bills were special ordered to Thursday, May 21, 2015.

EDUCATION

HB 323, relative to the administration of the statewide assessment program.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 455-FN, relative to the board of managers of the New Hampshire veterans' home.

PUBLIC AND MUNICIPAL AFFAIRS

HB 328, relative to delivery of absentee ballots.

HB 486, authorizing towns and cities to establish special assessment districts.

WAYS AND MEANS

HB 180, relative to the definition of "price or consideration" under the real estate transfer tax and relative to the exception for transfers by devise under such tax.

FN REPORT FOR MAY 14, 2015

Senator Forrester recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with fiscal notes or an appropriation of funds:

CONSENT CALENDAR:

JUDICIARY

HB 255-FN, relative to petitioning for annulment of a class B misdemeanor offense.

TRANSPORTATION

HB 553-FN, relative to dealer registration privileges by a dealership management company and proof of ownership of a vehicle at the time of sale.

REGULAR CALENDAR:

EDUCATION

HB 206, relative to non-academic surveys or questionnaires given to students.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 455-FN, relative to the board of managers of the New Hampshire veterans' home.

HEALTH AND HUMAN SERVICES

HB 219-FN, relative to the use of electronic benefits transfer (EBT) cards.

HB 476-FN, amending the definition of "qualifying medical condition" in the therapeutic cannabis law.

JUDICIARY

HB 403-FN, repealing the law relative to providing certain parameters for access to reproductive health care facilities.

HB 560-FN, including a fetus in the definition of "another" for the purpose of certain criminal offenses.

WAYS AND MEANS

HB 681-FN-A, increasing the marriage license fee.

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

REGULAR CALENDAR:

EDUCATION

HB 563-FN, relative to funding for chartered public school pupils.

ENERGY AND NATURAL RESOURCES

HB 391-FN, applying the E911 surcharge to prepaid cellular telephones.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 216-FN, relative to recovery of certain investigatory costs by regulatory boards and commissions.

HB 521, relative to the size of the pool of the workers' compensation appeals board.

HEALTH AND HUMAN SERVICES

HB 593-FN, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use.

Senator Forrester recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills which are still in their respective committee:

ENERGY AND NATURAL RESOURCES

HB 208-FN, relative to allowance sales under the New Hampshire regional greenhouse gas initiative program.

HB 572-FN-LOCAL, relative to taking land by eminent domain for high pressure gas pipelines and requiring payment of the land use change tax when land is taken by eminent domain to build energy infrastructure.

JUDICIARY

HB 618-FN, relative to penalties for the possession of marijuana.

HB 645-FN, relative to the licensure and regulation of child day care agencies.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

EDUCATION

HB 346, relative to criminal history records checks for school employees and volunteers. Removed by Sen. Reagan.

ENERGY AND NATURAL RESOURCES

HB 212, relative to revocation of fish and game licenses of persons convicted of sexual assault while hunting, trapping, or fishing and relative to the authority of the fish and game department to establish fees. Removed by Sen. Bradley.

TRANSPORTATION

HB 553-FN, relative to dealer registration privileges by a dealership management company and proof of ownership of a vehicle at the time of sale. Removed by Sen. Stiles.

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

EDUCATION

HB 347, relative to payment of wages of certain hourly school district employees. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill permits the commissioner of labor to permit a school district to pay certain hourly employees less frequently than weekly. It enables an employee to even out income, and it includes an opt out provision.

The amendment makes a minor change to the bill based on testimony from the Department of Labor.

Senate Education

April 21, 2015

2015-1393s

06/03

Amendment to HB 347

Amend RSA 275:43, IV-a(a) as inserted by section 1 of the bill by replacing it with the following:

1 New Paragraph; Payment of Wages; Hourly School District Employees. Amend RSA 275:43 by inserting after paragraph IV the following new paragraph:

IV-a.(a) The commissioner may permit payment of wages less frequently than weekly where a school district collective bargaining agreement for hourly employees provides an option to be paid in any number of equal installments with one additional installment.

HEALTH AND HUMAN SERVICES

HB 498, relative to notification of radon and arsenic testing. Ought to Pass, Vote 5-0. Senator Avard for the committee.

This bill revises the radon notice required prior to the sale of real property and establishes a similar notice requirement regarding arsenic. This bill does not require that the testing be conducted, but requires an individual to indicate whether or not it has been done. The committee believes that this bill is important in order to notify future property owners of the state of such testing.

JUDICIARY

HB 198, relative to retention requirements for certain motor vehicle records. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

This bill closes a loophole in DWI statutes and clarifies that records of DWI convictions, including the photograph of the DWI offender, will be kept for ten years by the Department of Safety. This gives prosecutors the tools they need to prosecute a second DWI conviction, which carries enhanced penalties if committed within ten years of the first DWI offense.

HB 255-FN, relative to petitioning for annulment of a class B misdemeanor offense. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

This bill reduces the waiting period for petitioning for annulment of a Class B misdemeanor offense from 3 years to 2 years. Convictions for domestic violence annulment remain at 3 years.

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

REGULAR CALENDAR REPORTS

EDUCATION

HB 206, relative to non-academic surveys or questionnaires given to students. Ought to Pass with Amendment, Vote 4-0. Senator Watters for the committee.

Senate Education
March 27, 2015
2015-1180s
04/05

Amendment to HB 206

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

AN ACT establishing a committee to study non-academic surveys or questionnaires administered by a public school to its students.

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

1 Committee Established. There is established a committee to study non-academic surveys or questionnaires administered by a public school to its students.

2 Membership and Compensation.

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

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

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

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

3 Duties.

I. The committee shall study the design of all non-academic surveys, questionnaires, tests, assessments, and any other information gathering surveys administered by a public school to its students, and determine whether and to what extent such surveys, questionnaires, tests, and assessments elicit information about a student's social behavior, family life, religion, politics, sexual orientation, sexual activity, drug use, or any other information not related to a student's academics, and make recommendations as necessary.

II. The committee may solicit advice and testimony from any individual or organization with information or expertise relevant to the purpose of the committee's study.

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

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

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

2015-1180s

AMENDED ANALYSIS

This bill establishes a committee to study non-academic information gathering surveys or questionnaires administered by a public school to its students.

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

Sen. Kelly offered a floor amendment.

Sen. Kelly, Dist. 10

Sen. Reagan, Dist. 17

May 13, 2015

2015-1741s

04/10

Floor Amendment to HB 206

Amend section 3 of the bill by inserting after paragraph I the following new paragraph and renumbering the original paragraph II to read as paragraph III:

II. The committee shall review federal statutes and regulations regarding surveys, questionnaires, tests, and assessments administered by a public school to its students which elicit information about a student's social behavior, family life, religion, politics, sexual orientation, sexual activity, drug use, or any other information not related to a student's academics and make recommendations as may be necessary.

Recess. Out of recess.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 12, 2015

2015-1711s

04/05

Floor Amendment to HB 206

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

AN ACT establishing a committee to study non-academic surveys or questionnaires administered by a public school to its students and relative to non-academic surveys or questionnaires given to students.

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

6 New Paragraph; State Board of Education; Non-Academic Surveys and Questionnaires. Amend RSA 186:11 by inserting after paragraph IX-c the following new paragraph:

IX-d. Require school districts to adopt a policy governing the administration of non-academic surveys or questionnaires to students. The policy shall require school districts to notify a parent or legal guardian of a non-academic survey or questionnaire and its purpose. The school district shall make such surveys or questionnaires available, at the school and on the school or school district's website, for review by a student's parent or legal guardian at least 10 days prior to distribution to students. The policy shall also allow a parent

or legal guardian to opt out of the non-academic survey or questionnaire either in writing or electronically. In this paragraph, “non-academic survey or questionnaire” means surveys, questionnaires, or other documents designed to elicit information about a student’s social behavior, family life, religion, politics, sexual orientation, sexual activity, drug use, or any other information not related to a student’s academics.

7 Effective Date.

I. Section 6 of this act shall take effect 60 days after its passage.

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

2015-1711s

AMENDED ANALYSIS

This bill establishes a committee to study non-academic information gathering surveys or questionnaires administered by a public school to its students. The bill also requires school districts to adopt a policy regarding student participation in non-academic surveys or questionnaires.

Recess. Out of recess.

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

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

HB 322, relative to protection of personally identifiable data by the department of education. Ought to Pass, Vote 3-1. Senator Avard for the committee.

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

HB 332, relative to school district policy regarding objectionable course material. Ought to Pass with Amendment, Vote 3-2. Senator Stiles for the committee.

Senate Education

April 7, 2015

2015-1261s

04/10

Amendment to HB 332

Amend RSA 186:11, IX-c as inserted by section 1 of the bill by replacing it with the following:

IX-c. Require school districts to adopt a policy allowing an exception to specific course material based on a parent’s or legal guardian’s determination that the material is objectionable. Such policy shall include a provision requiring the parent or legal guardian to notify the school principal or designee in writing of the specific material to which they object and a provision requiring an alternative agreed upon by the school district and the parent, at the parent’s expense, sufficient to enable the child to meet state requirements for education in the particular subject area. ***The policy shall also require the school district or classroom teacher to provide parents and legal guardians not less than 2 weeks advance notice of course material involving the discussion of human sexuality or human sexual education. The policy shall address the issues of instructor reprimand and the delivery method of such reprimand if the policy is violated. To the extent practicable, a school district shall make program instruction materials for such courses available to parents, legal guardians, educators, school administrators, and other interested parties for inspection and review.*** The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the material shall not be public information and shall be excluded from access under RSA 91-A.

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

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24

May 5, 2015

2015-1559s

04/08

Floor Amendment to HB 332

Amend RSA 186:11, IX-c as inserted by section 1 of the bill by replacing it with the following:

IX-c. Require school districts to adopt a policy allowing an exception to specific course material based on a parent's or legal guardian's determination that the material is objectionable. Such policy shall include a provision requiring the parent or legal guardian to notify the school principal or designee in writing of the specific material to which they object and a provision requiring an alternative agreed upon by the school district and the parent, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area. ***The policy shall also require the school district or classroom teacher to provide parents and legal guardians not less than 2 weeks advance notice of curriculum course material used for instruction of human sexuality or human sexual education. The policy shall address the method of delivering notification to a parent or legal guardian. To the extent practicable, a school district shall make curriculum course materials available to parents or legal guardians for review upon request.*** The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the material shall not be public information and shall be excluded from access under RSA 91-A.

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

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

Sen. Sanborn moved the question. Adopted.

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

The following Senators voted Yes: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avar, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

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

Yeas: 14 - Nays: 10

Adopted, bill ordered to Third Reading.

HB 563-FN, relative to funding for chartered public school pupils. Ought to Pass, Vote 3-2. Senator Reagan for the committee.

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

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

The following Senators voted Yes: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avar, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

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

Yeas: 14 - Nays: 10

Adopted.

Sen. Bradley moved to Lay on the Table HB 563-FN. Adopted.

Recess. Out of recess.

HB 603, relative to student exemption from the statewide assessment. Inexpedient to Legislate, Vote 3-2. Senator Kelly for the committee.

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

A roll call was requested by Sen. Daniels, seconded by Sen. Avar.

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

The following Senators voted No: Forrester, Bradley, Cataldo, Little, Sanborn, Daniels, Avar, Carson, Boutin, Reagan, Birdsell, Prescott, Morse.

Yeas: 11 - Nays: 13

Failed.

Sen. Avar moved Ought to Pass.

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

ENERGY AND NATURAL RESOURCES

HB 391-FN, applying the E911 surcharge to prepaid cellular telephones. Ought to Pass with Amendment, Vote 4-1. Senator Little for the committee.

Energy and Natural Resources

May 6, 2015

2015-1594s

05/10

Amendment to HB 391-FN

Amend RSA 106-H:9, I(e) as inserted by section 5 of the bill by replacing it with the following:

(e) Each local exchange telephone company, VoIP service provider, or entity which provides commercial mobile radio service, ***including prepaid commercial mobile radio service except as otherwise provided in subparagraph I-a(i)***, shall remit the surcharge amounts on a monthly basis, as prescribed by the commissioner, to the enhanced 911 services bureau, which shall be forwarded to the state treasurer for deposit in the enhanced 911 system fund. The state treasurer shall pay expenses incurred in the administration of the enhanced 911 system and the statewide emergency notification system from such fund. Such fund shall not lapse. If the expenditure of additional funds over budget estimates is necessary for the proper functioning of the enhanced 911 system or the statewide emergency notification system, the department of safety may request, with prior approval of the fiscal committee of the general court, the transfer of funds from the enhanced 911 system fund to the department of safety for such purposes. The moneys in the account shall not be used for any purpose other than the development and operation of enhanced 911 services and the statewide emergency notification system, in accordance with the terms of this chapter. Surcharge amounts shall be reviewed after the budget has been approved or modified, and if appropriate, new tariffs or rate schedules shall be filed with the public utilities commission reflecting the surcharge amount.

Amend RSA 106-H:9, I-a, (e)-(j) as inserted by section 6 of the bill by replacing them with the following:

(e) The seller shall be liable to remit all charges required by this paragraph that are collected from consumers including all such charges that the seller is deemed to collect where the amount of the surcharge has not been separately stated on an invoice, receipt, or other similar document provided by the seller to the consumer.

(f) The prepaid commercial mobile radio service E911 surcharge shall not be subject to any other state or local tax.

(g) If a minimal amount of prepaid commercial mobile radio service is sold with a prepaid mobile device for a single, non-itemized price, then the seller may elect not to apply the surcharge to such transaction. For purposes of this subparagraph, an amount of service denominated as 10 minutes or less, or 5 dollars or less, is minimal.

(h) A seller may deduct and retain 3 percent of the prepaid commercial mobile radio service E911 charges that are collected by the seller from consumers.

(i) A seller having less than 150 retail transactions in a calendar quarter and who has not collected the surcharge on such transactions shall not be required to remit the surcharge on those transactions, provided that the seller:

(1) Submits a certification to the enhanced 911 services bureau, not later than the 15th day following such quarter, that the seller had less than 150 retail transactions in such quarter; and

(2) Submits with such certification copies of invoices, receipts, or other similar documentation establishing the number of retail transactions in such quarter.

(j) Whenever lawful, providers and sellers of prepaid commercial mobile radio service shall put forth reasonable good faith efforts to cooperate with and provide timely and reasonable assistance to the division, its E911 telecommunications supervisors and investigative or law enforcement officers of this state, or any town, city, or county in this state, in connection with locating the source of any emergency E911 call or lawful investigation or activity by such telecommunications supervisor or law enforcement officer. In such instances, providers and sellers of prepaid commercial mobile radio service shall not be liable for damages to any person resulting from or incurred in connection with the provision of such lawful assistance. In such instances, providers and sellers of prepaid commercial mobile radio service shall not be liable for damages to any person resulting from or incurred in connection with the provision of such lawful assistance.

(k) Beginning on January 1, 2016, prepaid commercial mobile radio service providers shall report annually to the division the total number of active prepaid commercial mobile radio service customers in New Hampshire. For purposes of such report, "active prepaid commercial mobile radio service customers" shall include all prepaid commercial mobile radio service customers with a New Hampshire telephone number on the date of the report, or if account balance information is not available, otherwise determined not to be active by comparable data. All information submitted to the division by a provider shall be considered proprietary and confidential and shall not be considered a public record under RSA 91-A.

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

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

Sens. Avard and Daniels are in opposition to the motion of Ought to Pass with Amendment on HB 391-FN.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 216-FN, relative to recovery of certain investigatory costs by regulatory boards and commissions. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration

May 6, 2015

2015-1600s

10/09

Amendment to HB 216-FN

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

AN ACT relative to recovery of certain investigatory costs by regulatory boards and commissions, and applying certain general administration provisions to the mechanical licensing board.

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

1 New Section; Investigative Costs. Amend RSA 332-G by inserting after section 10 the following new section:

332-G:11 Investigative Costs. For any order issued in resolution of a disciplinary proceeding by any board or commission, where such board or commission has found misconduct sufficient to support disciplinary action, the board or commission may require the licensee, registrant, or certificate holder who is the subject of such finding to pay the board or commission a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. Except where otherwise limited, this sum shall not exceed \$10,000. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the board or commission as part of the penalty. The investigative and prosecution costs shall be assessed by the board or commission and any sums recovered shall be credited as restricted revenue for the use of the board or commission and shall not lapse. Such sums shall be disbursed by the board or commission for any future investigations of complaints. Orders of the board or commission shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

2 General Administration of Regulatory Boards and Commissions; Application to Mechanical Licensing Board. Amend RSA 332-G:1 to read as follows:

332-G:1 Definitions; *Application of Chapter*.

I. As used in this chapter, "board or commission" means any regulatory board or commission established under this title, **and the mechanical licensing board established in RSA 153:27-a**.

II. The provisions of this chapter applicable to occupations, trades, professions and businesses regulated under this title shall also apply to the mechanical licensing board and the trades, professions, and businesses regulated by the mechanical licensing board under RSA 153:27-RSA 153:38.

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

2015-1600s

AMENDED ANALYSIS

This bill provides for a procedure for the recovery of an occupational board or commission's investigatory costs from persons subject to disciplinary orders. This bill also requires that the general administration provisions of RSA 332-G be applicable to the mechanical licensing board.

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

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

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

The following Senators voted Yes: Woodburn, Bradley, Watters, Cataldo, Little, Kelly, Lasky, Carson Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Stiles.

The following Senators voted No: Forrester, Pierce, Hosmer, Sanborn, Daniels, Avard, Prescott, Morse.

Yeas: 16 - Nays: 8

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

Sens. Daniels and Morse are in opposition to the motion of Ought to Pass with Amendment on HB 216-FN.

Recess. Out of recess.

MOTION OF RECONSIDERATION

Sen. Bradley, having voted on the prevailing side, moved to reconsider the following action taken by this body on HB 216-FN, relative to recovery of certain investigatory costs by regulatory boards and commissions, and applying certain general administration provisions to the mechanical licensing board: rescind Order to the Committee on Finance; vote on Ought to Pass with Amendment. Adopted.

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

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

The following Senators voted Yes: Woodburn, Bradley, Watters, Pierce, Cataldo, Little, Kelly, Lasky, Carson Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Stiles.

The following Senators voted No: Forrester, Hosmer, Sanborn, Daniels, Avard, Prescott, Morse.

Yeas: 17 - Nays: 7

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

Sens. Daniels and Morse are in opposition to the motion of Ought to Pass with Amendment on HB 216-FN.

HB 463, relative to state agency communications. Ought to Pass, Vote 3-2. Senator Carson for the committee.

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

Sen. Carson moved Re-refer to Committee.

The question is on the motion of Re-refer to Committee. Adopted.

HB 473, relative to the smoking policy at the New Hampshire veterans' home. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Executive Departments and Administration

May 6, 2015

2015-1593s

09/03

Amendment to HB 473

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

AN ACT requiring the board of managers of the veterans' home to adopt a policy relative to therapeutic use of cannabis by residents of the home.

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

1 Powers of Board; Rulemaking; Therapeutic Use of Cannabis Policy. Amend RSA 119:5 to read as follows:

119:5 Powers of Board.

I. The board shall have the custody and care of the property of the institution, shall make needed bylaws and shall adopt rules under RSA 541-A relative to:

(a) The management of the veterans' home [~~and for~~];

(b) The admission and discharge of residents[.] and

(c) A policy relative to therapeutic use of cannabis by residents.

II. The board shall do all things necessary to carry into effect the purposes for which the home was established.

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

2015-1593s

AMENDED ANALYSIS

The bill requires the board of managers of the veterans' home to adopt by rule a policy relative to therapeutic use of cannabis by residents of the home.

The Chair ruled Committee Amendment 1593s non-germane.

Without objection, the Senate suspends Rule 3-17 to allow for the consideration of non-germane Committee Amendment 1593s to HB 473. Adopted by the necessary 2/3 vote.

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

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

Sen. Morse is in opposition to the motion of Ought to Pass with Amendment on HB 473.

HB 521, relative to the size of the pool of the workers' compensation appeals board. Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

Senate Executive Departments and Administration

May 6, 2015

2015-1609s

01/06

Amendment to HB 521

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 2 of this act shall take effect January 1, 2016.

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

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

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

HEALTH AND HUMAN SERVICES

HB 219-FN, relative to the use of electronic benefits transfer (EBT) cards. Ought to Pass with Amendment, Vote 3-2. Senator Carson for the committee.

Health and Human Services

May 5, 2015

2015-1569s

05/04

Amendment to HB 219-FN

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

1 Public Assistance; Prohibited Use of Electronic Benefit Transfer Cards. Amend RSA 167:7-b, I to read as follows:

I. Any person receiving public assistance is prohibited from using electronic benefit transfer (EBT) cards or cash obtained with EBT cards for the purpose of purchasing **any product** or participating in any activities in any location listed in paragraph **I-a or** II. Any person receiving public assistance who uses an EBT card in violation of paragraph **I-a or** II shall be subject to the following penalties:

(a) Suspension of cash assistance benefits for that person for 2 pay periods for the first offense.

(b) Suspension of cash assistance benefits for that person for 4 pay periods for the second offense.

(c) Suspension of cash assistance benefits for that person for 6 pay periods for the third and subsequent offense.

I-a. Any person who receives public assistance is prohibited from using an EBT card or cash obtained with an EBT card to gamble or to purchase tobacco products, alcoholic beverages, lottery tickets, firearms, or adult entertainment.

2 New Subparagraph; Prohibited Use of Electronic Benefit Transfer Card; Tattoos and Body Piercing. Amend RSA 167:7-b, II by inserting after subparagraph (d) the following new subparagraph:

(e) Business establishments primarily engaged in the practice of body piercing, branding, or tattooing.

3 New Hampshire Department of Health and Human Services; Restrictions on the Use of Electronic Benefit Transfer (EBT) Cards; Report Required. On or before October 1, 2015, the department of health and human services shall report to the fiscal committee of the general court, on the adoption and implementation of restrictions on the use of cash assistance. The report shall outline the goals of cash assistance, review applicable state and federal regulations governing restrictions on the use of cash assistance, summarize the department's findings regarding enforcement of RSA 167:7-b, and make recommendations relative to the regulation of cash assistance programs. The report shall include an education plan for recipients regarding the requirements of RSA 167:7-b and the permissible and prohibited use of cash assistance.

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

2015-1569s

AMENDED ANALYSIS

This bill expands restrictions on the use of EBT cards. The bill also directs the department of health and human services to report on the adoption and implementation of restrictions on the use of EBT cards.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: Forrester, Bradley, Watters, Cataldo, Hosmer, Little, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Woodburn, Pierce, Kelly, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark.

Yeas: 16 - Nays: 8

Adopted.

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

Sen. Soucy is in favor of the motion of Ought to Pass with Amendment on HB 219-FN.

HB 476-FN, amending the definition of "qualifying medical condition" in the therapeutic cannabis law. Ought to Pass with Amendment, Vote 4-0. Senator Fuller Clark for the committee.

Health and Human Services

April 29, 2015

2015-1485s

04/01

Amendment to HB 476-FN

Amend RSA 126-X:1, IX(a) as inserted by section 1 of the bill by replacing it with the following:

(a) "Qualifying medical condition" means the presence of:

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, agitation of Alzheimer's disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, ***epilepsy, lupus, Parkinson's disease, dementia associated with Alzheimer's disease, colitis***, or one or more injuries that significantly interferes with daily activities as documented by the patient's provider; and

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

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9

Sen. Kelly, Dist. 10

April 29, 2015

2015-1500s

05/01

Floor Amendment to HB 476-FN

Amend RSA 126-X:1, IX(a) as inserted by section 1 of the bill by replacing it with the following:

(a) "Qualifying medical condition" means the presence of:

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, ~~[agitation of Alzheimer's disease,]~~ multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, *epilepsy, lupus, Parkinson's disease, Alzheimer's disease*, or one or more injuries that significantly interferes with daily activities as documented by the patient's provider; and

(2) A severely debilitating or terminal medical condition or its treatment that has produced at least one of the following: elevated intraocular pressure, cachexia, chemotherapy-induced anorexia, wasting syndrome, *agitation of Alzheimer's disease*, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms.

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

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

Sen. Morse is in opposition to the motion of Ought to Pass with Amendment on HB 476-FN.

HB 593-FN, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use. Re-refer to committee, Vote 5-0. Senator Kelly for the committee.

The question is on the adoption of committee recommendation of Re-refer to Committee. Adopted.

JUDICIARY

HB 403-FN, repealing the law relative to providing certain parameters for access to reproductive health care facilities. Ought to Pass, Vote 3-1. Senator Carson for the committee.

Recess. Out of recess.

Recess. Out of recess.

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

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

The following Senators voted Yes: Forrester, Bradley, Cataldo, Sanborn, Daniels, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Morse.

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

Yeas: 12 - Nays: 12

Failed.

Sen. Bradley moved to Lay on the Table HB 403-FN. Adopted.

HB 560-FN, including a fetus in the definition of "another" for the purpose of certain criminal offenses. Re-refer to committee, Vote 4-1. Senator Carson for the committee.

The question is on the adoption of committee recommendation of Re-refer to Committee.

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

The following Senators voted Yes: Forrester, Bradley, Cataldo, Little, Avard, Carson, Boutin, Reagan, Birdsell, Prescott, Morse.

The following Senators voted No: Woodburn, Watters, Pierce, Hosmer, Sanborn, Kelly, Daniels, Lasky, Feltes, Soucy, D'Allesandro, Fuller Clark, Stiles.

Yeas: 11 - Nays: 13

Failed.

Recess. Out of recess.

Sen. Daniels moved Re-refer to Committee.

A roll call was requested by Sen. Avard.

Sen. Avard withdrew his request for a roll call.

The question is on the motion of Re-refer to Committee. Adopted.

Sen. Morse is in opposition to the motion of Re-refer to Committee on HB 560-FN.

PUBLIC AND MUNICIPAL AFFAIRS

HB 102, relative to consideration of warrant articles. Ought to Pass with Amendment, Vote 4-0. Senator Boutin for the committee.

Public and Municipal Affairs

April 29, 2015

2015-1496s

06/01

Amendment to HB 102

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

AN ACT relative to consideration of warrant articles and relative to accessory dwelling units.

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

2 Findings. The general court declares that:

I. There is a growing need for more diverse affordable housing opportunities for the citizens of New Hampshire.

II. Demographic trends are producing more households where adult children wish to give care and support to parents in a semi-independent living arrangement.

III. Elderly and disabled citizens are in need of independent living space for caregivers.

IV. There are many important societal benefits associated with the creation of accessory dwelling units, including:

(a) Increasing the supply of affordable housing without the need for more infrastructure or further land development.

(b) Benefits for aging homeowners, single parents, recent college graduates who are saddled with significant student loan debt, caregivers, and disabled persons.

(c) Integrating affordable housing into the community with minimal negative impact.

(d) Providing elderly citizens with the opportunity to live in a supportive family environment with both independence and dignity.

3 New Subdivision; Accessory Dwelling Units. Amend RSA 674 by inserting after section 66 the following new subdivision:

Accessory Dwelling Units

674:67 Definition. As used in this subdivision, "accessory dwelling unit" means a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

674:68 Accessory Dwelling Units.

I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling units, either as a matter of right or by special exception, in all zoning districts that permit single-family dwellings. One accessory dwelling unit shall be allowed without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The municipality is not required to allow more than one accessory dwelling unit for any single-family dwelling.

II. A municipality is not required to but may permit detached accessory dwelling units. If a municipality allows detached accessory dwelling units, it may require an increased lot size. The remaining requirements of this subdivision shall apply to detached accessory dwelling units.

III. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then one accessory dwelling unit shall be deemed a permitted accessory use to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than a building permit, if necessary.

IV. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit, but separate systems shall not be required for the principal and accessory dwelling units.

V. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy.

VI. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 750 square feet.

VII. A municipality may not require a familial relationship between the occupants of the accessory dwelling unit and the occupants of the principal dwelling unit.

VIII. A municipality may not limit the number of bedrooms in an accessory dwelling unit to fewer than 2, and any interior doors between an accessory dwelling unit and a principal dwelling unit shall not be required to be unlocked.

IX. Every accessory dwelling unit shall be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59.

4 Innovative Land Use Controls. Amend RSA 674:21, I(1)-(o) to read as follows:

(1) ~~[Accessory dwelling unit standards:~~

~~(m)]~~ Impact fees.

~~[(n)]~~ **(m)** Village plan alternative subdivision.

~~[(o)]~~ **(n)** Integrated land development permit option.

5 Innovative Land Use Controls; Accessory Dwelling Units. Amend RSA 674:21, IV to read as follows:

IV. As used in this section[?],

~~[(a)]~~ "inclusionary zoning" means land use control regulations which provide a voluntary incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low and moderate income. Inclusionary zoning includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined application process.

~~[(b)] "Accessory dwelling unit" means a second dwelling unit, attached or detached, which is permitted by a land use control regulation to be located on the same lot, plat, site, or other division of land as the permitted principal dwelling unit.]~~

6 Effective Date.

I. Sections 2 through 5 of this act shall take effect June 1, 2016.

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

2015-1496s

AMENDED ANALYSIS

This bill deletes the exception for towns with 10,000 or more inhabitants from the requirement of acting upon every article in a warrant prior to the adjournment of the town meeting.

This bill also establishes requirements for local regulation of accessory dwelling units.

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

Sen. Bradley moved Ought to Pass.

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

WAYS AND MEANS

HB 171, relative to rebating. Ought to Pass, Vote 5-0. Senator Sanborn for the committee.

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

SPECIAL ORDER

Without objection HB 681-FN-A was Special-Ordered to the end of the calendar.

PRESIDENT MORSE: We are at the conclusion of the regular calendar and will take up the bills that were removed from the consent calendar.

EDUCATION

HB 346, relative to criminal history records checks for school employees and volunteers. Ought to Pass, Vote 5-0. Senator Watters for the committee.

This bill makes changes to the law on school employee and volunteer criminal history records checks by including all crimes, rather than only felonies, in reports. The committee believes this bill adequately balances the privacy concerns of prospective teachers with the safety concerns of school administration personnel and parents.

Sen. Kelly moved Re-refer to Committee.

The question is on the motion of Re-refer to Committee. Adopted.

ENERGY AND NATURAL RESOURCES

HB 212, relative to revocation of fish and game licenses of persons convicted of sexual assault while hunting, trapping, or fishing. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

As amended by the committee, this bill requires that the period of revocation or suspension for any felony conviction will be no less than 10 years, while the period of revocation or suspension for any misdemeanor conviction will be no less than 5 years. Further, for any second or subsequent misdemeanor conviction, the conviction will not be less than 10 years and not more than life. The committee believes that this bill helps to ensure that our state's residents can be safe while enjoying these recreational activities that New Hampshire offers.

Energy and Natural Resources

May 6, 2015

2015-1586s

10/04

Amendment to HB 212

Amend RSA 214:19, III as inserted by section 1 of the bill by replacing it with the following:

III. The executive director shall revoke or suspend the license of any person convicted of committing aggravated felonious sexual assault, felonious sexual assault, or sexual assault pursuant to RSA 632-A:4, I(a) or (b), or any similar statute in any other state, which occurred while the person was engaged in any activity requiring the person to carry a license as required in RSA 214:1. The period of revocation or suspension under this paragraph for any felony conviction shall be not less than 10 years and not more than life. The period of revocation or suspension under this paragraph for any misdemeanor conviction that is a first offense shall be not less than 5 years and not more than life. The period of suspension under this paragraph for any second or subsequent misdemeanor conviction shall be not less than 10 years and not more than life.

2015-1586s

AMENDED ANALYSIS

This bill requires a minimum period of revocation or suspension of a license issued by the fish and game department for a person convicted of sexual assault while hunting, trapping, or fishing.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

Sen. D'Allesandro, Dist. 20

May 14, 2015

2015-1748s

05/10

Floor Amendment to HB 212

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

AN ACT relative to revocation of fish and game licenses of persons convicted of sexual assault while hunting, trapping, or fishing and relative to the authority of the fish and game department to establish fees.

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

2 Fish and Game Department; Rulemaking; Fees. Amend RSA 206:10, I as follows:

I. It shall be the duty of the executive director to function as the chief administrator of the commission and to protect, propagate and preserve the fish, game, and wildlife resources of the state and to protect and conserve nongame birds of the state. The executive director shall, subject to the limitations hereinafter set forth, have the power and authority to adopt and enforce rules, pursuant to RSA 541-A, for the adequate and effective control, management, restoration, conservation, and regulation of the fish, game, bird, and wildlife resources of the state, including rules designed to prohibit or otherwise regulate nonagricultural activities which may cause the introduction or spread of infectious disease in the state's wildlife resources. Such power and authority shall include: *(a) the right, after consultation with the commission, to set and charge fees adopted pursuant to RSA 541-A, (b) the right to open and close the season for taking fish, game, birds, and wildlife, (c) the right to fix the size, number and weight limits, and other conditions governing the method and manner of taking the same.* Such power and authority may be exercised with reference to the state as a whole, or for any specified county or part thereof, or for any lake, pond, stream, or part thereof.

3 Fish and Game; Crossbow Permit; Disability; Administrative Fee. Amend RSA 207:10-c, V, to read as follows:

V. [A-\$10] *An* administrative fee *set by the executive director pursuant to RSA 206:10, I* shall be charged once, upon application to the executive director for such permit.

4 Fish and Game; Dog Training; Fee. Amend RSA 207:12-a, I to read as follows:

I. Any person who is licensed to hunt within the state may be issued a training permit for the training of bird dogs and trail or tree hounds during the closed season on any wildlife, except deer, moose, caribou, elk, lynx, cougar, bobcat, and turkey, upon application and the payment of a fee [of \$5]. The executive director shall adopt rules pursuant to RSA 541-A, relative to the *amount of the fee for the training permit and the period for the training of bear dogs.* Notwithstanding the provisions of this paragraph, field trials shall be permitted pursuant to RSA 207:13.

5 Fish and Game; Field Trials. Amend RSA 207:13, I to read as follows:

I. Field trials for dogs may be held at such times, in such manner, and under such restrictions, as may be prescribed by the executive director. Any person wishing to hold a field trial shall first obtain a written permit from the person on whose land it is proposed to hold the trial, present the same to the executive director, and pay a fee [of \$9.50] *set by the executive director pursuant to RSA 206:10, I*, including field trials for coon dogs and such night hunts for coon dogs as authorized by paragraph II. The executive director may thereupon issue a permit for such field trial. The executive director or his duly authorized agent shall supervise the holding of such field trial, enforce the terms of the permits, and the rules for its conduct. The executive director shall adopt rules under RSA 541-A for the conduct of field trials as in his *or her* opinion are necessary to safeguard the interest of the wildlife of the state, provided that the executive director shall

issue permits for beagle trials to any beagle club recognized by the American Kennel Club for trials to be run under the rules and regulations of the American Kennel Club. The fee for this permit shall ~~[not exceed \$9.50]~~ **be set by the executive director pursuant to RSA 206:10, I.** The executive director or his **or her** authorized agent shall enforce the terms of such permits.

6 Fish and Game; Bow and Arrow; License Fee. RSA 208:5, I is repealed and reenacted to read as follows:

I. The executive director shall set the fee pursuant to RSA 206:10, I, for issuance of archery licenses for the following categories: residents 16 years of age or older and nonresidents 16 years of age or older.

7 Fish and Game; Muzzleloaders. Amend RSA 208:5-a to read as follows:

208:5-a Muzzleloaders. A person who has complied with the licensing requirements relative to hunting deer pursuant to RSA 214, ~~[upon payment of a fee of \$15 by residents or a fee of \$40 by non-residents,]~~ shall be issued a license, **upon payment of a fee set by the executive director pursuant to RSA 206:10, I, for the following categories: residents 16 years of age or older and nonresidents 16 years of age or older.** A muzzleloading license shall not be required for residents less than 16 years of age, but such person while hunting with a muzzleloading firearm shall be accompanied by a properly licensed person who is 18 years of age or over and must also comply with all provisions of this chapter. The license shall entitle the holder to hunt deer with a single shot muzzleloading firearm.

8 Fish and Game; Special Deer Permits. Amend RSA 208:5-b to read as follows:

208:5-b Special Deer Permits. The executive director may issue special deer permits to a person licensed with the applicable license to hunt issued under RSA 214, or RSA 208:5 or ~~[5-a]~~ **208:5-a.** The executive director shall adopt rules pursuant to RSA 541-A relative to fixing the number and sex limitations for wild deer and any other conditions governing the location, method, and manner of taking as well as the issuance and fee for special deer permits. ~~[The executive director may charge a fee not to exceed \$15 for all applications for special deer permits.]~~

9 Fish and Game; Black Bears. Amend RSA 208:24, II to read as follows:

II. No person shall take wild black bears in this state without first procuring a bear license and tag in addition to the applicable license to hunt issued pursuant to RSA 214 or RSA 208:5. The cost of the bear license and tag, **for both residents and nonresidents,** shall be ~~[\$15 for residents and \$47 for non-residents]~~ **set by the executive director pursuant to RSA 206:10, I.**

10 Fish and Game; Fishing Tournaments. Amend RSA 211:16-b to read as follows:

211:16-b Fishing Tournaments.

I. No person shall promote or operate any fishing tournament in the waters under the jurisdiction of this state without first procuring a special permit from the executive director to do so. ~~[The fee for a permit issued under this section is \$25.]~~

II. The executive director shall adopt rules, pursuant to RSA 541-A, relative to definitions, **fees,** conditions, requirements for waivers, including waivers of the fee, qualifications, and all other criteria relating to the operation of a fishing tournament on any waters of the state.

11 Fish and Game; Lobster and Crab. Amend RSA 211:18, III-a to read as follows:

III-a. The ~~[following fees shall apply to lobster and crab license]~~ **executive director shall set the fee pursuant to RSA 206:10, I for the following lobster and crab license types** issued under this section:

- (a) Resident commercial lobster and crab license~~[-\$300].~~
- (b) Nonresident commercial lobster and crab license~~[-\$600].~~
- (c) Resident limited commercial lobster and crab license~~[-\$175].~~
- (d) Nonresident limited commercial lobster and crab license~~[-\$350].~~
- (e) Resident part-time commercial lobster and crab license~~[-\$103].~~
- (f) Nonresident part-time commercial lobster and crab license~~[-\$350].~~
- (g) Recreational lobster and crab license~~[-\$35].~~

12 Fish and Game; Lobster Helper's License. Amend RSA 211:20 to read as follows:

211:20 Helper's License. Any person licensed under the provisions of RSA 211:18 may get a helper's license which entitles the person to have the help of a person in the taking of lobsters or crabs. The helper's license may be transferred to any one helper employed by the licensee, but may not be transferred to a person who previously had a lobster license which is under suspension. A helper may assist, set, or haul pots or traps or any other device used in the taking of lobsters and crabs only in the presence of and aboard the boat of a person licensed under the provisions of RSA 211:18, and who holds a valid helper's license. ~~[The fee for a helper's license is \$10.]~~ The executive director shall adopt rules pursuant to RSA 541-A relative to the **fee for a helper's license and the** terms and restrictions of a helper's license to comply with lobster trap limits established under the Atlantic States Marine Fisheries Commission management plan for American lobster relative to reduced fishing effort.

13 Fish and Game; Lobster Retail Dealer. RSA 211:39, II through IV are repealed and reenacted to read as follows:

II. The executive director shall set the fee pursuant to RSA 206:10, I, for retail dealer licenses issued under this section.

14 Fish and Game; Nonresident Commercial Salt Water License. Amend RSA 211:49-a, II to read as follows:

II. The fee for an annual license shall be ~~[\$500]~~ **set by the executive director pursuant to RSA 206:10, I.** The license shall be for the operator of the boat, vessel, flotation device, or gear, and helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins or scallops by diving.

15 Fish and Game; Nonresident Wholesaler License. Amend RSA 211:49-aa, I, to read as follows:

I. Any person, firm, or corporation who does not qualify as a resident under RSA 207:1 or RSA 211:43 and who is engaged in a wholesale trade in any marine species shall first procure a valid license from the executive director to do so in this state. The license shall entitle the licensee to buy, sell, process, and transport any marine species in wholesale trade within the state and to ship any marine species within and outside the state. A separate extra facility license shall be required for each market, store, vehicle, or facility where such marine species are bought or sold at wholesale. A nonresident wholesale license shall not be required by a person properly licensed pursuant to RSA 211:49-a. The ~~[fee]~~ **fees** for an annual license ~~[shall be \$200 and \$75]~~ **and** for each extra facility license **shall be set by the executive director pursuant to RSA 206:10, I.** A copy of the license shall be carried in each vehicle and displayed at all facilities.

16 Fish and Game; Resident Commercial Salt Water License. Amend RSA 211:49-b, II to read as follows:

II. The fee for such annual license shall be ~~[\$50]~~ **set by the executive director pursuant to RSA 206:10, I.** The license shall be for the operator of the boat, vessel, flotation device, or gear, and helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins or scallops by diving.

17 Fish and Game; Resident Wholesaler License. Amend RSA 211:49-c, I to read as follows:

I. Any person, firm, or corporation engaged in a wholesale trade in any marine species shall first procure from the executive director a license to do so. Said license shall entitle the licensee to buy, sell, process, and transport any marine species in wholesale trade within the state and to ship any marine species within and outside the state. A separate extra facility license shall be required for each market, store, vehicle, or facility where such marine species are bought or sold at wholesale. A resident wholesaler license shall not be required by a person properly licensed pursuant to RSA 211:49-b. The ~~[fee]~~ **fees** for an annual license ~~[shall be \$100 and \$50]~~ **and** for each extra facility license **shall be set by the executive director pursuant to RSA 206:10, I.** A copy of the license shall be carried in each vehicle and displayed at all facilities.

18 Fish and Game; Landing License. Amend RSA 211:49-d to read as follows:

211:49-d Landing License; Lobster and Crabs. Any person who is not licensed under RSA 211:18, RSA 211:49-a, or RSA 211:49-b and wishes to transport in state waters lobsters and crabs taken outside the jurisdiction of the state via ship, vessel, or similar craft in state waters for the purposes of landing the lobsters and crabs in the state must first procure a landing license. This shall allow the licensee to sell lobster and crab landed under such person's license. The fee for ~~[an] annual [license]~~ **licenses** ~~[shall be \$50 for a resident and \$500 for any persons who does not qualify as a residents under RSA 207:1]~~ **for residents and nonresidents shall be set by the executive director pursuant to RSA 206:10, I.**

19 Fish and Game; Commercial Shrimp License. Amend RSA 211:49-e, II and III to read as follows:

II. The [fee] **fees** for the northern shrimp [license] **resident and nonresident licenses** shall be [~~\$100 for residents~~] **set by the executive director pursuant to RSA 206:10, I.**

III. [~~The fee for the northern shrimp license shall be \$500 for nonresidents.~~] A nonresident shall not be eligible to obtain a commercial shrimp license unless the state in which such person is a resident provides a reciprocal licensing privilege for residents of this state.

20 Fish and Game; Oyster License. Amend RSA 211:62-a to read as follows:

211:62-a License for Taking. No person shall at any time take oysters unless the person is a resident of the state and has been duly licensed as provided in this section. Any resident of this state shall, upon application to the executive director of the fish and game department, be granted a license to take oysters upon payment of a fee [~~of \$29~~] **set by the executive director pursuant to RSA 206:10, I.** Such license shall be issued for the current calendar year. The executive director of the fish and game department shall make readily available such licenses as are covered by this section through its regular outlets. A person who furnishes to another person or permits another person to have or use the person's oyster license or the license of any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.

21 Fish and Game; Clams in Coastal Waters. Amend RSA 211:62-d to read as follows:

211:62-d Clams in Coastal Waters. No one other than an individual natural person who is a bona fide resident of the state, and who has obtained a [~~\$300~~] commercial clamming license, may at any time commercially harvest or take the following from ocean waters within the jurisdiction of the state, black clams (*Cyprina islandica*), sea clams (*Spisula solidissima*), and razor clams (*Ensis directus*). No such person authorized by this section to take such clams may take more than 500 bushels of unshucked clams daily. **The fee for a commercial clamming license shall be set by the executive director pursuant to RSA 206:10, I.**

22 Fish and Game; Recreational Taking of Clams. Amend RSA 211:64-b to read as follows:

211:64-b License for Recreational Taking of Clams. No person shall at any time take clams for such person's own use unless the person is a resident of the state and has been duly licensed as provided in this section. Any person 6 years of age or older shall, upon application to the executive director of the fish and game department, be granted a license to take clams for recreational purposes upon payment of a fee [~~of \$29~~] **set by the executive director pursuant to RSA 206:10, I.** Such license shall be issued for the current calendar year. A resident of the state may take up to one quart of clamworms during any one day for such person's own use without a license. A person who furnishes to another person or permits another person to have or use the person's recreational clam license or the license of any other person, or changes or alters such license or uses a license issued to another person, or makes a false statement in an application to obtain said license shall be subjected to the penalty under RSA 211:64.

23 Fish and Game; Sale of Venison. Amend RSA 212:30-d, III to read as follows:

III. Resident and nonresident wholesalers who wish to sell imported venison in this state as permitted in paragraph I shall procure a wholesaler's license from the department of fish and game to do so, the fee for which shall be [~~\$50~~] **set by the executive director pursuant to RSA 206:10, I.** Said license shall expire on December 31 of each calendar year. Wholesalers shall provide bills of sale in duplicate, one copy of which shall be given to the retail seller, and the other copy of which shall be retained as a file copy by the wholesaler and shall be available for inspection by any agent of the executive director.

24 Fish and Game; License Fees. Amend RSA 214:8 to read as follows:

214:8 Form; **Fees.**

I. The executive director shall prepare licenses, game tags, permits, stamps, and such other forms as determined necessary to comply with all licensing requirements of title XVIII. Such license, when issued to the licensee, shall bear the date of issuance, and shall contain the name, age, color of eyes, and residence of the licensee and such other information, including affidavits, as may be requested by the executive director. The license, to be valid, shall be countersigned by the licensee on the face of the license in the space provided.

II. The executive director shall set fees for the various license types described in RSA 214:9 pursuant to RSA 206:10, I.

25 Fish and Game; License Applications and Fees. Amend RSA 214:9 to read as follows:

214:9 Application[;Fees]. ~~[The]~~ **To obtain any of the following licenses, an** applicant shall fill out and subscribe ~~[to]~~ **on** a blank to be furnished by the executive director and pay the agent the ~~[following]~~ **license** fees, **established under RSA 214:8, II**, and the agent fee as provided in RSA 214-A:4:

I. ~~[If the applicant is a resident of this state and wishes to hunt, \$21, and the agent shall thereupon issue a]~~ Resident hunting license, which shall entitle the licensee to hunt, shoot, kill, or take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

II. ~~[If the applicant is a resident of this state and wishes to fish, \$33, and the agent shall thereupon issue a]~~ Resident fishing license, which shall entitle the licensee to kill, take, and transport all species of freshwater fish, under the restrictions of this title.

II-a. [Repealed.]

II-b. ~~[If the applicant is a resident of this state and wishes to fish for one day, \$8, and the agent shall thereupon issue a]~~ One-day resident fishing license, which shall entitle the licensee to kill, take, and transport all species of freshwater fish, for said time only, under the restrictions of this title.

III. ~~[If the applicant is a resident of this state and wishes to hunt and fish, \$44, and the agent shall thereupon issue a]~~ Resident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill, or take, except by use of traps, and to transport wild birds, wild animals, and all species of freshwater fish under the restrictions of this title.

IV. ~~[If the applicant is a resident of this state and wishes to take fur-bearing animals and coyote by the use of traps, \$27.50, and the department shall thereupon issue a]~~ **Resident** trapping license, which shall entitle the licensee to take fur-bearing animals and coyote by the use of traps and sell and transport them under the restrictions of this title.

V. ~~[If the applicant is a resident under 16 years of age and wishes to take fur-bearing animals and coyote by the use of traps when not accompanied by a licensed trapper 18 years of age or over, \$5.50, and the agent shall thereupon issue a]~~ Resident minor's trapping license, which shall entitle the licensee **under 16 years of age** to take fur-bearing animals and coyote by the use of traps and sell and transport them under the restrictions of this title.

VI. ~~[If the applicant is a nonresident, 16 years of age or older, and wishes to hunt, \$102, and the agent shall thereupon issue a]~~ Nonresident hunting license which shall entitle the licensee to hunt, shoot, kill, and take, except by the use of traps, and to transport wild birds and wild animals under the restrictions of this title.

VI-a. ~~[If the applicant is a nonresident and wishes to hunt and fish, \$139, and the agent shall thereupon issue a]~~ Nonresident hunting and fishing license, which shall entitle the licensee to hunt, shoot, kill, or take, except by use of traps, and to transport wild birds, wild animals, and all species of freshwater fish under the restrictions of this title.

VII. [Repealed.]

VII-a. ~~[If the applicant is a nonresident and wishes to take small game as defined in RSA 207:1, XXVI, \$52, and the agent shall thereupon issue a]~~ Nonresident small game license which shall entitle the licensee to hunt, shoot, or take small game **as defined in RSA 207:1, XXVI**; provided, however, this license shall not authorize the taking of fur-bearing animals as defined in RSA 207:1, VIII.

VII-b. ~~[If the applicant is a nonresident and wishes to take small game as defined in RSA 207:1, XXVI, for 3 consecutive days, \$24, and the agent shall thereupon issue a]~~ 3-day nonresident small game license which shall entitle the licensee to hunt, shoot, or take small game **as defined in RSA 207:1, XXVI, for 3 consecutive days**; provided, however, this license shall not authorize the taking of fur-bearing animals as defined in RSA 207:1, VIII.

VIII. ~~[If the applicant is a nonresident, 16 years of age or older, and wishes to take any species of freshwater fish, \$51, and the agent shall thereupon issue a]~~ Nonresident fishing license which shall entitle the licensee to kill, take, and transport all species of freshwater fish under the restrictions of this title~~[-provided that:-~~

(a) [Repealed.]

(b) ~~If the applicant wishes to take said fish for 7 consecutive days, \$33, and the agent shall thereupon issue a 7-day nonresident fishing license for said time only under the restrictions of this title;-~~

(c) If the applicant wishes to take said fish for 3 consecutive days, \$26, and the agent shall thereupon issue a 3-day nonresident fishing license for said time only under the restrictions of this title; and

(d) ~~[Repealed.]~~

(e) If the applicant wishes to take said fish for one day, \$13, and the agent shall thereupon issue a one-day nonresident fishing license for said time only under the restrictions of this title].

VIII-a. [Repealed.]

VIII-b. [Repealed.]

VIII-c. 7-day nonresident fishing license, which shall entitle the licensee to kill, take, and transport all species of freshwater fish, for 7 consecutive days, under the restrictions of this title.

VIII-d. 3-day nonresident fishing license, which shall entitle the licensee to kill, take, and transport all species of freshwater fish, for 3 consecutive days, under the restrictions of this title.

VIII-e. One day nonresident fishing license, which shall entitle the licensee to kill, take, and transport all species of freshwater fish, for one day, under the restrictions of this title.

IX. [If the applicant is a nonresident and wishes to take fur-bearing animals and coyotes by the use of traps, the nonresident shall pay \$300.] **Nonresident trapping license, which shall entitle the licensee to take fur-bearing animals and coyote by the use of traps and sell and transport them under the restrictions of this title.** If the applicant's state or province does not permit nonresident trappers, said applicant shall be denied a nonresident license in this state.

X.(a) [If the applicant wishes to hunt pheasants, the agent shall thereupon issue a] Pheasant license or stamp which shall entitle the licensee to hunt, shoot, kill, and take, except by the use of traps, pheasants during the open season.

(b) The fee for such license or stamp shall be [determined by the executive director pursuant to RSA 541-A] **set by the executive director pursuant to RSA 206:10, I.**

XI. [If the applicant is a resident and wishes to hunt wild turkeys, \$15, and if the applicant is a nonresident and wishes to hunt wild turkeys, \$30, and the fish and game department shall thereupon issue a wild turkey license or permit] **Resident wild turkey license**, which shall entitle the licensee to hunt, shoot, kill, and take turkey, except by the use of traps.

XI-a. Nonresident wild turkey license, which shall entitle the licensee to hunt, shoot, kill, and take turkey, except by the use of traps.

XII. [If the applicant wishes to hunt migratory waterfowl, \$4.00, and the agent shall thereupon issue a state] Migratory waterfowl license which shall entitle the licensee to hunt, shoot, kill, and take migratory waterfowl during such time and in such manner and numbers as may be allowed under RSA 209:6.

XIII.(a) Any recognized summer camp or educational facility operated within the state may apply to the executive director of the fish and game department for a group fishing license that may be utilized by individual campers or students while participating in camp or school approved activities. The fee for the license [shall be \$25, and], the definitions, requirements for participation, and criteria for obtaining the license shall be determined by the executive director pursuant to rules adopted under RSA 541-A.

(b) [Repealed.]

XIV. [Repealed.]

XV. If the applicant wishes to take wild animals, excluding fish and marine species, or wild birds, [\$2-50] **a fee set by the executive director pursuant to RSA 206:10, I**, and the agent shall thereupon issue a wildlife habitat stamp or license as provided in RSA 214:1-f. For any year in which a stamp is issued, the agent shall be entitled to retain [\$-50] **a portion** of the [\$2-50] fee **as set by the executive director pursuant to RSA 206:10, I** for each wildlife habitat stamp sold and all stamps sold at the department headquarters or any subagency thereof shall retain the same [\$-50] **portion of the** fee which, notwithstanding RSA 214:1-f, V, shall be credited to the general fish and game fund. Notwithstanding any other provision of law, there shall be no agent fee for a wildlife habitat license issued pursuant to RSA 214:1-f.

XVI.(a) [If the applicant is 16 years of age or older and wishes to take, possess, or transport finfish from coastal and estuarine waters under the restrictions of this title, the applicant shall pay the fee according to the schedule in subparagraph (c), and the agent shall thereupon issue a] Recreational saltwater license which

shall entitle the licensee, **16 years of age or older**, to take, possess, or transport finfish from coastal and estuarine waters, under the restrictions of this title, provided that any person participating in a recreational saltwater fishing opportunity on a for-hire vessel, which is licensed under subparagraph (b), shall be exempt from the license requirement of this subparagraph.

(b) A resident or nonresident owner or operator of a for-hire vessel who wishes to provide recreational saltwater fishing opportunities for persons taking finfish from coastal and estuarine waters, shall pay a fee, **set by the executive director pursuant to RSA 206:10, I**, for each charter boat and each party boat ~~according to the schedule in subparagraph (c),~~ which shall entitle the owner or operator of the licensed for-hire vessel to take, possess, or transport finfish from coastal and estuarine waters, under the restrictions of this title.

(c) A nonresident holding a valid recreational saltwater license or a for-hire charter or party boat saltwater license from Maine or Massachusetts, shall be allowed to take, possess, or transport finfish from New Hampshire coastal and estuarine waters, provided that the state in which such person purchased a recreational saltwater license or in which the for-hire vessel is registered allows an angler with a New Hampshire recreational saltwater license or a saltwater for-hire vessel with a for-hire license from New Hampshire to recreationally take, possess, or transport finfish in that state's coastal and estuarine waters.

(d) In this paragraph:

(1) "Coastal and estuarine waters" means all waters within the rise and fall of the tide, and water below any fishway or dam which is normally the dividing line between tide water and fresh water, or below any tidal bound which has been legally established in streams flowing into the sea under the jurisdiction of the state.

(2) "For-hire vessel" means a party boat, charter boat, dive boat, head boat, or other boat hired by persons to engage in recreational saltwater fishing opportunities.

(3) "Recreational saltwater fishing" means taking of any marine finfish, by any means for personal use only and which are not sold.

(4) "Charter boat" means a vessel less than 100 gross tons (90.8 metric tons) that meets the requirements of the U.S. Coast Guard to carry 6 or fewer passengers for hire.

(5) "Party boat" or "head boat" means a vessel that holds a valid Certificate of Inspection issued by the U.S. Coast Guard to carry passengers for hire.

(e) ~~[The following fees shall apply:]~~

~~(1) \$10 for resident and nonresident individuals.~~

~~(2) \$50 for charter boats and other for-hire vessels, except party boats.~~

~~(3) \$100 for party boats.~~

~~(f)~~ The executive director shall adopt rules under RSA 541-A on the further definitions, criteria, and requirements for obtaining the licenses under this paragraph.

26 Fish and Game; Fur Buyers. Amend RSA 214:25 to read as follows:

214:25 Applications; Fees. The applicant, whether a resident or nonresident, shall fill out and sign a blank to be furnished by the executive director and pay ~~[the applicable]~~ **a** license fee **set by the executive director pursuant to RSA 206:10, I**. The executive director shall thereupon issue a fur buyer's license which shall entitle the licensee to buy and sell the furs and skins of deer, coyotes, and fur-bearing animals lawfully taken, and to sell and transport the same, under the restrictions of this title. The executive director shall grant such licenses for the entire state upon the payment of ~~[a]~~ **the applicable license** fee ~~[of \$50 for residents or upon the payment of a fee of \$150 for nonresidents].~~

27 Fish and Game; Taxidermy. Amend RSA 214:29-a to read as follows:

214:29-a Taxidermy. The executive director may grant licenses which may be revoked or suspended at any time to any person desiring to practice taxidermy, as defined under general provisions, RSA 207:1, XXVII-a. ~~[The fee for a taxidermy permit shall be \$50, and]~~ The executive director shall adopt rules under RSA 541-A relative to the **fee for a taxidermy permit, and the** conditions, qualifications, and other criteria under which a taxidermy permit shall be granted.

28 Fish and Game; Freshwater Bait. Amend RSA 214:34 to read as follows:

214:34 Licenses Required.

I. No person shall take, sell, or offer to sell live fish for bait without first procuring a license to do so.

II. The applicant shall complete the prescribed application form furnished by the executive director and pay the [following] appropriate **license** fee in addition to the \$1 agent's fee as provided in RSA 214-A:4[

(a) ~~If the applicant is a retailer, he shall pay a fee of \$25.~~

(b) ~~If a resident applicant wishes to sell at retail and wholesale, he shall pay a fee of \$75.~~

(c) ~~If a nonresident applicant wishes to sell at retail, he shall pay a fee of \$50.~~

(d) ~~If a nonresident applicant wishes to sell at wholesale, he shall pay a fee of \$150].~~

III. Fees for the following license types shall be set by the executive director pursuant to RSA 206:10, I:

(a)-Retail.

(b) Resident retail and wholesale.

(c) Nonresident retail.

(d) Nonresident wholesale.

29 Fish and Game; Importing Bait. Amend RSA 214:34-d to read as follows:

214:34-d Permit to Import. No fish of any description shall be brought into this state for use as bait without first procuring a permit from the executive director. Such permit shall be valid for no longer than one year but no additional permit shall be required within that period of time to import the same species of fish from the same source of supply. Five days' notification of each intent to import shall be filed with the executive director. ~~[The fee for each such permit is \$9.50.]~~ **The executive director shall set the fee for such permits pursuant to RSA 206:10, I.**

30 Fish and Game; Guide License. RSA 215:4 is repealed and reenacted to read as follows:

215:4 Fee for License. The executive director shall set the fees for resident and nonresident licenses to guide under this chapter pursuant to RSA 206:10, I.

31 Fish and Game; Guides. Amend RSA 215:5, II to read as follows:

II. **Notwithstanding RSA 215:4**, every resident 65 years of age or older who has been a licensed guide in this state for 5 or more years may obtain a license as a guide to fish or to hunt ~~[not by payment of the fees prescribed in RSA 215:4, I and II but rather]~~ by payment of only the cost of issuing said license as determined by the executive director.

32 Fish and Game Department; Licenses for Persons Over 65. RSA 214:7-a is repealed and reenacted to read as follows:

214:7-a Persons Over 68 Years of Age.

I. Any resident of this state who is 68 years of age or over may make application each year, to any authorized agent of the state for the sale of freshwater fishing, hunting, or trapping licenses, for a special license to fish in freshwaters and hunt or trap, under the restrictions of this title. Such license may permit the use of a muzzle-loading firearm and bow and arrow. The executive director shall set the annual fee for the special license established in this section by rule pursuant to RSA 206:10, I. Said fee shall not exceed 50 percent of the regular resident license fee for fishing in freshwaters, hunting, or trapping. The license shall be marked in such manner as the executive director may designate.

II. Those individuals holding a special license under this section as of June 30, 2015 shall be exempt from the requirement to apply for said license annually. The special license held by these individuals shall remain effective for the remainder of each individual's life, as long as the individual remains a resident of the state, unless suspended or revoked by the executive director.

33 New Section; Fish and Game Department; Environmental Review Fees. Amend RSA 206 by inserting after section 33-e the following new section:

206:33-f Environmental Review Fees.

I. The executive director may charge a fee for the review of proposed projects which may adversely impact wildlife, including threatened or endangered species of wildlife, if such review is requested by a project developer, either public or private, regardless of whether such request is received before or after an application is submitted to any permitting agency.

II. The fees established by this section shall be designed to recover a reasonable portion of the costs of:

(a) Reviewing, assessing, and monitoring the impacts to wildlife of a proposed project;

(b) Reviewing and assessing research, sampling, or modeling protocols to be implemented either prior to or after the completion of a project; and

(c) Formulating recommendations designed to avoid, minimize, and/or mitigate any potential adverse impacts of a project on wildlife.

III. Fees shall be fixed in a schedule prepared and revised as necessary by the executive director, and established in rules adopted pursuant to RSA 541-A. Such schedule may differentiate among different classes of projects based on the intensity of the requisite review by the department.

IV. All moneys received under this section shall be deposited into the fish and game fund established under RSA 206:33 and used solely for the purposes set forth in RSA 206:34-a.

V. Receipt of the fees established by this section shall be a prerequisite for any environmental review undertaken by the department. Any permit or certificate dependent on the environmental review undertaken by the department shall be invalid until the fees assessed under this section are paid in full.

34 Effective Date.

I. Section 1 of this act shall take effect January 1, 2016.

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

2015-1748s

AMENDED ANALYSIS

This bill:

I. Requires a minimum period of revocation or suspension of a license issued by the fish and game department for a person convicted of sexual assault while hunting, trapping, or fishing.

II. Establishes the authority of the fish and game department to set the fees under RSA 541-A for licenses and permit issued by the department.

III. Establishes the fish and game department environmental review fee.

Recess. Out of recess.

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

Sen. Sanborn is in opposition to the floor amendment on HB 212.

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

Sen. Daniels moved to divide the question: Sections 1 and 34; Sections 2 through 34.

The Chair ruled the question divisible: Sections 1 and 34; Sections 2 through 34.

The question is on the adoption of Sections 1 and 34.

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Sanborn, Kelly, Daniels, Avard, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted.

The question is on the adoption of Sections 2 through 34.

A roll call was requested by Sen. Daniels, seconded by Sen. Avar. Daniels.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Kelly, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Stiles, Morse.

The following Senators voted No: Sanborn, Daniels, Avar, Prescott.

Yeas: 20 - Nays: 4

Adopted.

Ordered to third reading.

TRANSPORTATION

HB 553-FN, relative to dealer registration privileges by a dealership management company and proof of ownership of a vehicle at the time of sale. Ought to Pass, Vote 5-0. Senator Feltes for the committee.

This bill reasonably loosens the restrictions on the use of dealer plates, bringing department statutes in line with current business practices and makes life easier for the auto dealers, consumers, and the department.

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24

May 12, 2015

2015-1697s

03/05

Floor Amendment to HB 553-FN

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

1 Certificate of Origin. Amend RSA 261:13 to read as follows:

261:13 Certificate of Origin. When a new vehicle is delivered in this state by the manufacturer to [his] *its* agent or [his] franchised dealer, the manufacturer shall execute and deliver to [his] *the* agent or [his] franchised dealer a certificate of origin in the form prescribed by the director, and no person shall bring into this state any new vehicle unless he *or she* has in his *or her* possession the certificate of origin as prescribed by the director. The certificate of origin shall contain the vehicle identification number of the motor vehicle, the name of the manufacturer, model year, year of manufacture, number of cylinders, a general description of the body, if any, and the type of model. When a new vehicle is sold in this state, the manufacturer, [his] agent, or [his] franchised dealer shall execute and deliver to the purchaser, in case of an absolute sale, assignment of the certificate of origin, *or an acceptable form proving assignment approved by the director*, or, if other than absolute sale, assignment of the certificate of origin subject to contract, signed or executed by the manufacturer, [his] agent, or [his] dealer, with the genuine names and business or residence addresses of both stated thereon, and certified to have been executed with full knowledge of the contents and with the consent of both purchaser and seller. No manufacturer, distributor, or manufacturer's authorized agent shall issue any duplicate, supplemental, or replacement certificate of origin unless the legend "duplicate" is placed on said certificate and the director is notified in writing of the circumstances under which said certificate was issued. A dealer registered under the provisions of RSA 261 who makes a courtesy delivery shall prepare the title application and supporting documents, but said delivery shall not be construed as a sale by the New Hampshire dealer.

2 Resale by a Dealer. Amend RSA 261:15 to read as follows:

261:15 Resale by a Dealer. If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner or the lienholder within 10 days after delivery [~~to him~~] of the vehicle, [he] *the dealer* need not send the certificate to the department but, upon transferring the vehicle to another person other than by the creation of a security interest, shall promptly execute the assignment and warranty of title by a dealer, *or if a franchised vehicle dealer an acceptable form proving assignment approved by the director, or if the title is held by a finance source show a copy of the title pending the original, and execute an acceptable form approved by the director proving assignment*, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of [his] *the* security agreement, in the spaces provided therefor on the certificate or as the director prescribes, and mail or deliver the certificate to the department with the transferee's application for a new certificate.

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

Sen. Hosmer asserts Rule 6-25 on HB 553-FN.

Recess. Out of recess.

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

Sen. Hosmer asserts Rule 6-25 on HB 553-FN.

WAYS AND MEANS

HB 681-FN-A, increasing the marriage license fee. Ought to Pass, Vote 3-2. Senator Boutin for the committee.

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist. 9

May 12, 2015

2015-1702s

05/03

Floor Amendment to HB 681-FN-A

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

AN ACT making an appropriation to the department of health and human services for the purpose of funding the domestic violence grant program.

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

1 Department of Health and Human Services; Domestic Violence Grant Program; Appropriation. There is hereby appropriated to the department of health and human services the sum of \$160,000 for the fiscal year ending June 30, 2016, and the sum of \$160,000 for the fiscal year ending June 30, 2017, for the purpose of funding the domestic violence grant program under RSA 173-B:16. The appropriation shall be deposited in the fund for the domestic violence grant program established in RSA 173-B:15. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

2015-1702s

AMENDED ANALYSIS

This bill makes an appropriation to the department of health and human services for the purpose of funding the domestic violence grant program under RSA 173-B:15.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Sanborn, Kelly, Daniels, Avard, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted.

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

May 14, 2015

2015-1760s

05/04

Floor Amendment to HB 681-FN-A

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

AN ACT relative to the crime of domestic violence.

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

1 New Paragraph; Domestic Violence; Fine Established. Amend RSA 631:2-b by inserting after paragraph IV the following new paragraph:

V. In addition to any other penalty authorized by law, every person convicted of an offense under this section shall pay a mandatory minimum fine in the amount of \$50 for each conviction. No part of any fine imposed pursuant to this section shall be suspended or deferred. Fines imposed under this section shall not be subject to an additional penalty assessment. The clerk shall forward all fines collected under this paragraph to the department of health and human services for the purposes of RSA 173-B:15.

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

2015-1760s

AMENDED ANALYSIS

This bill establishes a fine for persons convicted of the crime of domestic violence and requires that such funds be deposited in the fund for domestic violence grant programs under RSA 173-B:15.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Sen. Sanborn.

Sen. Sanborn withdrew his request for a roll call.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

Sen. Woodburn, Dist. 1

May 14, 2015

2015-1763s

05/04

Floor Amendment to HB 681-FN-A

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

AN ACT establishing a fine for persons convicted of domestic violence and increasing the marriage license fee.

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

2 Marriage License Fee. Amend RSA 457:29 to read as follows:

457:29 Marriage License Fee. The fee for the marriage license shall be [~~\$45~~] **\$50** to be paid by the parties entering into the marriage. The clerk shall forward [~~\$38~~] **\$43** from each fee to the department of health and human services for the purposes of RSA 173-B:15. The clerk shall retain the remaining \$7 as the fee for making the records of notice, issuing the certificate of marriage, and forwarding the [~~\$38~~] **\$43** portion of the marriage license fee.

2015-1763s

AMENDED ANALYSIS

This bill establishes a fine for persons convicted of the crime of domestic violence and requires that such funds be deposited in the fund for domestic violence grant programs under RSA 173-B:15. The bill also increases the marriage license fee.

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

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

Sen. Bradley moved to divide the question: Sections 1 and 3; Sections 2 and 3.

The Chair ruled the question divisible: Sections 1 and 3; Sections 2 and 3.

The question is on the adoption of Sections 1 and 3.

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Cataldo, Hosmer, Little, Sanborn, Kelly, Daniels, Avard, Lasky, Carson, Boutin, Reagan, Soucy, Birdsell, Prescott, Stiles, Morse.

The following Senators voted No: Pierce, Feltes, D'Allesandro, Fuller Clark.

Yeas: 20 - Nays: 4

Adopted.

The question is on the adoption of Sections 2 and 3.

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Kelly, Avard, Lasky, Carson, Feltes, Boutin, Reagan, Soucy, Birdsell, D'Allesandro, Fuller Clark, Prescott, Stiles.

The following Senators voted No: Sanborn, Daniels, Morse.

Yeas: 21 - Nays: 3

Adopted.

Ordered to third reading.

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

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 38, establishing a commission to develop a land conservation plan.

Senator Bradley moved concurrence. Adopted.

SB 60, establishing a commission to investigate implementation of decoupling for New Hampshire utilities.

Senator Bradley moved concurrence. Adopted.

Sen. Feltes asserts Rule 6-25 on SB 60.

SB 8-FN-L, relative to appropriations for nursing homes.

Senator Forrester moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Forrester, Little, and Hosmer.

SB 22, relative to certain changes in the law governing the therapeutic use of cannabis.

Senator Sanborn moved concurrence. Adopted.

SB 23, allowing certain advanced practice registered nurses to authorize involuntary commitment and voluntary admission to state institutions.

Senator Sanborn moved concurrence. Adopted.

SB 49, relative to clinical eligibility determination for long-term care.

Senator Sanborn moved concurrence. Adopted.

SB 56, establishing a commission to study oversight, regulation, and reporting of patient safety and infectious disease prevention and control issues in health care settings.

Senator Sanborn moved concurrence. Adopted.

SB 84, relative to the definition of "telemedicine."

Senator Sanborn moved non-concurrence and requested a Committee of Conference. Adopted.

The President appointed Senators Sanborn, Stiles, and Kelly.

SB 159, reinstating the division for children, youth and families advisory board.

Senator Sanborn moved concurrence. Adopted.

SB 244, relative to abuse and neglect investigations and establishing a commission to review child abuse fatalities.

Senator Sanborn moved concurrence. Adopted.

SB 62, relative to drivers' licenses for persons without a permanent address.

Senator Stiles moved concurrence. Adopted.

MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Sen. Feltes: SB 60.

Sen. Hosmer: HB 553-FN.

ANNOUNCEMENTS

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Unanimous consent? May I speak, Mister President? I am so excited today. My fifth child, imminently, is going to graduate from UNH, and I am honored to go to the Honor Ceremony tomorrow night for her. Her name is Carley Rose Prescott, and she is my final child that is getting a baccalaureate degree. So, everybody clap for Carley! Thank you. Isn't that amazing!

(The Chair recognized Sen. Carson.)

SENATOR CARSON: Thank you, Mister President. Personal privilege, please. Thank you. I'd like to offer my deepest apologies to the body for my phone going off. I was trying to turn it off, and I hit the wrong button and, again, I apologize for violating the rules. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Just a quick note: Senator Stiles' husband underwent heart surgery today. He had a double by-pass. His surgery went well. He came out of it well. She says that he's recovering at the Portsmouth Hospital. Her family will be visiting with him tonight. So, kudos to a great job, I guess, by the medical team, and kudos to Senator Stiles for hanging in when she had all of that pressing on her. So, it's a great day when we have good things to report. Thank you, Mister President.

(The Chair recognized Sen. Kelly.)

SENATOR KELLY: Yes, thank you. Very briefly, I wasn't going to say anything, but now I feel compelled. Our youngest son, our fourth child, is graduating on Sunday with a master's degree in business. And so, now, all four of my children have, at least two degrees!

(The Chair recognized Sen. Feltes.)

SENATOR FELTES: Thank you, Mister President. On a sad note, a good friend of mine, and a good friend of hundreds of folks in the greater Concord area, passed away on May 1st, Greg Grappone. He was age 35. He's survived by his absolutely wonderful wife, Amy, and their beautiful 2-year-old daughter, Briar. I'll just read one line from his obituary which, I think, describes him to a "T." "He was kind, humble and just plain cool." (*The Concord Monitor*, May 3, 2015) So, if you see any of the Grappone clan around, share a word of kindness with them. Thank you, Mister President.

PRESIDENT MORSE: I just would like to let the Senate know, and I'm sure she's still downstairs, Susan Duncan has a birthday today. And, you can all stop by and wish her a happy birthday.

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)

LATE SESSION

Third Reading and Final Passage

HB 102, relative to consideration of warrant articles.

HB 171, relative to rebating.

HB 198, relative to retention requirements for certain motor vehicle records.

HB 206, establishing a committee to study non-academic surveys or questionnaires administered by a public school to its students and relative to non-academic surveys or questionnaires given to students.

HB 212, relative to revocation of fish and game licenses of persons convicted of sexual assault while hunting, trapping, or fishing and relative to the authority of the fish and game department to establish fees.

HB 219-FN, relative to the use of electronic benefits transfer (EBT) cards.

HB 255-FN, relative to petitioning for annulment of a class B misdemeanor offense.

HB 322, relative to protection of personally identifiable data by the department of education.

HB 332, relative to school district policy regarding objectionable course material.

HB 347, relative to payment of wages of certain hourly school district employees.

HB 473, requiring the board of managers of the veterans' home to adopt a policy relative to therapeutic use of cannabis by residents of the home.

HB 476-FN, amending the definition of "qualifying medical condition" in the therapeutic cannabis law.

HB 498, relative to notification of radon and arsenic testing.

HB 553-FN, relative to dealer registration privileges by a dealership management company and proof of ownership of a vehicle at the time of sale.

HB 603, relative to student exemption from the statewide assessment.

HB 681-FN-A, establishing a fine for persons convicted of domestic violence and increasing the marriage license fee.

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.