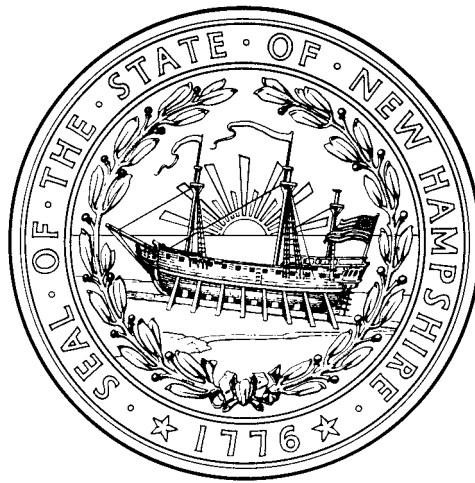


May 21, 2015  
Nos. 14-15

# **STATE OF NEW HAMPSHIRE**

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**First Year of the 164<sup>th</sup> Session of the  
New Hampshire General Court**

**Legislative Proceedings**

## **SENATE JOURNAL**

**ADJOURNMENT – MAY 14, 2015 SESSION  
COMMENCEMENT – MAY 21, 2015 SESSION**

# SENATE JOURNAL 14 *(continued)*

*May 14, 2015*

May 6, 2015  
2015-1601-EBA  
03/09

## Enrolled Bill Amendment to HB 119

The Committee on Enrolled Bills to which was referred HB 119

AN ACT establishing the John G. Winant Memorial Commission.

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

FOR THE COMMITTEE

### Explanation to Enrolled Bill Amendment to HB 119

This enrolled bill amendment makes technical corrections.

### Enrolled Bill Amendment to HB 119

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

1 New Sections; John G. Winant Memorial Commission. Amend RSA 4 by inserting after section 9-k the following new sections:

Amend RSA 4:9-m, II as inserted by section 1 of the bill by replacing line 3 with the following:  
commission shall constitute a quorum.

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

May 13, 2015  
2015-1719-EBA  
06/03

## Enrolled Bill Amendment to HB 126

The Committee on Enrolled Bills to which was referred HB 126

AN ACT establishing a commission to study issues related to students receiving special education services while attending a chartered public school.

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

FOR THE COMMITTEE

### Explanation to Enrolled Bill Amendment to HB 126

This enrolled bill amendment makes a technical correction.

### Enrolled Bill Amendment to HB 126

Amend RSA 186-C:30, I(h) as inserted by section 1 of the bill by replacing line 1 with the following:

(h) One member from the New Hampshire Council on Developmental Disabilities,

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

May 8, 2015  
2015-1657-EBA  
08/10

## Enrolled Bill Amendment to HB 130

The Committee on Enrolled Bills to which was referred HB 130

AN ACT relative to the use of blue lights on emergency vehicles.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 130

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 130

Amend RSA 266:78-f as inserted by section 2 of the bill by replacing line 5 with the following:

***under RSA 266:78-b, II***, no person other than a sworn law enforcement officer shall drive a vehicle

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

May 6, 2015  
2015-1592-EBA  
06/01

Enrolled Bill Amendment to HB 158

The Committee on Enrolled Bills to which was referred HB 158

AN ACT requiring the managing agent to return the records of a condominium association upon the request of the association.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 158

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 158

Amend RSA 356-B:40-b as inserted by section 1 of the bill by replacing line 1 with the following:

356-B:40-b Unit Owners' Association Records. Upon written request from the unit owners'

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

May 12, 2015  
2015-1707-EBA  
06/01

Enrolled Bill Amendment to HB 279

The Committee on Enrolled Bills to which was referred HB 279

AN ACT establishing a commission to study the economic impact of the arts and culture in New Hampshire.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 279

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 279

Amend RSA 19-A:14, III as inserted by section 1 of the bill by replacing line 2 with the following:  
attending to the duties of the commission.

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

May 11, 2015  
2015-1676-EBA  
08/01

Enrolled Bill Amendment to HB 336

The Committee on Enrolled Bills to which was referred HB 336

AN ACT relative to seasons for hunting by crossbow.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 336

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 336

Amend RSA 208:7-a, I as inserted by section 1 of the bill by replacing line 3 with the following:

season, for persons holding a valid firearms deer tag, or as specified in RSA 206:23-c. [Such]

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

May 13, 2015  
2015-1726-EBA  
03/09

Enrolled Bill Amendment to HB 361

The Committee on Enrolled Bills to which was referred HB 361

AN ACT establishing a committee to study the definition of “employee” and the application of that definition to persons who work exclusively at home via the Internet for online business activities.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 361

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 361

Amend subparagraph I(c) of section 4 of the bill by replacing line 1 with the following:

(c) Identify other states’ definitions of employee pertaining to persons who may be

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

May 7, 2015  
2015-1633-EBA  
06/09

Enrolled Bill Amendment to HB 422-FN

The Committee on Enrolled Bills to which was referred HB 422-FN

AN ACT relative to certification of death certificates by physician assistants.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 422-FN

This enrolled bill amendment makes 2 grammatical corrections.

Enrolled Bill Amendment to HB 422-FN

Amend RSA 5-C:62, III(e) as inserted by section 5 of the bill by replacing line 3 with the following:

pronounced death; the New Hampshire license number of the physician [or], APRN, if applicable, **or**

Amend RSA 5-C:64, VI as inserted by section 8 of the bill by replacing line 2 with the following:

**assistant** or with the attending physician’s [or], APRN’s, **or physician assistant’s** approval, the

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

May 8, 2015  
2015-1645-EBA  
03/01

Enrolled Bill Amendment to HB 520

The Committee on Enrolled Bills to which was referred HB 520

AN ACT establishing privacy protections for student online personal information.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 520

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to HB 520

Amend RSA 189:68-a, I(b)(3) as inserted by section 1 of the bill by replacing line 5 with the following:  
number, financial or insurance account numbers, email address, other information that allows

Amend RSA 189:68-a, II(a)(1) as inserted by section 1 of the bill by replacing line 1 with the following:

(1) Targeted advertising on the operator's site, service, or application, or targeted

Amend RSA 189:68-a, II(c)(2) as inserted by section 1 of the bill by replacing line 2 with the following:  
in its marketing.

Amend RSA 189:68-a, VI as inserted by section 1 of the bill by replacing line 3 with the following:  
to review or enforce compliance with this section on those applications or software.

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

May 7, 2015  
2015-1637-EBA  
04/10

Enrolled Bill Amendment to HB 522

The Committee on Enrolled Bills to which was referred HB 522

AN ACT making certain changes in the law governing toxic substances in the workplace to comply with federal law.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 522

This enrolled bill amendment corrects a reference.

Enrolled Bill Amendment to HB 522

Amend RSA 277-A:4, II(c) as inserted by section 2 of the bill by replacing line 1 with the following:

(c) A ~~[material data]~~ safety **data** sheet on each component toxic substance identified pursuant

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

May 7, 2015  
2015-1636-EBA  
09/10

Enrolled Bill Amendment to HB 607

The Committee on Enrolled Bills to which was referred HB 607

AN ACT relative to fees for carrying a concealed firearm

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 607

This enrolled bill amendment replaces an obsolete version of RSA 159:6, I with the current version.

Enrolled Bill Amendment to HB 607

Amend the bill by replacing section 1 with the following:

1 Pistols and Revolvers; License to Carry. Amend RSA 159:6, I to read as follows:

I.(a) The selectmen of a town, the mayor or chief of police of a city or a full-time police officer designated by them respectively, the county sheriff for a resident of an unincorporated place, or the county sheriff if designated by the selectmen of a town that has no police chief, upon application of any resident of such town, city, or unincorporated place, or the director of state police, or some person designated by such director, upon application of a nonresident, shall issue a license to such applicant authorizing the applicant to carry a loaded pistol or revolver in this state for not less than 4 years from the date of issue, if it appears that the applicant has good reason to fear injury to the applicant's person or property or has any proper purpose, and that the applicant is a suitable person to be licensed. Hunting, target shooting, or self-defense shall be considered a proper purpose. The license shall be valid for all allowable purposes regardless of the purpose for which it was originally issued.

(b) The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original shall be delivered to the licensee and the duplicate shall be preserved by the people issuing the same for 4 years. When required, license renewal shall take place within the month of the fourth anniversary of the license holder's date of birth following the date of issuance. The license shall be issued within 14 days after application, and, if such application is denied, the reason for such denial shall be stated in writing, the original of which such writing shall be delivered to the applicant, and a copy kept in the office of the person to whom the application was made. The fee for licenses issued to residents of the state shall be \$10, which fee shall be for the use of the ~~[law enforcement department of the]~~ town or city granting said licenses; the fee for licenses granted to out-of-state residents shall be \$100, which fee shall be for the use of the state. The director of state police is hereby authorized and directed to prepare forms for the licenses required under this chapter and forms for the application for such licenses and to supply the same to officials of the cities and towns authorized to issue the licenses. No other forms shall be used by officials of cities and towns. The cost of the forms shall be paid out of the fees received from nonresident licenses.

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

May 6, 2015  
2015-1603-EBA  
03/01

Enrolled Bill Amendment to SB 14

The Committee on Enrolled Bills to which was referred SB 14

AN ACT making technical corrections to the laws relative to the judicial council and repealing a limitation on compensation of counsel for indigent defendants.

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 14

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 14

Amend RSA 494:1, VIII as inserted by section 1 of the bill by replacing line 4 with the following:

***public who are not lawyers***~~[-and].~~

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

May 5, 2015  
2015-1566-EBA  
04/09

Enrolled Bill Amendment to SB 20-FN-LOCAL

The Committee on Enrolled Bills to which was referred SB 20-FN-LOCAL

AN ACT establishing a commission on historic burial grounds and cemeteries.

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 20-FN-LOCAL

This enrolled bill amendment makes grammatical corrections.

Enrolled Bill Amendment to SB 20 FN-LOCAL

Amend RSA 227-C:12-a, II(g)-(h) as inserted by section 1 of the bill by replacing them with the following:

(g) The commissioner of the department of cultural resources, or designee.

(h) The director of the division of historic resources, or designee.

Amend RSA 227-C:12-a, II(k) as inserted by section 1 of the bill by replacing it with the following:

(k) The president of the New Hampshire Old Graveyard Association, or designee.

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

May 7, 2015  
2015-1635-EBA  
08/05

Enrolled Bill Amendment to SB 80

The Committee on Enrolled Bills to which was referred SB 80

AN ACT relative to the state trails plan and establishing a committee on rail trails.

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 80

This enrolled bill amendment revises the title of the bill to accurately reflect the contents of the bill.

Enrolled Bill Amendment to SB 80

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

AN ACT establishing a committee on rail trails.

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

May 13, 2015  
2015-1730-EBA  
08/09

Enrolled Bill Amendment to SB 161

The Committee on Enrolled Bills to which was referred SB 161

AN ACT relative to the wellness and primary prevention council.

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 161

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to SB 161

Amend RSA 126-M:3, II as inserted by section 4 of the bill by replacing line 1 with the following:

II. The term of each member in subparagraphs (b)~~], (c), (e), (f),~~ **through** (g)~~], and (h)]~~ shall

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 122, relative to advertising of liquor or beverages.

HB 134, establishing a committee to study the use of motorized scooter chairs on roadways and sidewalks.

HB 140, relative to appointment of inspectors of election.

HB 196, requiring the removal of identifying features from vehicles formerly used as ambulances.

HB 223, relative to external review under the managed care law.

HB 271, relative to possession and administration of an opioid antagonist for opioid-related overdoses.

HB 304, establishing a committee to study public access to political campaign information.

HB 306, relative to membership of the wetlands council and the water council.

HB 382, establishing a committee to study facilitating private investment in energy efficiency and renewable energy.

HB 416, relative to compensation for members of the Coos county convention.

HB 480, relative to policies for property and casualty insurance.

HB 507, relative to teacher personally-identifiable data.

HB 510, establishing a commission to study the regulation of pawnbrokers, secondhand dealers, and junk or scrap metal dealers.

HB 644, relative to regulation of small loans, title loans, and payday loans.

HB 648, requiring detention until arraignment for persons arrested for violation of protective orders.

SB 11, recodifying the Uniform Interstate Family Support Act.

SB 21, relative to the board of mental health practice.

SB 31, relative to the controlled drug prescription health and safety program.

SB 96, establishing a commission to study the expansion of rights of defense and indemnification under RSA 99-D to proceedings against state employees before professional licensing boards.

SB 114, enabling a driver's license applicant to request that his or her license indicate that he or she has a medically recognized disorder.

SB 209, adopting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

SB 230, relative to speed limits on state roads that are seasonally congested by pedestrian and bicycle traffic.

SB 234, establishing a committee to study the use of law enforcement details and flaggers for traffic control on municipally maintained roads.

SB 250, relative to the jurisdiction and voting procedures of the executive branch ethics committee.

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 15

*May 21, 2015*

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

Reverend Hannah Anderson, guest chaplain to the Senate, offered the following meditative thoughts and prayer.

Let us pray.

*Gracious God, thank you for the gift of life, for our lives and the lives of all those people, men, women, teenagers, and children, entrusted to the care of these your faithful servants. You know the decisions that the Senators face this day, and the consequences of their choices on behalf of the people of New Hampshire. Guide them with your grace and compassion. Fill them with your yearning for dignity and respect for all people. Lead them with vision beyond the immediate into the future where you promise hope and not despair. Remind them of your steadying presence during times of debate and hard choices. I pray that on this day your faithful women and men, who fill this room, will be blessed by you to do the work you have given them to do with humility, patience, persevering love, and justice for all. In your holy name I pray, Amen.*

Sen. Carson led the Pledge of Allegiance.

## INTRODUCTION OF GUESTS

PRESIDENT MORSE: I want to take a moment to recognize the students in the gallery who are representing the Boys and Girls Clubs Alliance Youth of the Year program. The Youth of the Year program is a comprehensive, nationwide program, which honors Club members for their service to the club, to their family, community, academic performance, values and life goals.

There are six contestants from Boys and Girls Clubs across the state joining us today. They are: Alyssa Soucy from the Boys and Girls Club of Manchester, which is represented by Senators Boutin, Soucy, and D'Allesandro. Welcome. Not that I have a favorite, but Jodi Gosselin is from the Boys and Girls Club of Greater Salem, which is in my district. Nathalia Alicea from the Boys and Girls Club of Greater Derry, and represented by Senator Regina Birdsell. Megan Forde from the Boys and Girls Club of Central New Hampshire, encompassing both Laconia and Concord, and represented by Senators Feltes and Hosmer. And, Caitlyn Boucher from the Boys and Girls Club of Greater Nashua represented by Senators Lasky and Avard. Welcome. And, Megan Hammes from the Boys and Girls Club of Souhegan in Milford, and represented by Senator Daniels.

Each contestant was presented with a Senate Resolution from the Senators representing the Boys and Girls Club community, and representing their achievements in being named a contestant from their Boys and Girls Club.

Tonight, one of these young ladies will be named the Youth of the Year and will go on to compete at a regional competition this summer. We wish you all the very best of luck this evening, and thank you for joining us in the Senate.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Mister President, we have a very, very special guest today, and his boss. And where all the women are being selected as bosses — *abbondante*. We're honored to have Matthew O'Neil here. He's a Special Agent, Secret Service, and this is his boss, Holly Fraumeni, who is in charge of the Secret Service for the state of New Hampshire and, really, the world, because that's the kind of great job she does, I can tell you that. All right. Matthew O'Neil is a wonderful agent who has done great work. Senator Carper, of Delaware, put into the Congressional Record a tribute to Federal Agent employee Matthew O'Neil, and this is what he says to me:

Dear Senator D'Allesandro: I hope this letter finds you well. Thank you for reaching out to my office in regards to my floor statement about your constituent, United States Secret Service Agent Matthew O'Neil. On April 14th, 2015, I recognized Special Agent O'Neil on the Senate floor as part of my ongoing efforts to highlight the exemplary service of outstanding Department of Homeland Security employees. Special Agent O'Neil's dedication and service to his country merit special recognition. We are a more secure country because of his efforts. Thank you for offering to present the enclosed statement to the United States Congressional record to Agent O'Neil on my behalf with best personal congrats. I am sincerely, Thomas R. Carper, United States Senator from Delaware.

So, I have, for Agent O'Neil, his tribute, which was given on the Senate floor by Senator Carper. And, just to mention a few things, Agent O'Neil has been around the world cracking cyber security, and protecting the United States of America from intrusions by our aggressive enemies. He's received national recognition for his work, and it's a great tribute: a. to public service; but, b. to the kind of men and women who dedicate themselves to protecting this country. So, Agent O'Neil, I'm proud to present this to you on behalf of Senator Carper. And you can't make it happen without a great boss. You are both to be congratulated.

Sen. D'Allesandro introduced Gossler Park Schools of Manchester visiting in the gallery today.

Sen. Cataldo introduced St. Elizabeth Seton School of Rochester visiting in the gallery today.

#### INTRODUCTION OF PAGES

Sen. Fuller Clark introduced Hannah Walton and Samantha Scarponi from Newmarket High School serving as Senate Pages for the day.

#### SPECIAL ORDER

Without objection, the following bills were special ordered to the next session.

##### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

##### JUDICIARY

HB 468-FN, requiring a warrant to obtain electronic device location information.

##### PUBLIC AND MUNICIPAL AFFAIRS

HB 328, relative to delivery of absentee ballots.

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

#### FN REPORT FOR MAY 21, 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:

##### REGULAR CALENDAR:

##### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

##### HEALTH AND HUMAN SERVICES

HB 380, relative to investigations of child day care agencies.

HB 564-FN, relative to prior authorization for certain prescription drugs.

HB 628-FN, relative to indemnification of health care facilities under certain circumstances.

##### JUDICIARY

HB 468-FN, requiring a warrant to obtain electronic device location information.

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

##### REGULAR CALENDAR:

##### ENERGY AND NATURAL RESOURCES

HB 614-FN, implementing goals of the state 10-year energy strategy.

Without objection, the FN Report is adopted.

#### REGULAR CALENDAR REPORTS

##### CAPITAL BUDGET

HB 329, relative to a construction project at the state veterans cemetery. Ought to Pass, Vote 5-0. Senator Daniels for the committee.

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

##### EDUCATION

HB 323, relative to the administration of the statewide assessment program. Ought to Pass with Amendment, Vote 4-1. Senator Reagan for the committee.

Senate Education  
April 28, 2015  
2015-1465s  
04/06

### Amendment to HB 323

Amend RSA 193-C:6 as inserted by section 1 of the bill by replacing it with the following:

193-C:6 Assessment Required. Each year, a statewide assessment *program designed to yield specific data to use in identifying and improving instruction and learning* shall be administered in all school districts in the state ~~[in grades 3 through 8 and one grade in high school]~~ **as follows: reading/language arts in grade 3, mathematics in grade 4, and both reading/language arts and mathematics in grades 6, 8, and 11, or other schedule, if approved through a federal education waiver or law. The New Hampshire department of education shall further develop criteria for an application and approval process that will allow school districts that meet certain readiness criteria to participate in a local system of assessment and accountability.** All public school students in the designated grades shall participate in the assessment, unless such student is exempted, or provided that the commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, allow pupils to participate in that state's assessment program as an alternative to the assessment required under this chapter. Home educated students may contact their local school districts if they wish to participate in the statewide assessment. Private schools may contact the department of education to participate in the statewide assessment. **Nothing in this section shall preclude the use of a well established, curriculum-based college readiness examination of academic achievement, such as the College Board SAT as the high school assessment.**

Recess. Out of recess.

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

Sen. Reagan is in opposition to the Committee Amendment on HB 323.

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3  
May 20, 2015  
2015-1863s  
04/10

### Floor Amendment to HB 323

Amend RSA 193-C:6 as inserted by section 1 of the bill by replacing it with the following:

193-C:6 Assessment Required. Each year, a statewide assessment shall be administered in all school districts in the state in grades 3 through 8 and one grade in high school. **School districts may achieve the goals set out in 193-C by administering an assessment of their choice in each of the following: grade spans 3-5, 6-8, and grade 11, with local school district developed assessments. A school district may use the College Board SAT or ACT college readiness assessment to satisfy the high school assessment requirements of this chapter.** All public school students in the designated grades shall participate in the assessment, unless such student is exempted, or provided that the commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, allow pupils to participate in that state's assessment program as an alternative to the assessment required under this chapter. Home educated students may contact their local school districts if they wish to participate in the statewide assessment. Private schools may contact the department of education to participate in the statewide assessment.

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

Sen. Reagan is in opposition to the Floor Amendment on HB 323.

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

Sens. Boutin and Reagan are in opposition to the motion of Ought to Pass with Amendment on HB 323.

### ENERGY AND NATURAL RESOURCES

HB 233, relative to local approval of mining activity. Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Energy and Natural Resources  
May 13, 2015  
2015-1734s  
03/10

#### Amendment to HB 233

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

1 Duties of Commissioner. Amend RSA 12-E:2, I to read as follows:

I. ***Coordinate***, schedule, and [~~coordinate~~] ***facilitate*** a pre-application meeting upon the receipt of a request from a potential permit applicant. ***The pre-application process shall be open to public input upon request of the applicant.***

2 Mining Permit; Local Approval. Amend RSA 12-E:4, IV to read as follows:

IV. Nothing in this chapter shall affect any obligation of the applicant to obtain local approvals required under all applicable, lawful local ordinances not inconsistent with this chapter, whether before or after the issuance of a permit or when a permit is being amended. ***A local ordinance shall not be inconsistent with this chapter unless it attempts to impose a less stringent standard or requirement than those established in this chapter. The applicant shall comply with local zoning ordinances and shall be required to obtain site plan approval under RSA 674:43 if the municipality has given the planning board site plan review authority. This chapter shall not prohibit lawful local ordinances requiring approval of mining that is not subject to this chapter pursuant to RSA 12-E:1, IX(a).***

3 Mining Permit; Application. Amend RSA 12-E:4, VI(h) to read as follows:

(h) Once obtained, a copy of all local, state, and federal permits and approvals required under applicable environmental, ***zoning***, or public health laws for the proposed mining operations.

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

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

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

HB 451, relative to local approval of mining permits. Ought to Pass with Amendment, Vote 4-0. Senator Sanborn for the committee.

Energy and Natural Resources  
May 13, 2015  
2015-1735s  
08/10

#### Amendment to HB 451

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

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

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

HB 614-FN, implementing goals of the state 10-year energy strategy. Ought to Pass with Amendment, Vote 4-0. Senator Feltes for the committee.

Energy and Natural Resources  
May 13, 2015  
2015-1736s  
09/10

#### Amendment to HB 614-FN

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

AN ACT implementing goals of the state 10-year energy strategy, modifying uses of the site evaluation committee fund, establishing fees for energy facility evaluation, and relative to public information sessions on proposed energy siting.

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

1 State 10-Year Energy Strategy; Implementation of Goals. Consistent with the goals outlined in the state 10-year energy strategy prepared by the office of energy and planning in accordance with RSA 4-E:1, the public utilities commission and the office of energy and planning shall implement the following:

I. The public utilities commission shall open a docket on electric grid modernization on or before August 1, 2015.

II. The office of energy and planning, with input from the departments of transportation, environmental services, and resources and economic development shall develop and submit to the speaker of the house of representatives and the senate president a report on the status of and the preferred strategy to prioritize further development of public charging corridors, including Interstate 93, Interstate 89 and Interstate 95. The report shall be submitted on or before December 31, 2015.

III. The public utilities commission shall establish an "electricity peak time reduction goal" on or before July 1, 2016.

2 Repeal. RSA 162-H:3, VIII, relative to compensation of public members of the site evaluation committee, is repealed.

3 Energy Facility Evaluation, Siting, Construction and Operation; Administrator and Other Committee Support. Amend RSA 162-H:3-a to read as follows:

162-H:3-a Administrator and Other Committee Support. There is hereby established within the site evaluation committee the position of administrator who shall be an unclassified state employee. In the alternative, the position may be filled by an independent contractor. The administrator shall be hired by and under the supervision of the chairperson. The administrator, or chairperson in the absence of an administrator, with committee approval, may engage additional technical, legal, or administrative support to fulfill the functions of the committee as necessary. Any person to be hired by the administrator shall be approved by the chairperson. ~~[All costs incurred under this section shall be paid from the site evaluation committee fund established in RSA 162-H:21.]~~

4 New Paragraph; Definitions. Amend RSA 162-H:2 by inserting after paragraph VII the following new paragraph:

VII-a. "Energy facility proceeding time and expenses" means time spent in hearings, meetings, preparation, and travel related to any application or other proceeding before the committee concerning an energy facility, either existing or proposed, and related reasonable out-of-pocket expenses.

5 New Section; Site Evaluation Committee; Compensation and Reimbursement. Amend RSA 162-H by inserting after section 21 the following new section:

162-H:22 Compensation and Reimbursement.

I. The public members of the committee shall be compensated for all time spent on committee business, including compensation and reimbursement for energy facility proceeding time and expenses. Compensation shall be provided on a pro rata basis, based upon the daily salary rate of an unclassified position at the initial step in grade FF under RSA 94:1-a, I(a).

II. State agencies represented on the committee shall be reimbursed for energy facility proceeding time and expenses incurred by their respective members or designees, except that time spent for the first 3 full days of their participation with respect to any application or other proceeding concerning an energy facility shall not be subject to reimbursement. The rate of reimbursement to each respective agency shall be based on a pro rata share of the employee's salary, benefits, and related costs.

III. The department of justice shall be reimbursed in the same manner as described in paragraph II for energy facility proceeding time and expenses that are incurred by the counsel for the public.

IV. All persons or agencies seeking compensation or reimbursement under this section shall keep detailed time and expense records which shall be submitted to the chairperson or administrator and used to determine the amount of compensation or reimbursement. The chairperson or administrator shall develop a recordkeeping system and accounting and payment procedures.

V. Funding for all compensation and reimbursement under this section shall be as provided in RSA 162-H:21.

6 New Paragraph; Energy Facility Evaluation; Enforcement. Amend RSA 162-H:12 by inserting after paragraph IV the following new paragraph:

V. The full amount of costs and expenses incurred by the committee in connection with any enforcement action against a person holding a certificate, including any action under this section and any action under RSA 162-H:19, in which the person is determined to have violated any provision of this chapter, any rule adopted by the committee, or any of the terms and conditions of the issued certificate, shall be assessed to the person and shall be paid by the person to the committee. Any amounts paid by a person to the committee pursuant to this paragraph shall be deposited in the site evaluation committee fund established in RSA 162-H:21.

7 Fund Established; Funding Plan. RSA 162-H:21 is repealed and reenacted to read as follows:

162-H:21 Fund Established; Funding Plan.

I. There is hereby established in the office of the state treasurer a nonlapsing, special fund to be known as the site evaluation committee fund. All application fees and other filing fees received by the committee under 162-H:8-a shall be deposited in the fund. All moneys in the fund shall be continually appropriated to the site evaluation committee and shall only be used, except as provided in paragraph III, to pay for compensation and reimbursements made under RSA 162-H:22 for energy facility proceeding time and expenses.

II. All other operating costs of the committee, including, but not limited to, administrator and other committee support costs under RSA 162-H:3-a and public member compensation and reimbursements that are not paid from the site evaluation committee fund pursuant to paragraph I, except those costs paid by applicants under RSA 162-H:10, shall be funded through appropriations from the general fund.

III. Beginning with the fiscal biennium ending June 30, 2019, if the funds available to the committee to pay the operating costs specified in paragraph I or II are insufficient to permit the committee to pay all such operating costs, then upon request of the committee and approval of the fiscal committee of the general court, the shortfall shall be funded through a transfer from the renewable energy fund established in RSA 362-F:10 to the site evaluation committee fund in an amount not to exceed \$480,000 per fiscal biennium. Any amount transferred but not expended for such shortfall during a biennium shall lapse back to the renewable energy fund at the end of the biennium.

8 New Section; Application and Filing Fees. Amend RSA 162-H by inserting after section 8 the following new section:

162-H:8-a Application and Filing Fees.

I. Except as provided in paragraph IV, a person filing with the committee an application for a certificate for an energy facility, a petition for jurisdiction, a request for exemption, or any other petition or request for the committee to take action, shall pay to the committee at the time of filing a fee determined in accordance with the fee schedule described in paragraph II. If an application for a certificate for an energy facility is deemed incomplete pursuant to RSA 162-H:7, VI, and a new application is submitted thereunder, the unearned portion of the initial application fee shall be refunded to the applicant or credited to the filing of the new application. The committee may in its discretion provide for a credit or refund in other circumstances that are unforeseen by the applicant.

II. The fees under paragraph I shall be determined in accordance with a fee schedule posted by the committee on its website, which shall include the following amounts, subject to subsequent modification under paragraph III:

(a) Application fee for electric generation facilities: \$50,000 base charge, plus:

(1) \$1,000 per megawatt for the first 40 megawatts, and \$1,500 per megawatt for each megawatt in excess of 40 megawatts, for any wind energy system.

(2) \$100 per megawatt, for any natural gas or biomass fueled facility.

(3) \$150 per megawatt, for any coal or oil fueled facility.

(4) \$200 per megawatt, for any nuclear generation facility.

(b) Application fee for transmission facilities: \$50,000 base charge, plus:

(1) \$3,000 per mile, for any electric transmission facility.

- (2) \$1,500 per mile, for any natural gas pipeline.
- (c) Application fee for other energy facilities: \$50,000 fee.
- (d) Filing fees for administrative proceedings:
  - (1) Petition for committee jurisdiction: \$10,500.
  - (2) Petition for declaratory ruling: \$10,500, or \$3,000 if heard by a 3-member subcommittee.
  - (3) Certificate transfer of ownership: \$10,500, or \$3,000 if heard by a 3-member subcommittee.
  - (4) Request for exemption: \$10,500, or \$3,000 if heard by a 3-member subcommittee.
  - (5) Request to modify a certificate: \$10,500, or \$3,000 if heard by a 3-member subcommittee.

III. The committee shall review and evaluate the application fees and filing fees in the fee schedule in paragraph II at least once each year. The committee may increase or decrease any amount in the fee schedule by up to 20 percent with prior approval of the fiscal committee of the general court, provided that any such increase or decrease shall occur not more frequently than once during any 12-month period. The committee may increase or decrease any amount in the fee schedule by more than 20 percent with approval of the fiscal committee of the general court, provided that any such increase or decrease shall occur not more frequently than once during any 12-month period. Modifications to the fee schedule shall be posted on the committee website, with a link prominently displayed on the home page.

IV. Notwithstanding paragraph I, a petition for committee jurisdiction filed by a petitioner as defined in RSA 162-H:2, XI(a), (b), or (c) for a certificate for an energy facility shall not be subject to a filing fee. If the committee determines that it has jurisdiction over a proposed energy facility subject to any such petition, then the owner of the proposed energy facility shall be required to pay to the committee the petition for jurisdiction fee, in addition to the application fee determined in accordance with paragraph II for the type and size of the proposed energy facility.

9 Subcommittees. Amend RSA 162-H:4-a, I to read as follows:

I. The chairperson may establish subcommittees to consider and make decisions on applications, including the issuance of certificates, or to exercise any other authority or perform any other duty of the committee under this chapter, except that no subcommittee may approve the budgetary requirements of the committee, ~~[or] **approve** any support staff positions [paid for through the site evaluation committee fund, propose the funding plan under RSA 162-H:21],~~ or adopt initial or final rulemaking proposals. For purposes of statutory interpretation and executing the regulatory functions of this chapter, the subcommittee shall assume the role of and be considered the committee, with all of its associated powers and duties in order to execute the charge given it by the chairperson.

10 Funding; Transfers. The remainder of the \$500,000 referred to in RSA 162-H:21, II, as enacted by 2014, 217:23, and prior to amendment by section 7 of this act, that was not transferred from the renewable energy fund to the site evaluation committee fund during fiscal year 2015 is hereby transferred. This newly transferred money plus the money that was transferred during fiscal year 2015 but not expended by the site evaluation committee may be budgeted and expended by the committee for any operating cost of the committee, notwithstanding the allowed uses of the fund in RSA 162-H:21, I.

11 Energy Facility Siting; Public Hearings. Amend RSA 162-H:10, I through II to read as follows:

I. At least 30 days prior to filing an application for a certificate, an applicant shall hold at least one public information session in each county where the proposed facility is to be located and shall, at a minimum, publish a public notice not less than 14 days before such session in one or more newspapers having a regular circulation in the county in which the session is to be held, describing the nature and location of the proposed facility. At such session, the applicant shall present information regarding the project and ~~[receive]~~ **provide an opportunity for comments and questions from the public to be addressed by the applicant.** Not less than 10 days before such session, the applicant shall provide a copy of the public notice to the chairperson of the committee. The applicant shall arrange for a transcript of such session to be prepared and shall include the transcript in its application for a certificate.

I-a. Within 45 days after acceptance of an application for a certificate, pursuant to RSA 162-H:7, the applicant shall hold at least one public information session **as described in paragraph I** in each county in which the proposed facility is to be located and shall, at a minimum, publish a public notice not less than 14

days before said session in one or more newspapers having a regular circulation in the county in which the session is to be held, describing the nature and location of the proposed facility. Not less than 10 days before such session, the applicant shall provide a copy of the public notice to the presiding officer of the committee. The administrator, or a designee of the presiding officer of the committee, shall act as presiding officer of the information session. The session shall be for public information on the proposed facility with the applicant presenting the information to the public. The presiding officer shall also explain to the public the process the committee will use to review the application for the proposed facility.

I-b. Upon request of the governing body of a municipality or unincorporated place in which the proposed facility is to be located, or on the committee's own motion, the committee may order the applicant to provide such additional **public** information sessions *as described in paragraph I* as are reasonable to inform the public of the proposed project.

I-c. Within 90 days after acceptance of an application for a certificate, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one public hearing in each county in which the proposed facility is to be located and shall publish a public notice not less than 14 days before such session in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. The public hearings shall be joint hearings, with representatives of the agencies that have permitting or other regulatory authority over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. Notwithstanding any other provision of law, the hearing shall be a joint hearing with the other state agencies and shall be in lieu of all hearings otherwise required by any of the other state agencies; provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

II. Subsequent **public** hearings shall be in the nature of adjudicative proceedings under RSA 541-A and [may] **shall** be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee. The committee shall give adequate public notice of the time and place of each subsequent hearing.

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

2015-1736s

#### AMENDED ANALYSIS

This bill implements goals of the state 10-year energy strategy prepared by the office of energy and planning. This bill modifies authorized uses of the site evaluation fund and establishes fees for energy facility evaluation.

This bill also modifies requirements for public information sessions on proposed energy facilities.

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

Sen. Bradley offered a floor amendment.

Sen. Bradley, Dist. 3

May 20, 2015

2015-1855s

09/03

#### Floor Amendment to HB 614-FN

Amend RSA 162-H:21, III as inserted by section 7 of the bill by replacing it with the following:

III. In the fiscal biennium ending June 30, 2019, if the funds available to the committee to pay the operating costs specified in paragraph I or II are insufficient to permit the committee to pay all such operating costs, then upon request of the committee and approval of the fiscal committee of the general court, the shortfall shall be funded through a transfer from the renewable energy fund established in RSA 362-F:10 to the site evaluation committee fund in an amount not to exceed \$480,000. Any amount transferred but not expended for such shortfall during the 2018-2019 biennium shall lapse back to the renewable energy fund at the end of the biennium.

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



Sen. Woodburn is in opposition to the Floor Amendment on HB 614-FN.

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).

Sen. Forrester is in opposition to the motion of Ought to Pass with Amendment on HB 614-FN.

#### HEALTH AND HUMAN SERVICES

HB 380, relative to investigations of child day care agencies. Re-refer to committee, Vote 4-0. Senator Sanborn for the committee.

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

HB 483, relative to the commission on primary care workforce issues. Ought to Pass with Amendment, Vote 3-0. Senator Sanborn for the committee.

Health and Human Services

May 12, 2015

2015-1715s

01/04

#### Amendment to HB 483

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

AN ACT relative to the commission on primary care workforce issues and adding rulemaking authority to certain boards.

Amend RSA 126-T:1 as inserted by section 1 by inserting after paragraph XVII the following new paragraph:

#### ***XVIII. A pharmacist, appointed by the board of pharmacy.***

Amend RSA 126-T:3, IV as inserted by section 2 of the bill by replacing it with the following:

**IV.** Assembling and including in its ~~[annual report]~~ **reports**, required under RSA 126-T:4, data on the availability, accessibility, and effectiveness of primary care in New Hampshire, with special attention to such data in rural and underserved areas of the state.

Amend the bill by replacing all after section 2 with the following:

3 Commission on Primary Care Workforce Issues; Reports. Amend RSA 126-T:4 to read as follows:

126-T:4 Reports. The commission shall make an ~~[annual]~~ **interim** report ~~[beginning]~~ on November 1, ~~[2010]~~ **2015, and a final report on November 1, 2019**, including its findings and any recommendations for proposed legislation, to the speaker of the house of representatives, the president of the senate, and the governor.

4 Commission on Primary Care Workforce Issues; Extension. Amend 2010, 114:4, I to read as follows:

I. Section 3 of this act shall take effect November 1, ~~[2015]~~ **2019**.

5 New Section; Board of Dental Examiners; Rulemaking. Amend RSA 317-A by inserting after section 12 the following new section:

317-A:12-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to 2010, 114:2.

6 New Section; Board of Nursing; APRNs; Rulemaking. Amend RSA 326-B by inserting after section 9 the following new section:

326-B:9-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, for APRNs only requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to 2010, 114:2.

7 New Section; Board of Medicine; Physician Assistants; Rulemaking. Amend RSA 328-D by inserting after section 10 the following new section:

328-D:10-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to 2010, 114:2.

8 New Section; Board of Medicine; Rulemaking. Amend RSA 329 by inserting after section 9-e the following new section::

329:9-f Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to 2010, 114:2.

9 New Section; Board of Psychologists; Rulemaking. Amend RSA 329-B by inserting after section 10 the following new section:

329-B:10-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to 2010, 114:2.

10 New Section; Board of Mental Health Practice; Rulemaking. Amend RSA 330-A by inserting after section 10 the following new section::

330-A:10-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to 2010, 114:2.

11 New Section; Board of Licensing for Alcohol and Other Drug Use Professionals; Rulemaking. Amend RSA 330-C by inserting after section 9 the following new section::

330-C:9-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to 2010, 114:2.

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

2015-1715s

#### AMENDED ANALYSIS

This bill extends the commission on primary care workforce issues. This bill adds new members to the commission and clarifies its duties. This bill also adds rulemaking authority to allow as a part of the licensure renewal process for certain health care providers completion of a certain survey.

Recess. Out of recess.

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

Sen. Sanborn offered a floor amendment.

Sen. Sanborn, Dist, 9

May 20, 2015

2015-1883s

01/10

#### Floor Amendment to HB 483

Amend RSA 126-T:1 as inserted by section 1 by inserting after paragraph XVII the following new paragraph:

***XVIII. A pharmacist, appointed by the board of pharmacy.***

Amend RSA 126-T:3, IV as inserted by section 2 of the bill by replacing it with the following:

**IV.** Assembling and including in its [~~annual report~~] **reports**, required under RSA 126-T:4, data on the availability, accessibility, and effectiveness of primary care in New Hampshire, with special attention to such data in rural and underserved areas of the state.

Amend the bill by replacing all after section 2 with the following:

3 Commission on Primary Care Workforce Issues; Reports. Amend RSA 126-T:4 to read as follows:

126-T:4 Reports. The commission shall make an [~~annual~~] **interim** report [~~beginning~~] on November 1, [~~2010~~] **2015, and a final report on November 1, 2019**, including its findings and any recommendations for proposed legislation, to the speaker of the house of representatives, the president of the senate, and the governor.

4 Commission on Primary Care Workforce Issues; Extension. Amend 2010, 114:4, I to read as follows:

I. Section 3 of this act shall take effect November 1, [~~2015~~] **2019**.

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

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

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

#### SPECIAL ORDER

Without objection, the following bill was special ordered to the end of the calendar.

#### HEALTH AND HUMAN SERVICES

HB 564-FN, relative to prior authorization for certain prescription drugs.

HB 628-FN, relative to indemnification of health care facilities under certain circumstances. Ought to Pass with Amendment, Vote 2-1. Senator Sanborn for the committee.

Health and Human Services

May 12, 2015

2015-1709s

01/09

#### Amendment to HB 628-FN

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

AN ACT relative to indemnification of health care facilities and other employers under certain circumstances.

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

1 New Section; Health Care Facilities; Immunity From Liability. Amend RSA 151 by inserting after section 16-b the following new section:

151:16-c Health Care Facilities; Disclosure of Employment Information; Immunity. Any facility licensed under this chapter shall be granted immunity when disclosing employment information. A facility as an employer, its directors and employees who disclose employment information shall be immune from civil liability for the disclosure and its consequences when disclosing information about an employee or former employee's job performance, misconduct, competency, or work record to a prospective employer. The employer or former employer is presumed to be acting in good faith, unless disclosure is shown by clear and convincing evidence to have been made with malicious intent or false or deliberately misleading information.

2 New Subdivision; Disclosure of Employment Information. Amend RSA 275 by inserting after section 75 the following new subdivision:

#### Disclosure of Employment Information

275:76 Disclosure of Employment Information. An employer, its directors and employees who disclose employment information shall be immune from civil liability for the disclosure and its consequences when disclosing information about an employee or former employee's job performance, misconduct, competency, or work record to a prospective employer. The employer or former employer is presumed to be acting in good faith, unless disclosure is shown by clear and convincing evidence to have been made with malicious intent or false or deliberately misleading information.

3 Effective Date. This act shall take effect January 1, 2016.

2015-1709s

**AMENDED ANALYSIS**

This bill declares that any facility licensed under RSA 151 and any employer shall be granted immunity when disclosing employment information presuming the facility or other employer is acting in good faith.

Sen. Sanborn moved Re-refer to Committee.

Recess. Out of recess.

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

**JUDICIARY**

HB 418, relative to waiver of rights to devised or inherited real property. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

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

Sen. Carson moved Ought to Pass.

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

**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. Ought to Pass with Amendment, Vote 5-0. Senator Feltes for the committee.

Senate Ways and Means

April 14, 2015

2015-1326s

09/04

**Amendment to HB 180**

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

AN ACT relative to the definition of "price or consideration" under the real estate transfer tax, relative to the exception for transfers by devise under such tax, and exempting certain leases from the real estate transfer tax.

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

3 New Paragraph; Real Estate Transfer Tax; Definitions. Amend RSA 78-B:1-a by inserting after paragraph II the following new paragraph:

II-a. "Lease" means a contractually binding agreement that grants a right to exclusive possession of land, buildings, or both, for a fixed or renewable period or periods of time. The term lease also includes any ground leases of unimproved real property whereby the lessee is granted the right to construct improvements on the leased real property.

4 New Paragraph; Real Estate Transfer Tax; Exceptions. Amend RSA 78-B:2 by inserting after paragraph XIX the following new paragraph:

XX. A lease, including any sales, transfers, or assignments of any interest in the leased property, where the term of the lease, including all renewals, is less than 99 years.

2015-1326s

**AMENDED ANALYSIS**

This bill clarifies that the definition of "price or consideration" under the real estate transfer tax applies only to contractual transfers. The bill also excepts ground leases and transfers by devise or other testamentary disposition, regardless of any consideration paid or obligation assumed by the transferee, from the real estate transfer tax.

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

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

Sen. Bradley moved to remove HB 364 from the table. Adopted.

## SUSPENSION OF THE RULES

Without objection, the Senate suspended all rules necessary to allow the consideration of HB 364. Adopted by the necessary 2/3 vote.

## MOTION OF RECONSIDERATION

Sen. Bradley, having voted on the prevailing side, moved to reconsider the following action taken by this body on HB 364, relative to renewal fees administered by the office of professional licensing: Ought to Pass with Amendment. Adopted.

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 364, relative to renewal fees administered by the office of professional licensing.

Sen. Little offered a floor amendment.

Sen. Little, Dist. 8

May 20, 2015

2015-1881s

05/10

**Floor Amendment to HB 364**

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

AN ACT relative to renewal fees administered by the office of professional licensing and relative to the salt applicator certification program.

Amend the bill by replacing all after section 18 with the following:

19 New Paragraph; Salt Applicators; Rulemaking. Amend RSA 489-C:3 by inserting after paragraph V the following new paragraph:

VI. Establishing and collecting fees to cover the cost of program implementation.

20 New Paragraph; Salt Application Fund. Amend RSA 489-C:5 by inserting after paragraph III the following new paragraph:

IV. There is hereby established a salt application fund. This nonlapsing fund shall be continually appropriated to the department and used to administer the salt applicator certification program under this chapter. Certification fees collected by the department shall be deposited with the state treasurer to the credit of such fund and may be invested as provided by law. Interest received on such investment shall also be credited to the fund.

21 New Subparagraph; Salt Application Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (326) the following new subparagraph:

(327) Moneys deposited in the salt application fund established in RSA 489-C:5, IV.

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

2015-1881s

## AMENDED ANALYSIS

This bill:

I. Authorizes the office of professional licensing to establish a June 30 billing and license renewal cycle for each profession and occupation administered by the office.

II. Establishes a 2-year license, rather than an annual license, for hearing aid dealers, practitioners of body art, podiatrists, funeral directors and embalmers, and optometrists.

III. Authorizes the commissioner of the department of environmental services to adopt rules establishing fees to cover the cost of the salt applicator certification program, establishes a salt application fund, and requires all fees collected to be deposited in the salt application fund.

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

Sen. Sanborn is in opposition to the Floor Amendment on HB 364.

Sen. Little offered a floor amendment.

Sen. Little, Dist. 8  
May 20, 2015  
2015-1885s  
05/10

### Floor Amendment to HB 364

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

AN ACT relative to renewal fees administered by the office of professional licensing, the salt applicator certification program, and pesticide product registration requirements.

Amend the bill by replacing all after section 21 with the following:

22 Insect Pests and Plant Diseases; Pesticide Product Registration. RSA 430:38, III is repealed and reenacted to read as follows:

III.(a) The registrant shall pay an annual fee for each pesticide registered as follows:

- (1) A restricted use pesticide.
- (2) A general use pesticide, other than a specialty/household pesticide.
- (3) A specialty/household pesticide.

(b) The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the amount of the fees charged under subparagraph (a). Until such rules are adopted, the fees under subparagraph (a) shall be the same as the fees which were in effect on June 30, 2015.

23 Insect Pests and Plant Diseases; Integrated Pest Management Program. Amend RSA 430:50, II to read as follows:

II. There is established a nonlapsing fund to be known as the integrated pest management fund. ~~[Ten]~~ **Twenty-five** percent of the pesticide registration fees collected under RSA 430:38, III shall be deposited in the fund. The fund shall only be used to support the purposes of the integrated pest management program. The state treasurer may invest moneys in the fund as provided by law and all interest received on such investment shall be credited to the fund. The commissioner shall be authorized to accept grants, gifts, and donations from any public or private sources for deposit in the fund.

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

2015-1885s

### AMENDED ANALYSIS

This bill:

I. Authorizes the office of professional licensing to establish a June 30 billing and license renewal cycle for each profession and occupation administered by the office.

II. Establishes a 2-year license, rather than an annual license, for hearing aid dealers, practitioners of body art, podiatrists, funeral directors and embalmers, and optometrists.

III. Authorizes the commissioner of the department of environmental services to adopt rules establishing fees to cover the cost of the salt applicator certification program, establishes a salt application fund, and requires all fees collected to be deposited in the salt application fund.

IV. Requires fees for pesticide product registration to be adopted by administrative rule and increases the percentage of such fees to be deposited into the integrated pest management fund.

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

Sen. Sanborn is in opposition to the Floor Amendment on HB 364.

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

Sen. Sanborn moved to divide the question: Sections 1-18; Sections 19-21; Sections 22-24.

The Chair ruled the question divisible: Sections 1-18; Sections 19-21; Sections 22-24.

The question is on the adoption of Sections 1-18. Adopted.

The question is on the adoption of Sections 19-21.

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

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

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

Yeas: 20 - Nays: 4

Adopted.

The question is on the adoption of Sections 22-24.

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

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

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

Yeas: 18 - Nays: 6

Adopted.

Ordered to third reading.

Recess. Out of recess.

#### HEALTH AND HUMAN SERVICES

HB 564-FN, relative to prior authorization for certain prescription drugs. Ought to Pass with Amendment, Vote 3-0. Senator Kelly for the committee.

Health and Human Services

May 12, 2015

2015-1710s

01/09

#### **Amendment to HB 564-FN**

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

1 New Subparagraph; Medicaid Managed Care. Amend RSA 126-A:5, XIX by inserting after subparagraph (d) the following new subparagraph:

(e) Thirty days after the effective date of this subparagraph, a managed care organization that provides prescription drug benefits to a Medicaid recipient shall suspend prior authorization requirements for a community mental health program, as defined under RSA 135-C:2, IV on medication used to treat severe mental illness such as schizophrenia, depression, or bipolar disorder. Medications shall be available under this subparagraph without restriction except as otherwise approved by the department.

2 Department of Health and Human Services; Prior Authorization for Certain Prescription Drugs; Oversight Committee on Health and Human Services; Reports Required. The department of health and human services in collaboration with the managed care organizations and community mental health programs shall provide an initial report on or before July 31, 2015 to the oversight committee on health and human services, established in RSA 126-A:13. The report shall focus on a detailed clinical review of policies and procedures that govern the administration of the pharmacy benefit. The report shall identify the necessary revisions required to promote the behavioral health and well being of New Hampshire's citizens being served under Medicaid managed care. Progress reports shall be provided by the department to the oversight committee on or before August 31, 2015 and September 30, 2015, respectively. A final report including findings and any recommendations for proposed legislation shall be provided by the department to the oversight committee on or before November 1, 2015.

3 Repeal. RSA 126-A:5, XIX(e), relative to suspension of certain prior authorization requirements, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect June 30, 2016.

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

2015-1710s

## AMENDED ANALYSIS

This bill declares that a managed care organization offering prescription drug benefits to Medicaid recipients shall suspend prior authorization requirements for a community mental health program on drugs used to treat mental illnesses.

This bill also requires the department of health and human services to make certain reports to the oversight committee on health and human services.

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

Sen. Kelly offered a floor amendment.

Sen. Kelly, Dist. 10

Sen. Woodburn, Dist. 1

Sen. Watters, Dist. 4

Sen. Pierce, Dist. 5

Sen. Hosmer, Dist. 7

Sen. Lasky, Dist. 13

Sen. Feltes, Dist. 15

Sen. Soucy, Dist. 18

Sen. D'Allesandro, Dist. 20

Sen. Clark, Dist. 21

May 21, 2015

2015-1898s

01/10

**Floor Amendment to HB 564-FN**

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

AN ACT relative to prior authorization for certain prescription drugs and extending the New Hampshire health protection program.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 9:

4 Department of Health and Human Services; Medicaid Program. Amend RSA 126-A:5, XXIII(a) to read as follows:

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

5 Department of Health and Human Services; Premium Assistance Program. Amend RSA 126-A:5, XXV(a) to read as follows:

XXV.(a) Consistent with the time frames in this paragraph, there is hereby established the marketplace premium assistance program. This will be a premium assistance program for newly eligible adults and their eligible spouse and dependents, if applicable, who are ineligible for the HIPP program established in RSA 126-A:5, XXIII [~~until December 31, 2016~~] and shall be administered by the department of health and human services. In order to receive medical assistance from the program, newly eligible adults who are ineligible for the HIPP program shall choose from any qualified health plans (QHPs) offered on the federally-facilitated exchange if cost effective; provided, however, that any newly eligible adult who had coverage under an alternative benefit plan (ABP) offered by a managed care organization (MCO) under paragraph XIX during the voluntary bridge to marketplace premium assistance program established under RSA 126-A:5, XXIV shall be automatically enrolled at the beginning of open enrollment in a comparable QHP by that same MCO if one



is available, unless such newly eligible adult subsequently chooses a different QHP during the enrollment period. If a comparable QHP is not offered by the newly eligible adult's MCO then the newly eligible adult may choose from any QHPs, if cost effective. Provider payments shall be in an amount which shall be no less than before the effective date of this paragraph.

6 Department of Health and Human Services; Premium Assistance Program. Amend RSA 126-A:5, XXV (c) to read as follows:

(c) If the waiver to implement the marketplace premium assistance program is approved on or before March 31, 2015 then, coverage under the voluntary bridge to marketplace premium assistance program established in RSA 126-A:5, XXIV shall terminate on December 31, 2015. Enrollment in the marketplace premium assistance program shall begin on October 15, 2015 and coverage shall begin on January 1, 2016. ~~[Coverage shall end on December 31, 2016.]~~ The cost of the medical assistance provided under the marketplace premium assistance program shall be paid solely from federal funds as provided under 42 U.S.C. section 1396d(y).

7 New Hampshire Health Protection Program. Amend 2014, 3:10, I to read as follows:

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

8 Repeal. RSA 2014, 3:12, I-VII, relative to the prospective repeal of the New Hampshire health protection plan, are repealed.

2015-1898s

#### AMENDED ANALYSIS

This bill:

I. Declares that a managed care organization offering prescription drug benefits to Medicaid recipients shall suspend prior authorization requirements for a community mental health program on drugs used to treat mental illnesses.

II. Requires the department of health and human services to make certain reports to the oversight committee on health and human services.

III. Extends the New Hampshire health protection program. The program currently would expire December 31, 2016.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

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

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

Yeas: 10 - Nays: 14

Failed.

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

Without objection, the Clerk 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 46, relative to public safety radio interoperability.

Senator Carson moved concurrence. Adopted.

SB 86, relative to state procurement of goods and services.

Senator Carson moved concurrence. Adopted.

SB 202-FN, relative to licensure of outsourcing facilities by the pharmacy board.

Senator Carson moved concurrence. Adopted.

SB 40-FN, including a fetus in the definition of “another” for the purpose of certain criminal offenses.

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

The President appointed Senators Carson, Bradley, and Lasky.

SB 53, repealing the interagency coordinating council for women offenders and relative to the membership of the interbranch criminal and juvenile justice council.

Senator Carson moved concurrence. Adopted.

SB 72, establishing a commission to study the use of police personnel files as they relate to the Laurie List.

Senator Carson moved concurrence. Adopted.

SB 153, relative to the accessibility of criminal records.

Senator Carson moved concurrence. Adopted.

SB 92, establishing a committee to study public access to political campaign information.

Senator Birdsell moved concurrence. Adopted.

#### MOTION TO ADJOURN FROM EARLY SESSION

Sen. Prescott 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

#### ANNOUNCEMENTS

(The Chair recognized Sen. Stiles.)

SENATOR STILES: Thank you, Mister President. Personal privilege, please. On May 13 a wonderful friend, and former New Hampshire State Representative, Ron Dupuis, passed away unexpectedly. Ron was raised in Lynn, Massachusetts. Following graduation he enlisted in the Marine Corps, and proudly served during the Vietnam War. After his enlistment, Ron returned home and became a Massachusetts State Trooper for a number of years before transferring to the Boston Police Department, where he served as an officer. He was forced into early retirement after being shot in the line of duty in 1976. Ron was the definition of an entrepreneur, opening various businesses including Casey's Hot Dog Empori-Yum, in North Hampton, and to the Old Pompano Pub in Pompano Beach, Florida. Ron was a member of the Pease Greeters, as well, and thoroughly enjoyed his time at that. In 2003 he served as a New Hampshire State Representative from Derry, and was a member of the Municipal and County Committee. Ron never turned away from a political discussion, and made friends everywhere he went. Ron loved spending time with his wife, Dorene, and especially with his daughter Casey, who was the most important thing in his life. He cherished the time that they had together during his role as a stay-at-home dad, and supported her in all of her successes. He was an incredibly kind man with a wonderful sense of humor, who truly lived life to the fullest. Ron will truly be missed, not only as a wonderful husband, father and friend, but as an example of just one of the wonderful citizens in the state of New Hampshire. His kindness and involvement in his community will not soon be forgotten. Thank you, Mister President. (*Union Leader*, May 17, 2015)

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Point of personal privilege, Mister President. Last week New Hampshire lost, in my opinion, one of the real movers and shakers in politics, John Gikas, from Manchester. Many of you may not remember John Gikas. But, as a young man coming into Manchester, assuming my position at Bishop Bradley High School, Mr. Gikas owned the local laundry. He was the laundry man. But, more important than that, Mr. Gikas was the prime mover behind John King. John King, 3-term democratic governor of the state of New Hampshire. John Gikas was also on the Public Utilities Commission. But more than anything else, John Gikas presented what the American dream's all about: got a Greek American who comes to Manchester, builds a business, a strong, vibrant business, hires a lot of people in the city, gets involved in politics to try to do the right thing, works diligently to get a democrat elected governor, which was impossible in those days. I don't think we had a democratic governor for years and years and years. Then takes a seat on the Public Utilities Commission, continues his work in the community, eventually sells his business and retires. John Gikas was truly, as I said, a product of the American dream: from nothing to the top of the game, top of his game. It's a great aspiration I think we all have to, you know, to come in and to rise up, and to have that rising time bringing a lot of people with us. His good work brought a lot of people up. He did a lot of good things for his community, and will be well remembered by the Greek community in Manchester, by Manchester as a whole. As an individual who cared about people, he gave, and was a giver all of his life but, more important, was a decent human being, who had a great feeling for the people. What better remembrance can we have than a person who gave, who gave, and gave, and gave, and expected not a heck of a lot in return. So, God rest his soul, and thank you very much, Mister President.

(The Chair recognized Sen. Watters.)

SENATOR WATTERS: Thank you, Mister President. This is an announcement as well. I think I can speak for my colleague from District 21 in inviting those of you who are able, on Friday night and Saturday, to participate in the reburial and re-consecration ceremony for those people of African descent, whose graves were unearthed at the Portsmouth Negro burying ground. That burying ground was established as early as 1750, long known as the first mark on the Portsmouth Black Heritage Trail. But, the sewer project in 2006 unearthed some 9 individuals. I helped carry those coffins, and some of those remains out of that hole in the ground. And, now, with that street being closed, and an extraordinary memorial park being opened this weekend, this is time to consecrate these individuals. As you may recall, as well, the Senator from District 21 introduced a posthumous emancipation of these individuals, which we voted on last year. So, this is bringing them to their final resting place, and may their spirits have that rest which they did not have in their lifetimes. There will be a vigil at New Hope Baptist Church where the remains will be held over the night on Friday night, with ceremonies at 7:00 p.m., midnight, and then 6:00 a.m. in the morning on Saturday. Then there'll be a procession from the church to bring the remains to the site on Chestnut Street at 8:30 in the morning for commemoration. Then there'll be celebration at Portsmouth Middle School building, and then there will be standing vigils so that people can walk by the site for the rest of the day. So, if you're in Portsmouth, you'd be more than welcome for this really extraordinary moment. Thank you.

PRESIDENT MORSE: I'd just like to thank everyone, especially for all these meetings: Capital Budget squeezing themselves in today, Finance. For keeping the passion of the Senate alive, but doing it respectfully. I think that's very important to this body as we go through the next five weeks because they're not going to be easy weeks. We're going to re-debate a lot of the same issues for five weeks in a row. And, I think as Senators, we owe it to each other to understand the issues, and go back and look at them from what the opposing side is saying, and talk again.

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 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.

HB 233, relative to local approval of mining activity.

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

HB 329, relative to a construction project at the state veterans cemetery.

HB 364, relative to renewal fees administered by the office of professional licensing, the salt applicator certification program, and pesticide product registration requirements.

HB 418, relative to waiver of rights to devised or inherited real property.

HB 451, relative to local approval of mining permits.

HB 483, relative to the commission on primary care workforce issues.

HB 564-FN, relative to prior authorization for certain prescription drugs.

#### MOTION TO RECESS TO CALL OF THE CHAIR

Sen. Prescott 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.