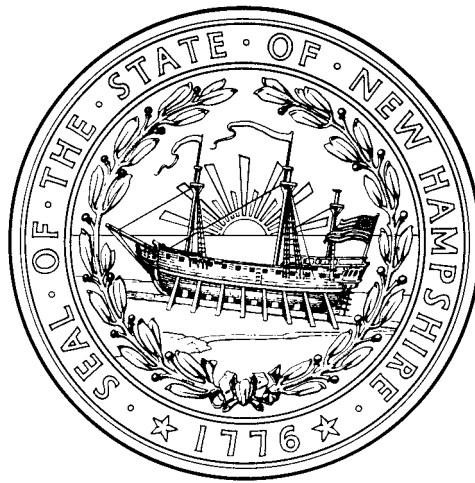


May 28, 2015  
Nos. 15-16

# **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 21, 2015 SESSION  
COMMENCEMENT – MAY 28, 2015 SESSION**

# SENATE JOURNAL 15 *(continued)*

*May 21, 2015*

May 11, 2015  
2015-1673-EBA  
05/10

Enrolled Bill Amendment to HB 664-FN

The Committee on Enrolled Bills to which was referred HB 664-FN

AN ACT consolidating existing oil pollution funds.

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 664-FN

This enrolled bill amendment makes technical corrections to the bill.

Enrolled Bill Amendment to HB 664-FN

Amend RSA 146-A:11-b, II as inserted by section 5 of the bill by replacing lines 9-12 with the following:

fund. The remainder shall be deposited into the oil pollution control fund ~~[established under RSA 146-A:11-a, and the oil discharge and disposal cleanup established under RSA 146-D:3, I, based on an allocation determined for each fiscal year]~~ **administered** by the department of environmental services ~~[and the oil fund disbursement board]~~. Imposition of the fee

Amend section 12 of the bill by replacing line 1 with the following:

12 Rulemaking; Commissioner of Safety. Amend RSA 21-P:14, V(q) to read as follows:

Amend paragraph I as inserted by section 14 of the bill by replacing line 2 with the following:

budgeted expenses, and current obligations on the effective date of this section shall be transferred to the

Amend paragraph II as inserted by section 14 of the bill by replacing line 3 with the following:

this section shall be transferred to the oil pollution control fund established in RSA 146-A:11-a.

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

May 26, 2015  
2015-1940-EBA  
10/03

Enrolled Bill Amendment to SB 38

The Committee on Enrolled Bills to which was referred SB 38

AN ACT establishing a commission to develop a land conservation plan.

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 38

This enrolled bill amendment corrects references in the bill and makes technical corrections.

Enrolled Bill Amendment to SB 38

Amend RSA 162-C:12, I(b) as inserted by section 1 of the bill by replacing line 2 with the following:

representatives, appointed by the speaker of the house of representatives.

Amend RSA 162-C:12, I(h) as inserted by section 1 of the bill by replacing line 1 with the following:

(h) One member of the New Hampshire Farm Bureau Federation, appointed by that

Amend RSA 162-C:12, III as inserted by section 1 of the bill by replacing lines 2-4 with the following:

future next steps contained in the SB 388 (2014, 148) report. In developing this plan, the commission shall:

(a) Review the final report of the SB 388 (2014, 148) study committee, and any

Amend RSA 162-C:12, III(b) as inserted by section 1 of the bill by replacing lines 2-3 with the following:

resources and economic development, the department of environmental services, the fish and game department, the department of agriculture, markets, and foods, and the department of revenue administration.

Amend RSA 162-C:12, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Adequate quality and quantity of current and future water supplies for domestic, industrial, and recreational uses;

Amend RSA 162-C:12, IV(f) as inserted by section 1 of the bill by replacing line 2 with the following:

the state's quality of life and a strong tourism economy; and

Amend RSA 162-C:12, V as inserted by section 1 of the bill by replacing line 1 with the following:

V. The chairperson shall be the senate member. The first meeting of the

Amend RSA 162-C:12, VIII as inserted by section 1 of the bill by replacing line 5 with the following:

senate energy and natural resources committee, the chairperson of the senate finance committee, and the state library on

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

May 19, 2015

2015-1839-EBA

06/04

#### Enrolled Bill Amendment to SB 56

The Committee on Enrolled Bills to which was referred SB 56

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

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 56

This enrolled bill amendment corrects the name of a commission.

#### Enrolled Bill Amendment to SB 56

Amend section 3 of the bill by replacing line 2 with the following:

of patient safety and infectious disease prevention and control issues in health care settings, is repealed.

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

May 19, 2015

2015-1842-EBA

01/10

#### Enrolled Bill Amendment to SB 60

The Committee on Enrolled Bills to which was referred SB 60

AN ACT establishing a commission to investigate implementation of decoupling for New Hampshire utilities.

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 60

This enrolled bill amendment makes technical corrections.

Enrolled Bill Amendment to SB 60

Amend RSA 374-F:4-a, II(d) as inserted by section 1 of the bill by replacing line 1 with the following:

(d) A representative of Public Service Company of New Hampshire, appointed by the

Amend RSA 374-F:4-a, II(j) as inserted by section 1 of the bill by replacing it with the following:

(j) A representative of the Business and Industry Association of New Hampshire, appointed by the president of that organization.

Amend RSA 374-F:4-a, III as inserted by section 1 by replacing line 2 with the following:

attending to the duties of the commission.

Amend RSA 374-F:4-a, V as inserted by section 1 by replacing line 2 with the following:

first meeting of the commission shall be called by the first-named senate member. The first meeting

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

May 13, 2015  
2015-1733-EBA  
06/10

Enrolled Bill Amendment to SB 134-FN

The Committee on Enrolled Bills to which was referred SB 134-FN

AN ACT relative to the escheat of United States savings bonds.

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 134-FN

This enrolled bill amendment makes technical and grammatical corrections.

Enrolled Bill Amendment to SB 134-FN

Amend section 1 of the bill by deleting line 3.

Amend RSA 471-C:44, VI(a) as inserted by section 1 of the bill by replacing line 1 with the following:

(a) The residences of all named persons sought to be served, if known, and the

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

May 13, 2015  
2015-1737-EBA  
06/10

Enrolled Bill Amendment to SB 171

The Committee on Enrolled Bills to which was referred SB 171

AN ACT establishing a committee to study issues concerning parking for those with walking disabilities.

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 171

The enrolled bill amendment makes a grammatical correction and a technical correction.

Enrolled Bill Amendment to SB 171

Amend section 3 of the bill by replacing line 4 with the following:

or specifically to walking disabilities that come before the committee.

Amend section 4 of the bill by replacing line 2 with the following:

members. The first meeting of the committee shall be called by the senate member. The

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

May 20, 2015

2015-1877-EBA

06/09

Enrolled Bill Amendment to SB 244

The Committee on Enrolled Bills to which was referred SB 244

AN ACT relative to abuse and neglect investigations and establishing a commission to review child abuse fatalities.

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 244

This enrolled bill amendment makes technical corrections and inserts a subdivision heading.

Enrolled Bill Amendment to SB 244

Amend section 4 of the bill by replacing lines 1 and 2 with the following:

4 New Subdivision; Child Protection Act; Commission to Review Child Abuse Fatalities. Amend RSA 169-C by inserting after section 39-j the following new subdivision:

Commission to Review Child Abuse Fatalities

Amend RSA 169-C:39-k, I(a) as inserted by section 4 of the bill by replacing it with the following:

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

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 119, establishing the John G. Winant Memorial Commission.

HB 126, establishing a commission to study issues related to students receiving special education services while attending a chartered public school.

HB 130, relative to the use of blue lights on emergency vehicles.

HB 158, requiring the managing agent to return the records of a condominium association upon the request of the association.

HB 279, establishing a commission to study the economic impact of the arts and culture in New Hampshire.

HB 336, relative to seasons for hunting by crossbow.

HB 361, 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.

HB 422, relative to certification of death certificates by physician assistants.

HB 520, establishing privacy protections for student online personal information.

HB 522, making certain changes in the law governing toxic substances in the workplace to comply with federal law.

HB 607, relative to fees for carrying a concealed firearm.

SB 14, making technical corrections to the laws relative to the judicial council and repealing a limitation on compensation of counsel for indigent defendants.

SB 20, establishing a commission on historic burial grounds and cemeteries.

SB 80, establishing a committee on rail trails.

SB 161, relative to the wellness and primary prevention council.

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 16

*May 28, 2015*

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

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

Our bodies, every day, produce one quart of saliva. Every day unconsciously and naturally we swallow it without a problem, but if someone brought us a glass of that saliva to drink we would find it tough to swallow. Externalizing is the process of getting an idea out of our internal world and looking at it from the outside. Doing this is hard because we have to set aside our own logic, our own motivations and ambitions. We also have to have the courage to take something that's close to us and see it in a way that might make it look a lot harder to swallow. It's for this reason that we, at this moment, turn to God in prayer as God, alone, by definition is always external to all of us, and to our own vested points of view. So, let us pray.

*Heavenly spirit, help us to acknowledge the limited horizons of our own vision, and to give us the gift of courage to see all things from your elevated, ineffable, and external vantage. Amen.*

Sen. Feltes led the Pledge of Allegiance.

Sens. Hosmer and Watters were excused for the day.

#### INTRODUCTION OF GUESTS

(The Chair recognized Sen. Bradley for a Resolution.)

SENATOR BRADLEY: Thank you very much, Mister President. As I think all of you know, in January I completed what's known as the New Hampshire "Grid", which means I climbed all of the 4,000 footers in every month. All 48 at least 12 times in each month. There are 55 of us who have done that, and you are looking at 10% of us who've done it today. And, I think that we all try to bring a little bit of the White Mountains to everything that we do, and try to portray New Hampshire, and our beautiful mountains in the best possible light. We were all talking about it today. What are we doing here? It's a perfect day up there. So, I'd like to honor each of these four people: My good friend from New Castle, Bill Cronin, number 52; Sandy Price from Meredith, number 51; Dianne Schor, who is number 54; and her husband, Bill Schor, who beat us all, he's number 29. But they're the third husband and wife team that completed this chore, this task, this wonderful accomplishment together. And, I want to introduce our friend, Michelline Dufort, who's an aspiring "gridiot". She's completed over 20% of it. And for anybody who's hiked 1 of the 4,000 footers, you also are an aspiring "gridiot". So, thank you very much.

BILL CRONIN: I'd like to say a few words about the folks that finished this. On some of the days, especially in the winter time, some of the longer hikes become more than a physical process. It becomes a mental process when you're walking 23 miles across the bonds in Zealand in the winter, and this mental process is what keeps us going. So, it goes for all of us, but I'd like to say something about Jeb as well as a Senator – he's not a quitter. Thank you.

President Morse congratulated Senator D'Allesandro on 54 years of marriage this week.

Sen. Reagan introduced Lamprey River Elementary School of Raymond visiting in the gallery today.

Sen. Woodburn introduced Lancaster Elementary School visiting in the gallery today.

#### INTRODUCTION OF PAGES

Sen. Forrester introduced Jessica Merrill and Dayne Lalmond from Woodsville High School serving as Senate Pages for the day.

#### SPECIAL ORDER

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

##### JUDICIARY

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

##### PUBLIC AND MUNICIPAL AFFAIRS

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

#### SPECIAL ORDER

Without objection, the following bill was special ordered to right after Capital Budget.

##### JUDICIARY

HB 290, relative to the acceptance of risk in outdoor recreational activities.

#### FN REPORT FOR MAY 28, 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.

##### JUDICIARY

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

Without objection, the FN Report is adopted.

#### CONSENT CALENDAR REPORTS

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

##### COMMERCE

HB 230, relative to penalties for failure to timely discharge a mortgage. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

This bill, as amended by the committee revises requirements for discharge of a mortgage by affidavit. The bill also permits the mortgagor to recover damages from a mortgagee who fails to release a mortgage in a timely manner. The stakeholders have worked together to reach this compromise to streamline the affidavit process.

Commerce

May 19, 2015

2015-1838s

05/03

#### Amendment to HB 230

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

AN ACT relative to the discharge of a mortgage.

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

1 Mortgages of Realty; Discharge by Affidavit. RSA 479:7-a is repealed and reenacted to read as follows:

479:7-a Discharge by Affidavit.

I. Notwithstanding the provisions of RSA 479:10, if such mortgagee fails to make such discharge of the mortgage within 60 days from receipt of payment of the mortgage in accordance with the payoff statement furnished to the mortgagor by the mortgagee; the mortgagor or the mortgagor's executor, administrator, assignee, transferee, or other successor in title; or the mortgagee of the mortgagor's transferee or other successor in title may execute and cause to be recorded in the registry of deeds in which the mortgage is recorded, an affidavit which states that:

(a) The affiant is the mortgagor; the mortgagor's executor, administrator, assignee, transferee, or other successor in title; or the mortgagee of the mortgagor's transferee or other successor in title.

(b) The mortgagee provided a payoff statement with respect to the loan secured by the mortgage.

(c) The mortgagee received full payment of the loan secured by the mortgage in accordance with the payoff statement, and the affiant has evidence that the mortgagee is in receipt of the funds.

(d) More than 60 days have elapsed since such payment was received by the mortgagee.

(e) The affiant has given the mortgagee at least 15 days' notice in writing by certified mail, sent to the mortgagee's last known address, of intention to execute and cause to be recorded an affidavit in accordance with this section, together with a copy of the proposed affidavit; and the mortgagee has not delivered a discharge in response to such notification and the mortgagor has complied with any request made by the mortgagee for additional payment at least 15 days prior to the date of the affidavit.

II. The affidavit shall include the names and addresses of both the mortgagor and the mortgagee, the date of the mortgage, and the title reference. Similar information shall be included with respect to any recorded assignment of the mortgage.

III. The affidavit, when recorded, shall constitute a discharge of the mortgage and a release of the lien created by the mortgage on the mortgaged premises.

IV. Any person who causes an affidavit to be recorded in accordance with this section, knowing the information and statements contained in the affidavit to be false, shall be punished by a fine of not more than \$5,000.

V. In this section, the term "payoff statement" means a written statement of the amount of the unpaid balance on the mortgage including principal, interest, and other charges properly assessed pursuant to the loan documentation of such mortgage and a statement of the interest on a per diem basis with respect to the unpaid principal balance on the mortgage. For the purposes of this section, a regular periodic account statement is not considered a payoff statement unless the mortgagee expressly states thereon that the statement represents a final payoff statement and it also contains a per diem rate or amount for calculating the final mortgage payoff amount.

2 Penalty for Failure to Timely Discharge a Mortgage. Amend RSA 479:8 to read as follows:

479:8 Penalty. Any mortgagee violating the provisions of RSA 479:7, or any mortgagee who after the satisfaction of [his] *the* mortgage refuses to give a sufficient discharge of such mortgage, shall ~~be guilty of a violation~~ **be liable for damages to the mortgagor at the rate of \$200 for each week after the expiration of the 60 days up to a maximum of \$2,500 or in an amount equal to the loss sustained as a result of the failure of the mortgagee to execute and deliver a release, whichever is greater, plus costs and reasonable attorney's fees.**

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

2015-1838s

#### AMENDED ANALYSIS

This bill revises requirements for discharge of a mortgage by affidavit. The bill also permits the mortgagor to recover damages from a mortgagee who fails to release a mortgage in a timely manner.

HB 495, relative to referral fees for settlement services. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

This bill, as amended by the committee prohibits a real estate broker from directing a transaction to a lending institution, escrow company, or title company in a manner prohibited by the federal Real Estate Settlement Procedures Act. The bill also provides that if the principal engages the broker to serve as its agent to solicit extensions of credit or other services related to a loan, the lender shall not pay the agency fee. The stakeholders have worked together to reach this compromise and the committee asks for your support.



Commerce  
May 19, 2015  
2015-1837s  
05/04

### Amendment to HB 495

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

AN ACT relative to commercial referral fees.

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

1 New Hampshire Real Estate Practice Act; Prohibited Conduct; Referral Fees for Settlement Services.  
Amend RSA 331-A:26, XXI to read as follows:

XXI. Directing any transaction [~~involving the licensee's principal to any mortgage broker, or directly or indirectly to any lending institution for financing or to any escrow company, in expectation of receiving a kickback or rebate~~] ***to a lending institution, escrow company, or title company in a manner prohibited under the Real Estate Settlement Procedures Act of 1974 (RESPA), as amended, 12 U.S.C. section 2601, et seq. A licensee may be engaged by a principal to serve as its agent to solicit extensions of credit or to provide other services related to the purchase or sale of real estate in a manner not prohibited under RESPA, provided that if the services involve an extension of credit or are related to a loan, the agency fee is not paid by the lender.***

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

2015-1837s

### AMENDED ANALYSIS

This bill prohibits a real estate broker from directing a transaction to a lending institution, escrow company, or title company in a manner prohibited by the federal Real Estate Settlement Procedures Act. The bill also provides that if the principal engages the broker to serve as its agent to solicit extensions of credit or other services related to a loan, the lender shall not pay the agency fee.

### JUDICIARY

HB 236, relative to child support and allowable child care expenses. Inexpedient to Legislate, Vote 5-0. Senator Cataldo for the committee.

This bill sought to enable parents to claim daycare expenses for children subsequently brought into a relationship. The committee is concerned that allowing this will diminish the ability of the first children to receive adequate financial support.

HB 292, expanding the good Samaritan law to engineers and architects. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

This bill expands immunity to cover licensed engineers and architects who respond at the request of Homeland Security or FEMA following an emergency. They are not covered for gross negligence or willful misconduct but are afforded protection in order to assist in evaluating the safety of local structures.

Senate Judiciary  
May 20, 2015  
2015-1861s  
06/04

### Amendment to HB 292

Amend the introductory paragraph of RSA 508:12-c, I as inserted by section 1 of the bill by replacing it with the following:

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

HB 305, relative to assessment of and discharge planning for minors in the juvenile court system. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill requires the court to instruct minors and their parents of the consequences of waiving the right to counsel and the subsequent impact it can have on their case. The amendment corrects statutory age limits for juveniles to reflect legislation passed during the last biennium.

Senate Judiciary  
May 20, 2015  
2015-1875s  
05/03

#### **Amendment to HB 305**

Amend the bill by replacing section 1 with the following:

1 Delinquent Children; Appointment and Waiver of Counsel. Amend RSA 169-B:12 to read as follows:

169-B:12 Appointment of Counsel; Waiver of Counsel.

I. Absent a valid waiver, the court shall appoint counsel at the time of arraignment of an indigent minor, provided that an indigent minor detained pursuant to RSA 169-B:11, III, shall have counsel appointed upon the issuance of the detention order. For purposes of the appointment of counsel under this section, an indigent minor shall be a minor who satisfies the court, after appropriate inquiry, that the minor is financially unable to independently obtain counsel. If the court has received information indicating that the minor has [a] ***an intellectual***, cognitive, emotional, learning, or sensory disability, the court shall require the minor to consult with counsel.

I-a. When an attorney is appointed as counsel for a child, representation shall include counsel and investigative, expert, and other services, including process to compel the attendance of witnesses, as may be necessary to protect the rights of the child.

II. The court may accept a waiver of counsel in a delinquency proceeding only when:

(a) The minor is represented by a non-hostile parent, guardian, or custodian;

(b) Both the minor and parent, guardian, or custodian agree to waive counsel;

(c) In the court's opinion the waiver is made competently, voluntarily, and with full understanding of the consequences;

(d) The petition does not allege a violation of RSA 631:1, RSA 631:2, RSA 635:1, or any violation of RSA 630, RSA 632-A, RSA 633, or RSA 636; and

(e) The prosecution has informed the court that it does not intend to seek certification pursuant to RSA 169-B:24, RSA 169-B:25, or any other provision of law permitting adult prosecution of the minor.

***II-a. If the minor and the parent, guardian, or custodian have not consulted with counsel about the possible consequences of the proposed waiver of the right to counsel, the court may only accept a waiver pursuant to paragraph II after making case-specific written findings with regard to each of the required conditions for waiver based on clear and convincing evidence.***

***II-b. The court may appoint counsel for an indigent minor for the purpose of consultation about the decision to request or waive counsel, and shall advise the minor and the parent, guardian, or custodian that they may request such appointment and that the appointment of counsel for such purpose will not be subject to a repayment requirement. Counsel appointed for such purposes shall be compensated by the judicial council pursuant to RSA 604-A, but the cost of such counsel shall not be subject to the repayment provisions of RSA 604-A:9.***

***II-c. A verbatim record shall be made of all proceedings conducted pursuant to this section and of all subsequent proceedings in any case in which a court has accepted a waiver of counsel under this section.***

III. Whenever a court appoints counsel pursuant to the provisions of paragraph I, the court shall conduct an appropriate inquiry as to whether any person who pursuant to RSA 546-A:2 is liable for the support of the minor for whom counsel was appointed is financially able to pay for such minor's counsel. If the court determines that the person liable for support is financially able to pay for said counsel, in whole or in part,

the court shall enter an appropriate order requiring said person to reimburse the state for the representation provided. For the purposes of this paragraph, the inquiry conducted by the court shall include notice and hearing to the person liable for support.

IV. A juvenile shall not be subject to detention unless:

(a) The juvenile is represented by counsel at the hearing where detention is ordered; or

(b) Detention is ordered on an emergency basis and a detention hearing is scheduled within 24 hours of the emergency detention, Saturdays, Sundays, and holidays excepted, at which hearing the juvenile shall be represented by counsel.

Amend the bill by replacing all after section 3 with the following:

4 Delinquent Children; Jurisdiction of Court. Amend RSA 169-B:4, III to read as follows:

III. At the request of the prosecutor or the department, the court may retain jurisdiction over the minor for a period of up to 2 years following the completion of any appeal if the petition was filed after the minor had attained the age of ~~[16]~~ **17** years. Notwithstanding the provisions of RSA 169-B:19, III, when jurisdiction is retained pursuant to this section, the court may sentence a person to the county correctional facility for a term that may extend beyond the person's eighteenth birthday.

5 Delinquent Children; Jurisdiction of Court. Amend RSA 169-B:4, V(c) to read as follows:

(c) Who is subject to the jurisdiction of the court prior to the minor's ~~[seventeenth]~~ **eighteenth** birthday and for whom the department has filed a motion with the court requesting that the court retain jurisdiction under this subparagraph; provided that the department's motion is filed within the 90 days prior to the minor's ~~[seventeenth]~~ **eighteenth** birthday and provided further that the court's jurisdiction pursuant to this subparagraph shall continue until the minor's ~~[eighteenth]~~ **nineteenth** birthday.

6 Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I(k) to read as follows:

(k) Order the minor to register as a sexual offender or offender against children pursuant to RSA 651-B until the juvenile reaches the age of ~~[17]~~ **18** if the court finds that the minor presents a risk to public safety.

7 Effective Date.

I. Sections 1, 4, 5, and 6 of this act shall take effect July 1, 2015, at 12:01 a.m.

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

2015-1875s

#### AMENDED ANALYSIS

This bill:

I. Requires the court to find by clear and convincing evidence that each of the required conditions for waiver of counsel by a minor have been met, and requires the court to record proceedings in which a waiver of counsel has been accepted.

II. Requires the department of health and human services to develop discharge plans for minors at the youth services center.

III. Provides for annulment of a criminal conviction if the criminal offense was based on conduct that occurred between May 14, 2014 and July 1, 2015, while the person was 17 years of age.

IV. Clarifies the juvenile court's jurisdiction over minors.

HB 415, limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire. Ought to Pass, Vote 5-0. Senator Lasky for the committee.

This bill gives out-of-state emergency service responders the same liability coverage our responders are afforded when going to emergencies across state borders. This is especially important for our border towns and protects these needed responders.

HB 449, relative to the duration of child support. Ought to Pass with Amendment, Vote 5-0. Senator Cataldo for the committee.

This bill clarifies that child support ends when a juvenile under the age of 18 is incarcerated or no longer pursuing public education. The amendment clarifies that the support ends on the date of conviction.

Senate Judiciary  
May 20, 2015  
2015-1864s  
05/04

#### Amendment to HB 449

Amend RSA 461-A:14, IV(c) as inserted by section 1 of the bill by replacing it with the following:

***(c) If a child support obligation remains in effect for a child over the age of 18 and the child becomes incarcerated following a criminal conviction, the child support obligation, including all educational support obligations, terminates without further legal action on the date of conviction.***

HB 472, relative to the parole board and parole board procedures. Ought to Pass with Amendment, Vote 5-0. Senator Cataldo for the committee.

This bill amends the adult probation and parole procedure and makes changes requested by the Adult Parole Board. The changes increase the membership from 7 to 9 to enable 3 to sit at each hearing and combines sentence reduction methods to reflect current practice.

Senate Judiciary  
May 20, 2015  
2015-1860s  
04/01

#### Amendment to HB 472

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

1 Parole of Prisoners; Adult Parole Board. Amend RSA 651-A:3, I to read as follows:

I. There shall be an adult parole board with [7] **9** members. The members of the board shall be appointed by the governor with the consent of the council for staggered terms of 5 years or until their successors are appointed. No member shall serve more than 2 consecutive terms. A vacancy on the board shall be filled for the unexpired term. The governor shall designate one member as chairman, and the chairman shall designate one other member to serve as chairman in his absence. In the case of a revocation hearing an attorney of the board shall be present at the hearing. Board members shall be paid \$100 a day plus mileage at the state employee rate while engaged in parole hearings or administrative meetings.

2 Parole of Prisoners; Notice of Hearings. Amend RSA 651-A:11 to read as follows:

651-A:11 Notice of Hearings.

I. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall [~~twice publish, in a newspaper of general circulation within the county where the offense occurred, a notice stating the intention of the person to seek parole and shall post notice stating the intent of the person to seek parole in the adult parole board section of the department of corrections' Internet site. Said notices shall include the name and birth date of the applicant and the date, time, and location of the parole hearing~~] **post notice on the department of corrections Internet site stating the name and birthdate of the person seeking parole and the date, time, and location of the parole hearing.**

II. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall send by first class mail **or electronic communication** to each chief of police and county attorney of the place where the offense occurred, where the person resided prior to conviction, or where the person intends to reside after release, a copy of the information described in paragraph I.

II-a. At least 15 and not more than 30 days prior to any parole hearing, the adult parole board shall provide a copy of the information described in paragraph I to the department of corrections which shall send a copy of such information by first class mail **or electronic communication** to the victim of the person seeking parole, or to the next of kin of such victim if the victim has died, if request for such notice has been filed with the department of corrections. The victim or next of kin so requesting shall keep the department of corrections apprised of his or her current mailing address **or other contact information.**

III. The adult parole board shall conduct no parole hearing without first having met the notice requirements of this section.

3 Parole of Prisoners; Reduction of Maximum Sentence While on Parole. Amend RSA 651-A:12 to read as follows:

651-A:12 Reduction of Maximum Sentence While on Parole. Any person who is on parole from the state prison on a permit under the provisions of this chapter may be granted a reduction of maximum term of his *or her* sentence equal to 1/3 of the period of time during which the parolee is at liberty on said permit, provided that ~~[said parolee is not recommitted to the state prison or has not been cited as a parole violator, pursuant to the provisions of this chapter]~~ ***in making such a decision, the parole board shall consider the conduct of the parolee while under supervision, the seriousness of the offense, the amount of restitution owed, and any information provided by the victim.*** The parolee may be granted a discharge at the expiration of his *or her* maximum sentence less deductions provided for in this chapter.

4 Repeal. RSA 651-A:14, relative to early discharge for good conduct, is repealed.

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

2015-1860s

#### AMENDED ANALYSIS

This bill:

I. Increases the membership on the adult parole board from 7 to 9.

II. Makes changes to the notice requirements for adult parole board hearings and to requirements for reduction of maximum sentence while on parole.

III. Repeals the statute authorizing early discharge for good conduct.

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

#### REGULAR CALENDAR REPORTS

##### CAPITAL BUDGET

HB 25-FN-A, making appropriations for capital improvements. Ought to Pass with Amendment, Vote 5-0. Senator Daniels for the committee.

Capital Budget

May 21, 2015

2015-1923s

10/09

#### Amendment to HB 25-FN-A

Amend the bill by replacing sections 1-3 with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

##### I. Adjutant General

A. Columbarium Expansion	\$1,495,000
Less Federal Funds	<u>-1,495,000</u>
Net state appropriation subparagraph A	0
B. Construction of FMS - Southern NH	10,600,000
Less Federal Funds	<u>-10,600,000</u>
Net state appropriation subparagraph B	0
C. Construction of FMS - Seacoast Area	9,400,000
Less Federal Funds	<u>-9,400,000</u>
Net state appropriation subparagraph C	0
D. Land for Military Construction	1,500,000
E. Readiness Center Design	1,200,000
Less Federal Funds	<u>-1,200,000</u>
Net state appropriation subparagraph E	0
F. Readiness Center Restoration and Modernization	2,000,000
Less Federal Funds	<u>-1,000,000</u>
Net state appropriation subparagraph F	<u>1,000,000</u>
Total state appropriation paragraph I	\$2,500,000

## II. Department of Administrative Services

## A. Statewide Projects

1. All State Owned Facilities - Emergency Repairs	\$1,000,000
2. Statewide Energy Efficiency Improvements	500,000

## B. General Services

1. Hills Ave. - New Roof	775,000
2. Monadnock Mill - Wall Repair	195,000
3. Health and Human Services - New Lab Floor	110,000
4. Department of Justice - New Roof	545,000
5. Monadnock Mill - Elevator Upgrade	210,000
6. Materials and Research - HVAC Upgrades	380,000
7. All Buildings - Burglar Alarm Replacement	215,000
8. State House Repairs	1,350,000
9. State House Dome	1,343,058
10. State Library - Repair Parapet and Ceiling	280,000
11. Department of Justice and Philbrook - Elevator code issues	120,000

## C. Facilities and Asset Management

1. Brown Building - Roof Replacement	905,000
2. Dolloff Building - ADA Restrooms and Entryway	505,000

## D. Court Facilities

1. Merrimack County Superior Court - New Courthouse *	16,600,000
2. Hampton Circuit Court, Architectural/ Engineering	300,000
3. Milford Circuit Court, Architectural/Engineering	<u>255,500</u>

\* The location for the siting of the Merrimack county superior court facility shall be in Concord on state lands adjacent to the supreme court.

Total state appropriation paragraph II	\$25,588,558
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## III. Community College System of New Hampshire

A. Critical Maintenance	\$4,000,000
B. IT Infrastructure	2,300,000
C. HVAC Electrical Technology	7,000,000
D. Phase II, IT STEM Lab in Claremont	400,000
E. Lakes Region Community College Auto Tech. Completion	<u>1,000,000</u>
Total state appropriation paragraph III	\$14,700,000

## IV. Department of Corrections

A. New Women's Prison – Addendum*	\$12,600,000
B. Replace Roof in Warehouse, Gym, Autoshop and Outside	<u>1,855,000</u>
Total state appropriation paragraph IV	\$14,455,000

\* The prison shall be designed in a manner which provides the best economical approach to maintaining and operating the facility.

## V. Department of Education

A. Renovation of CTE Center – Dover*	\$3,025,000
B. Renovation of CTE Center – Somersworth*	<u>4,875,000</u>
Total state appropriation paragraph V	\$7,900,000

\* The funds appropriated to the department of education in subparagraphs A and B for CTE centers in Dover and Somersworth shall not be spent, obligated, or encumbered until such time as an action plan has received approval from the capital budget overview committee.

## VI. Department of Environmental Services

A. Dam Repairs and Reconstruction	\$2,975,000
B. Hazardous Waste Superfund State Match	500,000
C. Suncook River Infrastructure Protection Project	1,800,000
D. Rehabilitation of Natural Resources Conservation Service Flood Control Dams	3,927,500
Less Federal Funds	<u>-2,772,500</u>
Net state appropriation subparagraph D	1,155,000
E. LiDAR Enhanced Elevation Data System	1,175,000
Less Federal Funds	<u>-587,500</u>
Net state appropriation subparagraph E	587,500

F. Permitting, Environmental Monitoring and Flood Forecasting	1,000,000
G. Drinking Water SRF Matching Funds	2,978,212
H. Clean Water SRF State Match Funds	5,403,400
Less Other Funds*	<u>-2,701,700</u>
Net state appropriation subparagraph H	<u>2,701,700</u>
Total state appropriation paragraph VI	\$13,697,412

\* To provide funds for the appropriation made in subparagraph VI, H, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,701,700 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes pursuant to subparagraph VI, H shall be made from the state water pollution control and drinking water revolving loan funds established in RSA 486:14.

VII. Department of Health and Human Services	
A. Glencliff Home Potable Water System	\$1,350,000
B. Campus Security Glencliff	425,000
C. Main Access Tunnel Repair	525,000
D. Replace Roof Over Auditorium at Howard Rec.	230,000
E. SYSC Administration Building - Restroom Upgrades	120,000
F. Chillers and Associated Components Replacement	2,800,000
G. Child Support Systems Maintenance and Enhancement	7,100,000
Less Federal Funds	<u>-4,686,000</u>
Net state appropriation subparagraph G	2,414,000
H. New HEIGHTS Access Front Door	10,534,483
Less Federal Funds	<u>-6,600,000</u>
Net state appropriation subparagraph	3,934,483
I. Department Email Project	500,000
Less Federal Funds	<u>-200,000</u>
Net state appropriation subparagraph I	300,000
J. NHH Electronic Health Record Pharmacy and Scanning Module	465,517
K. NHH Underground Fuel Line Replacement, Fuel Conversion	225,000
L. NHH Renovation of Existing Space	<u>984,400</u>
Total state appropriation paragraph VII	\$13,773,400

VIII. Department of Information Technology*	
A. Enterprise Projects including Cyber Security, Upgrades, and Inter-agency Coordination	\$1,000,000
B. Expansion of Virtual Server Environment	2,034,320
C. Enterprise Collaboration Solution	<u>650,000</u>
Total state appropriation paragraph VIII	\$3,684,320

\* The bonds issued for the projects in paragraph VIII shall not exceed 10 year maturity dates.

IX. Judicial Branch	
A. New Hampshire e-Court	<u>\$1,261,628</u>
Total state appropriation paragraph IX	\$1,261,628
X. Liquor Commission	
A. Concord Warehouse Roof Replacement	\$1,715,000
Less Other Funds*	<u>-1,715,000</u>
Net state appropriation subparagraph A	0
B. In-store Management Systems Refresh/Surveillance System	2,800,000
Less Other Funds	<u>-2,800,000</u>
Net state appropriation subparagraph B	0
C. Consumer Internet Ordering Site	125,000
Less Other Funds*	<u>-125,000</u>
Net state appropriation subparagraph C	<u>0</u>
Total state appropriation paragraph X	\$0

\* To provide funds for the appropriations made in paragraph X, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$4,640,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the liquor commission fund established in RSA 176:16.

## XI. Pease Development Authority

A. Piscataqua River Turning Basin	\$19,254,700
Less Federal Funds	-13,899,200
Less Other Funds*	-285,550
Net state appropriation subparagraph A	<u>5,069,950</u>

\* To provide funds for the appropriations made in subparagraph A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$285,550 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from fees relating to wharfage, dockage, and other marine terminal operations under RSA 12-G:42.

Total state appropriation paragraph XI	\$5,069,950
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## XII. Department of Resources and Economic Development

A. Roofing and Repairs	\$1,185,000
B. Fire Tower Repairs – Statewide	290,000
C. Toilet Building Renovation and Repair	2,000,000
D. Restoration at Historic Site	250,000
E. Franconia Notch State Park- Flume Visitor's Center Renovations	250,000
F. North Country Resource Center Improvements	200,000
G. Flume Parking Lot	600,000
H. Echo Lake Parking	120,000
I. Livermore Falls Parking Area	<u>250,000</u>

Total state appropriation paragraph XII	\$5,145,000
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## XIII. Department of Safety

A. Laconia PSAP/Data Operations Facility Roofing	\$275,000
Less Other Funds*	-275,000
Net state appropriation subparagraph A	0
B. Aircraft Rescue Firefighting Site Upgrades	425,000
Less Other Funds**	-425,000
Net state appropriation subparagraph B	0
C. Fire Pumper Replacement	400,000
Less Other Funds**	-400,000
Net state appropriation subparagraph C	0
D. Division of Motor Vehicles-Replace Carpet	<u>87,000</u>
Total state appropriation paragraph XIII	\$87,000

\* To provide funds for the appropriations made in subparagraph A, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$275,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the enhanced 911 system fund established in RSA 106-H:9, I.

\*\* To provide funds for the appropriations made in subparagraphs B and C, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$825,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

## XIV. Department of State

A. State Archives Addition Planning and Design	\$ 250,000
Total state appropriation paragraph XIV	\$250,000

## XV. Transportation

A. Transportation- Aeronautics, Rail and Transit	
1. 5 Percent Match for Federal Aviation Administration Project	\$59,502,387
Less Federal Funds	-55,906,400
Net state appropriation subparagraph A	3,595,987
2. Repairs to State-owned Railroad Bridges	1,350,000
3. Public Transit Bus and Facility Matching Funds	1,358,636
4. Coos County Rail Improvements*	<u>1,500,000</u>
Total state appropriation paragraph XV	\$7,804,623

\* The sum appropriated in subparagraph A, 4 shall be a match to private funds of an equal amount.



## XVI. Veterans Home

A. Third Floor Addition to the LEDU Building-Vets Home	\$13,550,000
Less Federal Funds	<u>-8,807,500</u>
Net state appropriation subparagraph A	<u>4,742,500</u>
Total state appropriation paragraph XVI	\$ <u>4,742,500</u>
Total state appropriation section 1	\$120,659,391

2 Appropriation; Highway Fund. Department of Administrative Services, Department of Safety, and Department of Transportation. The sums hereinafter detailed are appropriated for the projects specified:

## I. Department of Administrative Services

A. Milford Circuit Court, Architectural/ Engineering	\$109,500
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## II. Department of Safety

A. Helicopter FLIR and ADS-B Replacement	\$1,220,000
B. Troop A HVAC and Remodel and Troop E HVAC	650,000
C. Radio Interoperability Project	<u>4,980,476</u>
Total state appropriation paragraph II	\$6,850,476

## III. Department of Transportation

A. Underground Fuel Tank Replacement - Statewide	\$1,310,000
B. Oversize/Overweight Permit Software	2,000,000
C. New Patrol Shed 114 Lisbon	270,000
D. 602 Strafford Patrol Shed	1,770,000
E. Statewide Salt Sheds (3)	1,660,000
F. Welcome and Information Center Capital Improvement	760,000
G. Morton Building - Carpet Replacement	200,000
H. Construction Equipment and Vehicles*	<u>10,000,000</u>
Total state appropriation paragraph III	\$ <u>17,970,000</u>

\* The sums appropriated in subparagraph H shall be used to purchase equipment with a useful life of 10 years or greater and shall not be used by the department, division of operations, mechanical services bureau, to purchase passenger cars, 1/2 ton or 3/4 ton pickup trucks, or slide-in spreaders.

3 Capital Appropriation; University System of New Hampshire. The sums hereinafter detailed are appropriated for the projects specified:

A. Deferred Maintenance	\$ <u>5,000,000</u>
Total state appropriation section 3	\$5,000,000

Amend the bill by replacing section 8 with the following:

8 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1-3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$159,316,617 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The source of funds are as follows: general fund \$125,659,391, highway funds \$24,929,976, and other funds \$8,727,250.

Amend the bill by inserting after section 17 the following and renumbering the original sections 18 and 19 to read as 24 and 25, respectively:

18 Lapse of Prior Capital Balance; Capital Appropriation; Department of Administrative Services; Hampton District Court Land Purchase.

I. The sum of \$600,000 from the unencumbered balances of the appropriations made to the department of administrative services in 2011, 253:1, II, B, 1, extended by 2013, 195:47, 7 for Hugh Gallen OPS-FACP replacement; in 2013, 195:1, II, B, 1 for records and archives new roof; and in 2011, 253:1, II, D, 2, extended by 2013, 195:47, 16 for statewide energy efficiency improvements, shall lapse on June 30, 2015.

II. The sum of \$600,000 is hereby appropriated for the biennium ending June 30, 2015 to the department of administrative services for the purchase of 2.7 acres of land currently owned by the department of transportation in the town of Hampton, New Hampshire. Said land shall be used for the construction of a new Hampton District Court. Said funds shall not lapse until June 30, 2017.

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

IV. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

19 Lapse of Prior Capital Balance; Capital Appropriation; Department of Corrections; Transitional Housing Units.

I. The sum of \$250,000 from the unencumbered balance of the appropriation made to the department of administrative services in 2009, 145:1, II, A, 1 extended by 2011, 253:28, 12 and 2013, 195:47, 21 for Hillsborough county north asbestos abatement, shall lapse on June 30, 2015.

II. The sum of \$250,000 is hereby appropriated for the biennium ending June 30, 2015 to the department of corrections for repairs and renovations to the Calumet transitional housing unit in Manchester and the North End and Shea Farm transitional housing units in Concord. Such funds shall not lapse until June 30, 2017.

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$250,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

IV. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

20 Lapse of Prior Capital Balances; Capital Appropriation; New Hampshire Housing Finance Authority; Affordable Workforce Housing.

I. The total sum of \$1,000,000 from the unencumbered balances of the following appropriations made to the following agencies shall lapse on June 30, 2015:

(a) To the adjutant general in 2013, 195:1, I, I for underground storage tank removal.

(b) To the department of administrative services in 2005, 259:1, II, A, 2 amended by 2007, 264:14 extended by 2007, 264:29, IX extended by 2009, 145:19, 12 extended by 2011, 253:28, 30 extended by 2013, 195:47, 27 for Cheshire and Merrimack county courthouse design, Keene district court design and renovate temporary space; in 2009, 145:1, II, A, 1 extended by 2011, 253:28, 12 and 2013, 195:47, 21 for Hillsborough county north asbestos abatement; in 2011, 253:1, II, A, 1 extended by 2013, 195:47, 6 for Rockingham county courthouse-reseal parking lot/drainage repair; in 2011, 253:1, II, B, 3 extended by 2013, 195:47, 8 for driveway/parking and walkway paving phase 2; in 2011, 253:1, II, B, 6 as extended by 2013, 195:47, 11 for Hugh Gallen OPS main building ADA restrooms; in 2011, 253:1, II, D, 2 as extended by 2013, 195:47, 16 for statewide energy efficiency improvements; in 2011, 253:1, II, D, 7 extended by 2013, 195:47, 19 for state house annex-window repairs; in 2013, 195:1, II, D, 1 for Coos county courthouse-bullnose repairs; in 2013, 195:1, II, D, 6 for Lebanon district court replace roof; in 2013, 195:1, II, C, 1 for Dolloff domestic water main replacement; and in 2013, 195:1, II, C, 2 for driveway/parking and walkway paving phase 3.

(c) To the department of corrections in 2013, 195:1, IV, B for remove and replace two 20,000 gallon oil tanks and one 5,000 gallon diesel tank.

(d) To the department of health and human services in 2011, 253:1, VII, A as extended by 2013, 195:47, 58 for fire protection sprinklers; in 2011, 253:1, VII, B as extended by 2013, 195:47, 59 for admin building fire safety/ADA compliance; in 2011, 253:1, VII, M extended by 2013, 195:47, 67 for handicap access and elevator (ADA) administration bldg.; and in 2011, 253:1 VII, P extended by 2013, 195:47, 69 for Howard recreation building renovations, roof and brickwork.

(e) To the department of information technology in 2011, 253:1, VIII, B extended by 2013, 195:47, 74 for network operations infrastructure upgrade and VOIP; in 2011, 253:1, VIII, C extended by 2013, 195:47, 75 for business one stop center; and in 2013, 195:1, VIII, B for network access control.

(f) To the department of resources and economic development in 2013, 195:1, XIII, G for memorial, 400th anniversary- Rye Harbor state park.

II. The sum of \$1,000,000 is hereby appropriated for the biennium ending June 30, 2015 to the New Hampshire housing finance authority as matching funds for affordable workforce housing. The general court intends that the matching funds shall be expended for affordable workforce housing which is not restricted due to age and that the housing finance authority shall give high priority to housing projects that demonstrate a commitment to providing housing to veterans. Said funds shall not lapse until June 30, 2017.

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

IV. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

21 Lapse of Prior Capital Balance; Capital Appropriation; Legislative Branch; Hall of Flags Conservation Project.

I. The sum of \$235,000 from the unencumbered balances of the appropriations made to the department of administrative services in 2011, 253:1, II, B, 6, extended by 2013, 195:47, 11 for Hugh Gallen OPS main building ADA restrooms, and to the department of agriculture in 2013, 195:1, III, A, for New Hampshire Building-Eastern States Expo-Roof Replacement shall lapse on June 30, 2015.

II. The sum of \$235,000 is hereby appropriated for the fiscal year ending June 30, 2015 to the legislative branch for the initial phase of the State House hall of flags conservation project. Said funds shall not lapse until June 30, 2017.

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$235,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

IV. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

22 Lapse of Prior Capital Balance; Capital Appropriation; Department of Transportation; Railroad Tie Removal.

I. The sum of \$605,000 from the unencumbered balance of the appropriation made to the department of administrative services in 2009, 145:1, II, A, 1 extended by 2011, 253:28, 12 and 2013, 195:47, 21 for Hillsborough county north asbestos abatement, shall lapse on June 30, 2015.

II. The sum of \$605,000 is hereby appropriated for the biennium ending June 30, 2015 to the department of transportation for the removal of railroad ties along the Hampton Branch Railroad Corridor from Seabrook to Hampton, the Northern Railroad Corridor from Franklin to Andover, and the Northern Railroad Corridor in Lebanon. Said funds shall not lapse until June 30, 2017.

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$605,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

IV. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 228.

23 Lapse of Prior Capital Balance; Capital Appropriation; Department of Corrections; Hancock Housing Unit Bathrooms.

I. The sum of \$390,000 from the unencumbered balances of the appropriation made to the department of administrative services in 2009, 145:1, II, A, 2 extended by 2011, 253:28, 13 extended by 2013, 195:47, 22 for master plan for the courts shall lapse on June 30, 2015.

II. The sum of \$390,000 is hereby appropriated for the fiscal year ending June 30, 2015 to the department of corrections for repair of bathroom floors at the Hancock housing unit. Said funds shall not lapse until June 30, 2017.

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$390,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

IV. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

Amend section 24 of the bill by inserting after paragraph 77 the following new paragraph and renumbering the original paragraphs 78-122 to read as 79-123, respectively:

78. The appropriation made to the legislative branch in 2013, 195:1, XI for house of representatives voting system software-LED summary displays and legislative integrated software package.

Amend the bill by replacing section 25 with the following:

25 Effective Date.

I. Sections 18-24 of this act shall take effect June 30, 2015.

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

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

Sen. Feltes offered a floor amendment.

Sen. Feltes, Dist. 15

Sen. Daniels, Dist. 11

Sen. Boutin, Dist. 16

May 27, 2015

2015-1971s

10/04

#### **Floor Amendment to HB 25-FN-A**

Amend paragraphs II-IV of section 20 of the bill by replacing them with the following:

II. The sum of \$1,000,000 is hereby appropriated for the biennium ending June 30, 2015 to the affordable housing fund established in RSA 204-C:57 as matching funds for affordable workforce housing. The general court intends that the matching funds shall be expended for affordable workforce housing which is not restricted due to age and that the housing finance authority shall give high priority to housing projects that demonstrate a commitment to providing housing to veterans. Said funds shall not lapse until June 30, 2017.

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

IV. The New Hampshire housing finance authority, consistent with the provisions of RSA 204-C, is exempt from the provisions of RSA 21-I. The New Hampshire housing finance authority shall report quarterly to the capital budget overview committee, in writing, on the status of the appropriation to the affordable housing fund in paragraph II.

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

Sen. Lasky offered a floor amendment.

Sen. Lasky, Dist. 13

Sen. Woodburn, Dist. 1

Sen. Watters, Dist. 4

Sen. Pierce, Dist. 5

Sen. Hosmer, Dist. 7

Sen. Kelly, Dist. 10

Sen. Feltes, Dist. 15

Sen. Soucy, Dist. 18

Sen. D'Allesandro, Dist. 20

Sen. Fuller Clark, Dist. 21

May 27, 2015

2015-1966s

10/09

#### **Floor Amendment to HB 25-FN-A**

Amend paragraph XV of section 1 of the bill by replacing it with the following:

## XV. Transportation

## A. Transportation- Aeronautics, Rail and Transit

## 1. 5 Percent Match for Federal Aviation Administration

Project	\$59,502,387
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Less Federal Funds	<u>-55,906,400</u>
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Net state appropriation subparagraph A	3,595,987
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2. Repairs to State-owned Railroad Bridges	1,350,000
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3. Public Transit Bus and Facility Matching Funds	1,358,636
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4. Coos County Rail Improvements*	1,500,000
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5. Rail Study	<u>4,000,000</u>
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Total state appropriation paragraph XV	\$11,804,623
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\* The sum appropriated in subparagraph A, 4 shall be a match to private funds of an equal amount.

Amend the total state appropriation section 1 by replacing it with the following:

Total state appropriation section 1	\$124,659,391
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Amend the bill by replacing section 8 with the following:

8 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1-3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$163,316,617 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The source of funds are as follows: general fund \$129,659,391, highway funds \$24,929,976, and other funds \$8,727,250.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Woodburn, Pierce, 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: 8 - Nays: 14

Failed.

Sens. Hosmer and Watters were excused.

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

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Pierce, Cataldo, 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: 22 - Nays: 0

Adopted, bill ordered to Third Reading.

Sens. Hosmer and Watters were excused.

## JUDICIARY

HB 290, relative to the acceptance of risk in outdoor recreational activities. Ought to Pass, Vote 3-2. Senator Daniels for the committee.

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. Daniels, seconded by Sen. Pierce.

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

The following Senators voted No: Pierce, Kelly, Lasky, Soucy.

Yeas: 18 - Nays: 4

Adopted, bill ordered to Third Reading.

Sens. Hosmer and Watters were excused.

Sen. Lasky was excused for the day.

#### COMMERCE

HB 450, relative to the definition of "employee" for the purposes of workers' compensation and unemployment compensation. Ought to Pass with Amendment, Vote 4-1. Senator Prescott for the committee.

Commerce

May 19, 2015

2015-1836s

01/09

#### Amendment to HB 450

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

AN ACT establishing a commission to study and make recommendations for a common definition of employee.

Amend the bill by deleting section 1 and renumbering the original sections 2-4 to read as 1-3, respectively.

Amend RSA 273:28, V as inserted by section 1 of the bill by replacing it with the following:

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

Amend paragraph I as inserted by section 3 of the bill by replacing it with the following:

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

2015-1836s

#### AMENDED ANALYSIS

This bill establishes a commission to study and make recommendations for a common definition of employee.

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

Sen. Prescott offered a floor amendment.

Sen. Prescott, Dist. 23

May 26, 2015

2015-1943s

01/09

#### Floor Amendment to HB 450

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

AN ACT establishing a commission to study and make recommendations for a common definition of employee.

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

1 New Section; Commission to Study a Common Definition of Employee. Amend RSA 273 by inserting after section 27 the following new section:

273:28 Commission to Study a Common Definition of Employee.

I. There is established a commission to study a common definition of employee and to make recommendations to the legislature.

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

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

(b) One member of the house of representatives, appointed by the speaker of the house of representatives.

(c) The commissioner of the insurance department, or designee.

- (d) The commissioner of the department of labor, or designee.
- (e) The commissioner of the department of employment security, or designee.
- (f) The commissioner of the department of revenue administration, or designee.
- (g) A representative of the interests of labor, appointed by the speaker of the house of representatives.
- (h) A representative of the Associated General Contractors, appointed by the president of that organization.
- (i) A representative of the Business and Industry Association of New Hampshire, appointed by the president of that organization.
- (j) A representative of the New Hampshire Association of Insurance Agents, appointed by the chairman of the board of that association.

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

IV. The commission shall study the common definitions of employee that other states have adopted and make recommendations for a common definition to the legislature.

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

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

2 Repeal. RSA 273:28 relative to commission to study a common definition of employee is repealed.

3 Effective Date.

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

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

2015-1943s

#### AMENDED ANALYSIS

This bill establishes a commission to study and make recommendations for a common definition of employee. Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

A division vote was requested.

Yeas: 9 - Nays: 9

Failed.

Sen. Bradley moved floor amendment 1943s.

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

The following Senators voted Yes: Woodburn, Pierce, Kelly, Carson, Feltes, Boutin, Reagan, Soucy, D'Allesandro, Fuller Clark, Prescott.

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

Yeas: 11 - Nays: 10

Adopted.

Sens. Hosmer, Lasky, and Watters were excused.

Sen. Soucy offered a floor amendment.

Sen. Soucy, Dist. 18  
 May 28, 2015  
 2015-1990s  
 01/09

### Floor Amendment to HB 450

Amend RSA 273:28, II as inserted by section 1 of the bill by inserting after subparagraph (g) the following new subparagraph and renumbering subparagraphs (h)-(j) to read as (i)-(k):

(h) A representative of the interests of labor, appointed by the president of the senate.

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

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

### ENERGY AND NATURAL RESOURCES

HB 464, establishing the traditional commercial and recreational fishing protection act, prohibiting political subdivisions from interfering with commercial and recreational operations. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Energy and Natural Resources  
 May 20, 2015  
 2015-1862s  
 10/08

### Amendment to HB 464

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

AN ACT establishing the traditional commercial and recreational fishing protection act, prohibiting political subdivisions from interfering with commercial and recreational operations, relative to protective well radii for sewage disposal systems of commercial buildings, and relative to rulemaking by the commissioner of environmental services on certain minimal impact projects.

Amend RSA 674:69 as inserted by section 2 of the bill by replacing it with the following:

674:69 Local Ordinances Prohibited. No local legislative body shall adopt any ordinance that declares any commercial or recreational fishing operation to be a nuisance solely because it is a commercial or recreational fishing operation, or any zoning ordinance that unreasonably burdens or forces the closure of any commercial or recreational fishing operation, including any fishing operation conducted as a home occupation. Nothing in this subdivision shall prevent a local government from regulating commercial and recreational fishing operations, including by requiring the use of methods, structures, or appliances where such use will prevent, ameliorate, or remove conditions which create or may create a nuisance.

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

3 Department of Environmental Services; Protective Well Radii; Commercial Buildings. Amend the introductory paragraph of RSA 485-A:30-b, I and RSA 485-A:30-b, I(a) and (b) to read as follows:

I. All lots ***on which wastewater is or will be disposed on-site and all lots on which a private well serving a public water system exists or will be installed***, including lots created prior to August 20, 1989, shall be subject to the following conditions:

(a) Rules adopted under this section concerning such lots shall include provisions allowing abutting lot owners to overlap their respective well radii for their mutual benefit and provisions allowing well radii to extend over property lines onto state and locally-mandated property line setbacks, recorded easements, or land which is permanently dedicated to a use which precludes development.

(b)(1) For ***any*** private [~~well serving~~] ***well being installed or utilized to serve one or more new commercial buildings or a non-community public water system***, the entire protective well radius shall be [~~maintained~~] ***located*** on one or more of the following: [~~on-log~~] ***on-lot***, on a recorded easement, on land which is permanently dedicated to a use which precludes development, or on state [~~and~~] ***or*** locally mandated property line setbacks.

(2) ***A private well may be installed without being located as required by subparagraph (1) only if it is needed to replace a well serving one or more existing commercial buildings or a public water system, there will be no increase in water use to a level that requires a larger protec-***



*tive well radius under rules adopted by the department, and the lot is not part of a larger parcel that is being subdivided. In such cases, the on-lot protective radius shall be maximized to the extent practicable and the owner of the property shall sign a standard release form prepared by the department, upon which the actual protective radius shall be noted together with a narrative description of the location of the well, to acknowledge the potential loss of the protection of any portion of the radius which extends over the property line. The owner shall record the release form in the registry of deeds and shall file a copy of the recorded release form with the department.*

*(3) If a private well installed under the provisions of subparagraph (2) is not regulated as a public water supply well under RSA 485, the department shall require such water quality monitoring, recordkeeping, and reporting as is needed to ensure the water is suitable for its intended uses.*

*(4) For the purposes of this section, the term "commercial building" means a building that houses a commercial use but shall not include a residence which is also used for commercial purposes unless the total water withdrawal exceeds 600 gallons per day. A new commercial building means a new structure intended for commercial use, an existing residential structure being converted to commercial use, or an increase in water use at an existing commercial building to a level that requires a larger protective well radius under rules adopted by the department.*

4 Department of Environmental Services; Permits; Rulemaking; Culverts and Stream Crossings. Amend the introductory paragraph of RSA 482-A:3, XVI(b) to read as follows:

(b) Appropriate notice to the department shall include a completed routine roadway notification form as outlined in [Env-Wt-303-05] ***rules adopted by the commissioner pursuant to RSA 541-A*** including, at a minimum, the following information:

5 Department of Environmental Services; Administrative Provisions. Amend the introductory paragraph of RSA 482-A:11, III(b) to read as follows:

(b) Relative to any ***expedited*** permit ~~[by notification]~~ under paragraph VI, the provisions of subparagraph (a) shall be modified as follows:

6 Department of Environmental Services; Administrative Provisions; Rulemaking; Permit by Notification. Amend RSA 482-A:11, VI – VII to read as follows:

VI. The commissioner shall adopt rules pursuant to RSA 541-A establishing an expedited application and permitting process ~~[or permit by notification process]~~ for certain minimum impact projects. The provisions of RSA 482-A:3, I and paragraph III of this section shall apply.

***VI-a. The commissioner shall adopt rules pursuant to RSA 541-A establishing a permit by notification process for certain minimum impact projects. The provisions of RSA 482-A:3, I(a) and (c) shall apply.***

VII. The commissioner shall adopt rules, pursuant to RSA 541-A, identifying those activities within the jurisdiction of RSA 482-A that may be conducted without obtaining a permit ***and those that may be conducted without a permit if the project is registered with the department***, consistent with the provisions of this chapter.

2015-1862s

#### AMENDED ANALYSIS

This bill establishes the commercial and recreational fishing protection act, which prohibits local governments from adopting ordinances declaring commercial or recreational fishing operations to be nuisances or which unreasonably burden or force the closure of such operations.

The bill establishes criteria and exceptions for protective well radii for sewage disposal systems of commercial buildings. This bill also provides for rulemaking by the commissioner of environmental services to implement permit by notification for certain minimal impact projects.

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

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

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 141, relative to rulemaking authority concerning practice standards and safe and secure operation of pharmacies. Re-refer to committee, Vote 4-0. Senator Carson for the committee.

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

HB 455-FN, relative to the board of managers of 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

2015-1596s

09/04

#### **Amendment to HB 455-FN**

Amend RSA 119:2 as inserted by section 1 of the bill by replacing it with the following:

119:2 Board of Managers.

I. The government of the home is vested in the board of managers of the New Hampshire veterans' home. The board shall consist of the commanders of the veterans departments of New Hampshire ex officiis, the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and [6] **9** citizens of the state to be appointed by the governor with the advice and consent of the council.

II. At least [5] **6** of the appointed citizens shall have served in the armed forces of the United States in any war in which the United States has been, is, or shall be engaged, and who are, or shall be, honorably discharged or separated from the armed forces under conditions other than dishonorable. One appointee shall be a member in good standing of the department of the American Legion, one of the department of the Veterans of Foreign Wars, one of the department of the Disabled American Veterans and [2] **3, including at least one female appointee**, shall be active members of recognized and chartered veterans service organizations[; with preference given to World War I veterans]. [~~The sixth~~] **One** appointee shall be a female member in good standing of the department of the American Legion Auxiliary, the department of the Veterans of Foreign Wars Auxiliary, the department of the Disabled American Veterans Auxiliary, or the department of the Veterans of World War I of the U.S.A., Inc. Auxiliary. [~~One member in good standing of the department of the Veterans of World War I of the U.S.A., Inc., may serve as a member emeritus to the board.~~] **Two appointees, one of whom shall be male and one of whom shall be female, shall be residents of the veterans' home.**

III. The appointment of a member from an auxiliary organization shall be rotated in the order in which they are listed and each appointed member shall hold office for a [2-year] **5-year** term. The members of the department of the American Legion, the department of the Veterans of Foreign Wars, and the department of Disabled American Veterans shall hold office for a term of [5] **4** years and until a successor is appointed and qualified. The [2] **3** members of recognized and chartered veterans service organizations shall hold office for staggered terms of 3 years each and until a successor is appointed.

IV. In case of any vacancy on the board an appointment shall be made in the same manner for the unexpired term.

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

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

May 27, 2015

2015-1985s

09/03

#### **Floor Amendment to HB 455-FN**

Amend RSA 119:2 as inserted by section 1 of the bill by replacing it with the following:

119:2 Board of Managers.

I. The government of the home is vested in the board of managers of the New Hampshire veterans' home. The board shall consist of the commanders of the veterans departments of New Hampshire ex officiis, the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and [6] **9** citizens of the state to be appointed by the governor with the advice and consent of the council.

II. At least [5] **6** of the appointed citizens shall have served in the armed forces of the United States in any war in which the United States has been, is, or shall be engaged, and who are, or shall be, honorably discharged or separated from the armed forces under conditions other than dishonorable. One appointee shall

be a member in good standing of the department of the American Legion, one of the department of the Veterans of Foreign Wars, one of the department of the Disabled American Veterans and [2] **3, including at least one female appointee**, shall be active members of recognized and chartered veterans service organizations[; with preference given to World War I veterans]. [The sixth] **One** appointee shall be a female member in good standing of the department of the American Legion Auxiliary, the department of the Veterans of Foreign Wars Auxiliary, the department of the Disabled American Veterans Auxiliary, or the department of the Veterans of World War I of the U.S.A., Inc. Auxiliary. [One member in good standing of the department of the Veterans of World War I of the U.S.A., Inc., may serve as a member emeritus to the board.] **Two appointees, one of whom shall be male and one of whom shall be female, shall be residents of the veterans' home.**

III. The appointment of a member from an auxiliary organization shall be rotated in the order in which they are listed and each appointed member shall hold office for a [2-year] **3-year** term. The members of the department of the American Legion, the department of the Veterans of Foreign Wars, and the department of Disabled American Veterans shall hold office for a term of [5] **4** years and until a successor is appointed and qualified. The [2] **3** members of recognized and chartered veterans service organizations shall hold office for staggered terms of 3 years each and until a successor is appointed.

IV. In case of any vacancy on the board an appointment shall be made in the same manner for the unexpired term.

Amend RSA 119:3-a as inserted by section 2 of the bill by replacing it with the following:

119:3-a Meetings of the Board. The board of managers shall meet monthly and when called to meet by the chairman of the board. All meeting times and venues shall be noticed in the calendars of the house of representatives and the senate.

2015-1985s

#### AMENDED ANALYSIS

This bill increases the membership of the board of managers of the New Hampshire veterans' home, requires the board to meet monthly, and deletes compensation for the secretary of the board.

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

Sen. Carson offered a floor amendment.

Sen. Carson, Dist. 14

May 21, 2015

2015-1922s

01/09

#### Floor Amendment to HB 455-FN

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

AN ACT relative to the board of managers of the New Hampshire veterans' home and relative to the reporting process for certain departments and divisions of departments.

Amend the bill by replacing all after section 3 with the following:

4 Department of Administrative Services; Energy Consumption Reduction Reports. Amend RSA 21-I:14-c to read as follows:

21-I:14-c Energy Consumption Reduction Goal; Reports.

I. Each state department shall identify cost-effective measures to reduce fossil fuel consumption by 25 percent by 2025 in state buildings, on a square foot basis, compared to a 2005 baseline. Implementation of any measures shall be subject to the appropriate budgetary process and approval. Cost effectiveness for the purposes of this section shall mean a return on investment based on energy savings and reduced operational costs within the expected lifetime of the measure.

II. Beginning in calendar year [2012] **2016**, each state department shall submit an annual report to the commissioner of administrative services on or before [September 1] **October 15** which details any cost-effective measures it is utilizing and those potential measures, subject to budgetary approval, to comply with the energy consumption reduction goal established in paragraph I and its annual progress in complying with this goal.

III. Beginning in calendar year [2012] **2016**, the commissioner shall submit an annual report to be made available to the public on or before [December 1] **January 15** compiling the annual reports submitted under

paragraph II, with findings on the departments' annual progress in complying with the energy consumption reduction goal established in paragraph I and problems which may prevent the departments from achieving this goal, to the governor, the senate president, the speaker of the house of representatives, the chair of the senate energy and natural resources committee and the chair of the house science, technology and energy committee.

5 Veterans' Home; Reports. Amend RSA 119:13 to read as follows:

119:13 Reports. The board shall file with the secretary of state, the fiscal committee of the general court, and the commissioner of administrative services, on or before October 1 [~~and every 6 months thereafter~~], a report to the legislature, setting forth the operations and condition of the home, a detailed account of all monies received and expended on its behalf since the last report, an estimate of the amount of money required for its uses before the meeting of the next legislature, and such other matters and recommendations as they shall think its interests require.

6 Department of Resources and Economic Development; Reporting Requirements.

I. The commissioner of the department of resources and economic development may meet its reporting obligations, notwithstanding any law to the contrary as set forth in statute, by making such changes in its current reporting processes as may be necessary or desirable for the efficient, streamlined, and cost-effective delivery of a consolidated department report and division reports provided annually as required by statute while maintaining transparency to citizens. This may include the elimination of the use of some reports as identified to avoid redundancy of information provided that may be contained in one or more of each through this consolidated reporting process. Such annual consolidated department and division reports shall incorporate information from the following reports.

(a) The department of resources and economic development advisory commission report provided biennially to the governor and council under RSA 12-A:6.

(b) The department's energy efficiency report provided quarterly to the department of administrative services state's energy manager under executive order 2005-4.

II. Such annual consolidated division of economic development report shall incorporate and consolidate information contained in the following reports:

(a) The division of economic development's economic development program loans and grants report provided annually to the public under RSA 12-A:33.

(b) The division of economic development advisory committee on international trade report provided annually to the general court and governor under RSA 12-A:30, I (f).

(c) The office of workforce opportunity job training program for economic growth report provided annually to the general court, fiscal committee of the general court, governor and council, and the commissioner of department of employment security under RSA 12-A:58, I.

(d) The division of forests and lands mining and reclamation report provided annually to the governor and council under RSA 12-E:2, VI.

(e) The division of forests and lands report provided biennially to the governor under RSA 227-G:3, I (i).

(f) The division of parks and recreation community recreation service report provided annually to the division director under RSA 12-B:3, X.

(g) The Monadnock advisory commission report, a commission administratively assigned to the division of parks and recreation, provided annually to the member communities under RSA 227-D:5, VII.

(h) The division of parks and recreation Cannon season pass sales report provided quarterly to the general court, fiscal committee of the general court, and governor and council under RSA 227:14.

(i) The division of parks and recreation Hampton Beach capital improvement fund report provided annually to the fiscal committee of the general court and governor and council under RSA 216:3, IV (b);

(j) The division of parks and recreation's financial report provided annually to the general court and governor and council under RSA 216-A:3-e, III.

(k) The Hampton Beach area commission report, a commission administratively assigned to the division of parks and recreation, provided annually to the general court and governor and council under RSA 216-J:3, VIII.

(l) The division of parks and recreation's state of the parks and historic sites report provided annually to the general court under RSA 216-A:3-c, VI.

(m) The state park system advisory council report, a council administratively assigned to the division of parks and recreation, provided annually to the general court, governor and council, and state library under RSA 216-A:3-k, VI (f).

(n) The division of parks and recreation Cannon Mountain package plan programs report provided quarterly to the general court, fiscal committee of the general court, and governor and council under RSA 12-A:15, II.

(o) The division of parks and recreation Cannon capital improvement fund report provided annually to the fiscal committee of the general court and governor and council under RSA 12-A:29-c, III.

(p) The Wentworth Coolidge commission report, a commission administratively assigned to the division of parks and recreation, provided annually to the general court and governor and council under executive order 1989-10.

(q) The division of parks and recreation bureau of trails report provided annually to the general court and state library under RSA 215-A:3, IX and RSA 215-C:2, X.

(r) The division of parks and recreation Connecticut Lakes Headwaters tract report provided annually to the general court, the governor and council, and the state library under RSA 216:8, IV, RSA 216:9, V, and RSA 216:11, IV.

(s) The division of travel and tourism revolving fund report provided annually to the fiscal committee of the general court and the governor and council under RSA 12-A:15-a.

(t) The division of travel and tourism development fund provided annually to the general court, governor and council, and state library under RSA 12-A:43-a, II.

III. The annual consolidated department report and division reports shall be delivered electronically to the speaker of the house of representatives, senate president and fiscal committee of the general court, and to the governor and council, by January 31 of each year. The department shall electronically post its annual consolidated report on the department website by January 31 of each year for review by all other parties as required by statute.

7 Issuance of Reports. RSA 20:7 is repealed and reenacted to read as follows:

20:7 Issuance of Reports.

I. All agencies and departments of the state shall issue biennial reports summarizing their operations. All reports shall cover periods ending on June 30, and be posted to the state transparency website, with one paper copy submitted to the state library by October 1. Biennial reports shall cover periods ending in odd-numbered years beginning with 2015. State agencies and departments shall make every effort to limit or eliminate the production of paper reports. The governor and council, speaker of the house of representatives, and the senate president shall be notified by letter that a report is available on the state transparency website.

II. Agencies and departments may post other required reports to their Internet website and the state transparency website in lieu of other methods of distribution, and shall deliver by electronic means to all persons or committees required by law to receive such reports of the reports' availability on the state transparency website.

III. The governor's commission on disability established in RSA 275-C shall be exempt from the provisions of this section but shall comply with the reporting requirements in RSA 275-C:6.

IV. The lottery commission's comprehensive annual financial report prepared pursuant to RSA 21-I:8, II(b) shall meet the requirements of this section.

8 Department of Environmental Services; Milfoil and Other Exotic Aquatic Plants. Amend RSA487:29 to read as follows:

487:29 Milfoil and Other Exotic Aquatic Plants Prevention; Grant Fund Report and Budget. The department of environmental services shall submit an annual report, beginning on January 1, 2004, to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, a description of prevention and research projects funded by the milfoil and other exotic aquatic plants prevention program and the extent of aid to municipalities or subdivisions of the state, non-profit corporations, and research institutions.

9 Telecommunications Equipment Assistance Program; Annual Report. Amend RSA 362-E:7 to read as follows:

362-E:7 Annual Report. The governor's commission on disability shall file a report which shall include the number of persons assisted, all sources of funding, and the total amount disbursed under this chapter. Such report shall be submitted annually to the governor and council, the senate president, the speaker of the house and the ~~[science, technology and energy committee]~~ **public utilities commission**, on or before October 1.

10 Water Pollution and Waste Disposal; Duties of the Department. Amend RSA 485-A:4, XIV to read as follows:

XIV. To formulate a policy relating to long-term trends affecting the purity of the surface waters or groundwaters of the state. Insofar as practicable and necessary, a continuing program of sampling and subsequent chemical or biological analysis, or both, shall be conducted to establish patterns and reveal long-term trends to serve as a basis for formulating such policy. In conducting said program of sampling and analysis, the department is authorized to accept any assistance as may be proffered by persons that the department deems to be qualified. ~~[The department shall make a biennial report of its findings to the governor and council, the senate environment committee, and the house resources, recreation, and development committee.]~~ The department shall provide proper warning to the public by posting a sign indicating where water quality standards are not being attained as they relate to specified designated uses.

11 Water Pollution and Waste Disposal; Duties of the Department. Amend RSA 485-A:4, XVI-c(a) to read as follows:

XVI-c.(a) To design and implement a program for state or independent third party sampling and testing of sludge or biosolid materials that are intended for land application. The department shall design the sampling methodology, in consultation with university of New Hampshire statisticians and sludge and biosolid experts, to provide a statistical evaluation of the contaminant levels contained in sludge or biosolids. The department shall concentrate its testing on those contaminants that pose greater risks to public health and the environment due to their toxicity, potential availability, concentration levels, or concentration uncertainty. The department shall maintain a database of testing results and prepare, in consultation with university of New Hampshire statisticians and sludge and biosolid experts, and make available to the public and the general court, ~~[an annual]~~ **a biennial** report by November 1 of each year which analyses the compiled test results, including data from prior years, as appropriate. The analysis shall detail contaminant concentrations on both a statewide and generator level and shall indicate the statistical degree of certainty in the results of the analysis. The department shall attempt to present the report in terms that are understandable to the layperson including practical examples such as the probability that any given load of untested sludge exceeds a contaminant standard.

12 Aquatic Resource Compensatory Mitigation; Report. Amend RSA 482-A:33 to read as follows:

482-A:33 Report. The department shall submit ~~[an annual]~~ **a biennial** report 60 days after the close of each **odd-numbered** fiscal year, to the fiscal committee of the general court, the chairperson of the house resources, recreation and development committee, and the chairperson of the senate environment and wildlife committee summarizing all receipts and disbursements of the aquatic resource compensatory mitigation fund, including a description of all projects undertaken and the status of the administrative assessment account. Each report shall be in such detail with sufficient information to be fully understood by the general court and the public. After submission to the general court, the report shall be available to the public.

13 Unemployment Compensation; Duties and Powers. Amend RSA 282-A:112, I to read as follows:

I. It shall be the duty of the commissioner of the department of employment security to administer this chapter. ~~[He]~~ **The commissioner** shall have power and authority to adopt, amend, or rescind rules, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as he deems necessary or suitable to that end. The commissioner shall determine his **or her** own organization and methods of procedure in accordance with the provisions of this chapter. Not later than the thirtieth day of June of each year, the commissioner shall submit to the governor a report covering the administration and operation of this chapter during the preceding calendar year and shall make such recommendations for amendments to this chapter as he **or she** deems proper. Such reports shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commissioner in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. **Such report shall satisfy the requirements of RSA 20:7 and the department shall not be required to submit a separate biennial report.** Whenever the commissioner believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, ~~[he]~~ **the commissioner** shall promptly so inform the governor and the legislature and make recommendations with respect thereto.

14 New Hampshire Employment Program and Family Assistance Program; Work Participation Rates. Amend RSA 167:77-a, II to read as follows:

II. The department shall submit a report to the oversight committee for health and human services, established in RSA 126-A:13, relative to actions taken to increase the work participation rate reported to the federal Department of Health and Human Services. The department also shall provide the oversight committee with an estimate of whether the state shall meet the federal requirements for each federal fiscal year by ~~[July]~~ **January** 15 of that fiscal year.

15 New Hampshire Employment Program and Family Assistance Program; Outcome Measurement System. Amend RSA 167:77-c, IV-V to read as follows:

IV. The department shall establish an outcome measurement system with the following areas of analysis:

(a) ~~[The job retention and earnings gain indicators using the same methodology as the TANF high performance measures:~~

~~(b)]~~ The number and percent of cash assistance recipients who close each month due to employment, the average hourly, weekly, and monthly wages, the average total weekly and monthly total income, the number and percent who return to cash assistance after 3, 6, and 12 months.

~~(c) The extended earnings of families who leave TANF due to employment.~~

~~(d) Numbers and percentages of families who leave TANF due to employment and stay employed.~~

~~(e) Numbers and percentage of families who increase their earnings after leaving TANF.~~

~~(f)]~~ **(b)** Numbers and percentages of TANF families that leave TANF and ranking of their income compared to the federal poverty level and the ~~[NH]~~ **New Hampshire** living wage.

~~(g)]~~ **(c)** Poverty and child poverty rates and out of wedlock births and the national ranking of New Hampshire.

~~(h) The impact of TANF policies on local assistance based on data requested by the oversight committee and as reported by the New Hampshire Local Welfare Administrators Association.~~

~~(i)]~~ **(d)** The reasons for caseload increases and decreases with analysis of numbers and reasons for openings, denials, and closings and the numbers and reasons for sanctions and denials due to noncompliance with program requirements:

~~(j) Any other measures selected by the department or the oversight committee on health and human services which shows TANF performance in moving families out of poverty.]~~

V. The department shall develop and maintain the indicators for the program outcomes listed in paragraph IV, subject to review and approval by the oversight committee on health and human services. The department shall submit a report to the oversight committee each ~~[June and December]~~ **January**.

16 New Hampshire Employment Program and Family Assistance Program; Career Ladder Initiatives. Amend RSA 167:77-f, II to read as follows:

II. The department shall report its progress to the oversight committee on health and human services ~~[in June and December of each year beginning with December 2007]~~ **no later than January 1**.

17 Long-Term Care; Program Management and Cost Controls. Amend RSA 151-E:11, II to read as follows:

II. For the fiscal year beginning July 1, 2003, and each fiscal year thereafter the average annual cost for the provision of services to persons in the mid-level of care shall not exceed 60 percent of the average annual cost for the provision of services in a nursing facility. The average annual cost for the provision of services in home-based care shall not exceed 50 percent of the average annual cost for the provision of services to persons in a nursing facility. No person whose costs would be in excess of 80 percent of the average annual cost for the provision of services to a person in a nursing facility shall be approved for home-based or mid-level services without the prior approval of the commissioner of health and human services. The prior approval shall include a comparison of the mid-level or home-based care costs of the person with the costs of a facility qualified to provide any specialized services necessary for the proper care and treatment of the individual. The department shall provide a report ~~[semi-]annually~~ **no later than January 1** on the utilization of non-nursing home services to the county-state finance commission and the legislative fiscal committee. **The department may report to the county-state finance commission and the legislative fiscal committee more frequently if new information is provided by the Centers for Medicare and Medicaid Services.**

18 Department of Health and Human Services; Rate Setting for Home Health Services. Amend RSA 126-A:18-a, III to read as follows:

III. The commissioner shall make ~~[an annual report on or before November 1,]~~ **a biennial report commencing on November 1, 2017 and thereafter before November 1 of odd-numbered years** relative to the rates for home health services, to the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate finance committees.

19 Workers' Compensation; Reports of the Commissioner. Amend RSA 281-A:61 to read as follows:

281-A:61 Reports of the Commissioner.

I. The commissioner shall make a report to the governor, by October 1 of each odd-numbered year, showing the work done during the preceding 2 fiscal years. The report shall include a properly classified statement of department expenses, statistical information relating to the number and character of industrial accidents during such 2 years and such other information and recommendations as the commissioner deems pertinent. The report shall be printed as part of the commissioner's biennial report.

II. The commissioner shall make a workplace safety and injury report, which shall be submitted with the report required under paragraph I, to the governor and the legislature. The report shall provide statistical information pertaining to the nature, character and severity of industrial accidents, injuries, and illnesses in New Hampshire and information pertaining to the department's and employers' efforts in the area of safety promotion and accident prevention. ~~[The statistical information related to workplace injuries shall be compiled from data gathered directly by the department through the required injury reports filed by employers.]~~ This report shall include, but not be limited to, the types and frequency of reported injuries; ~~[a breakdown and analysis of the types and size of industries, and]~~ the job classifications from which such injuries have been reported; ~~[the average length of disability;]~~ a report of employer compliance with RSA 281-A:64; the annual listing of best and worst performers as prepared by the commissioner under the provisions of RSA 281-A:64; a report of all departmental activities required under RSA 281-A:65; specific recommendations for improved workplace safety promotion and injury prevention; and any other such information and recommendations pertaining to workplace injuries and injury prevention as the commissioner deems appropriate. ~~[The report shall also include the same information for certified managed care programs and shall include information relative to the number of employees and the number of hearings of claimants participating in each certified managed care program.]~~

20 Horse and Dog Racing; Report of the Commission. Amend RSA 284:21-g to read as follows:

284:21-g Report of the Commission. The commission shall make an annual report to the governor ~~[in accordance with RSA 20:7,]~~ including therein an account of its actions, receipts derived under the provisions of this subdivision, the practical effects of the application thereof, and any recommendation for legislation which the commission deems advisable. ***Such report shall be submitted on or before February 1 and the commission shall not be required to submit a separate report under RSA 20:7.***

21 State Solid Waste Plan and Report. Amend RSA 149-M:29, I and the introductory paragraph of RSA 149-M:29, II to read as follows:

II. At least every October 1 of every **odd-numbered** year, the department shall prepare a report on the level of achievement in reaching the 40 percent diversion goal established in RSA 149-M:2 and on proposed strategies for achieving the goal and any proposed changes to the goal. The report shall contain information regarding:

22 Diseases of Domestic Animals; Report. Amend RSA 436:4 to read as follows:

436:4 Report. The commissioner shall, ~~[between September 1 and October 31 of each year, make]~~ ***within its biennial report pursuant to RSA 20:7, submit*** a written report to the governor and council, stating in detail the work done during the preceding ~~[year]~~ ***2 years***.

23 Animal Population Control; Program Established. Amend RSA 437-A:2 to read as follows:

437-A:2 Program Established. The department shall establish and implement an animal population control program. The purpose of this program shall be to reduce the population of unwanted and stray dogs and cats by encouraging the owners of dogs and cats to have them permanently sexually sterilized, thereby reducing potential threats to public health and safety from mid-Atlantic rabies and other sources. The program shall not begin operation until June 1, 1994. The commissioner shall ~~[make an annual]~~ report relative to the progress of the program beginning on September 1, 1994, to the president of the senate, the speaker of the house and the governor ***within its biennial report pursuant to RSA 20:7.***



24 Standards for Weights and Measures; Duties of the Commissioner. Amend RSA 438:7, VII to read as follows:

VII. The commissioner shall biennially make to the governor a report on all of the activities under this chapter ***within its biennial report pursuant to RSA 20:7.***

25 Pesticides Training Program. Amend RSA 430:31-b, III to read as follows:

III. The department of agriculture, markets, and food shall, ***within its biennial report pursuant to RSA 20:7,*** submit ~~[an annual]~~ ***a*** report~~[, beginning on July 1, 2002,]~~ to the speaker of the house, president of the senate, and the governor and council which shall include, but not be limited to, training and educational programs offered or contracted by the division of pesticide control under the training program established by paragraph I of this section, the revenue generated from the program under paragraph II of this section, and the budget and revenue projections of the division.

26 Agriculture Nutrient Management Program. Amend the introductory paragraph of RSA 431:36, II to read as follows:

II. The commissioner shall ~~[report by October 1 of each year, beginning 2002,]~~ ***within the biennial report pursuant to RSA 20:7, report*** to the house environment and agriculture committee, the senate environment committee, the house finance committee, and the senate finance committee. The report shall include:

27 Driver Education; Reciprocity. Amend RSA 263:20 to read as follows:

263:20 Driver Education; Reciprocity. The provisions of RSA 263:19 shall not prevent the issuance of a driver's license to any individual who can provide satisfactory evidence of completion of a course of driver education, approved by the state in which the course is offered, provided that the commissioner of safety shall determine that such course is essentially equivalent to the state's minimum standards. The commissioner shall take all reasonable steps to facilitate appropriate interstate driver education. The commissioner shall ***include in its report pursuant to RSA 20:7, a*** report ~~[at least annually]~~ to the general court on the progress of reciprocal driver education.

28 Fish and Game Commission; Biennial Report to the General Court. Amend the introductory paragraph of RSA 206:9-a, I to read as follows:

I. The executive director of the fish and game department shall, ~~[not later than October 1 of each odd-numbered year]~~ ***within its biennial report pursuant to RSA 20:7,*** submit a report to the governor and council and to the general court to include: a summary report of department proceedings; a description of the license fee reductions, waivers, and promotion activities pursuant to RSA 214:9-f; and recommendations for changes in the fee structure for all licenses and permits issued by the department. This report shall include consideration of:

29 Propagation of Fish and Game; Reasonable Price. Amend RSA 212:8 to read as follows:

212:8 Reasonable Price. The executive director, with the approval of the governor and council, may pay a fair and reasonable price for waters, lands or rights therein with or without buildings, required for the establishment of fish hatcheries, game farms, game refuges and fish and game department uses for the protection, regulation and management of wildlife resources and the implementation of department programs. The executive director, subject to the approval of the governor and council, may expend for the purchase of land, waters or rights therein during any year only such total sum as may be appropriated therefor. The executive director shall, ***within its biennial report pursuant to RSA 20:7,*** make a report ~~[during the month of January in the years that the legislature is in session]~~ of all lands, waters or rights therein so acquired since the last report to the senate president and the speaker of the house.

30 Propagation by the State; Accounts. Amend RSA 212:23 to read as follows:

212:23 Accounts. The executive director shall keep an itemized account of all such sales or exchanges, and include the same in his biennial report to the governor and council ***pursuant to RSA 20:7,*** and shall remit to the state treasurer all money received under the provisions of this subdivision, to be credited to the fish and game fund.

31 Expansion of State Park System; Development Plan. Amend RSA 216-A:3-c, VI to read as follows:

VI. The director of parks and recreation shall report to the house resources, recreation and development committee and the senate energy, environment, and economic development committee ~~[by January 31 of each year]~~ ***within the biennial report pursuant to RSA 12-A:6*** on the state of the parks and historic sites.

32 Repeal. The following are repealed:

I. RSA 21-H:8, IX, relative to an annual report on department of corrections operations.

II. RSA 483:13, IV, relative to a report on the rivers management and protection fund.

III. RSA 486-A:9, II(f), relative to a report on the water supply and land grant program.

IV. RSA 432:20, II, relative to a report by the agricultural lands preservation committee.

V. RSA 9-C:10, relative to a report on state waste reduction and recycling.

VI. RSA 485:3-d, relative to a report on the status of the environmental site assessment review and groundwater management programs.

VII. 2006, 277:4, II, relative to a report on insurance company redomestications.

33 Department of Resources and Economic Development; Travel and Tourism Development Fund. Amend RSA 12-A:43-a, II to read as follows:

II. The commissioner of resources and economic development shall prepare an annual report to be presented no later than December 1 of each year to the ***governor and council, the fiscal committee of the general court, the*** president of the senate, ***and*** the speaker of the house of representatives~~[, and the governor and council, and filed with the state library]~~. The report shall detail the specific activities supported by, and expenditures from, the fund during the past year ***and shall additionally detail the activities of the travel and tourism revolving fund established in RSA 12-A:15-a.***

34 Effective Date.

I. Sections 1-3 of this act shall take effect 60 days after its passage.

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

2015-1922s

#### AMENDED ANALYSIS

This bill increases the membership of the board of managers of the New Hampshire veterans' home, requires the board to meet quarterly, and deletes compensation for the secretary of the board.

This bill also provides for a consolidated reporting process for departments and divisions of departments.

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

Sen. Fuller Clark offered a floor amendment.

Sen. Fuller Clark, Dist. 21

Sen. Kelly, Dist. 10

May 22, 2015

2015-1925s

01/09

#### Floor Amendment to HB 455-FN

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

AN ACT relative to the board of managers of the New Hampshire veterans' home, relative to the reporting process for certain departments and divisions of departments, and extending the commission to study mental health implementation in New Hampshire.

Amend the bill by inserting after section 33 the following and renumbering the original section 34 to read as 35:

34 Commission to Study Mental Health Implementation in New Hampshire; Extension. Amend RSA 2014, 253:4, I to read as follows:

I. Section 3 of this act shall take effect November 1, [2015] **2016**.

2015-1925s

#### AMENDED ANALYSIS

This bill:

I. Increases the membership of the board of managers of the New Hampshire veterans' home, requires the board to meet quarterly, and deletes compensation for the secretary of the board.

II. Provides for a consolidated reporting process for departments and divisions of departments.

III. Extends the commission to study mental health implementation in New Hampshire.

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

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

#### FINANCE

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. Re-refer to committee, Vote 5-1. Senator Reagan for the committee.

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

Sen. D'Allesandro moved Ought to Pass.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

May 27, 2015

2015-1967s

04/10

#### Floor 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, and relative to the governor's commission on disability.

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

3 New Paragraph; Governor's Commission on Disability; Committee on Architectural Barrier-Free Design; Waivers. Amend RSA 275-C:15 by inserting after paragraph V the following new paragraph:

VI. Charge a non-refundable fee for any application for waiver request submitted under paragraph IV or V, which shall be payable to the governor's commission on disability. Each application for waiver request shall contain no more than 2 items to be reviewed for waiver. All fees shall be paid in advance with the application for waiver request. Any building or facility, as defined in RSA 275-C:10 II, shall not be subject to an application fee but shall file an application for waiver request as provided in this section.

4 New Paragraph; Governor's Commission on Disability; Rulemaking. Amend RSA 275-C:6 by inserting after paragraph VII the following new paragraph:

VIII. To adopt rules, pursuant to RSA 541-A, relative to:

- (a) The application procedure for waiver requests.
- (b) Information required on an application for waiver request.
- (c) The fee for an application for waiver request.
- (d) Other matters related to the administration of applications for waiver requests.

5 Governor's Commission on Disability; Application for Waiver Process. Amend RSA 275-C:15, IV to read as follows:

IV. Except as provided in paragraph V, grant waivers to an owner, an owner's agent or a lessee-in-possession, ***pertaining only to places of public accommodation provided for in RSA 155:39-a***, from specific requirements of the code for barrier-free design where, upon a clear and convincing showing, a compelling public interest is deemed to outweigh the state's interest in removing architectural barriers.

#### 6 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

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

2015-1967s

#### 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.

This bill also requires the governor's commission on disability to adopt rules regarding waivers from requirements for barrier-free design.

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

Sen. Bradley moved Re-refer to Committee.

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

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

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

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

Yeas: 14 - Nays: 7

Adopted.

Sens. Hosmer, Lasky, and Watters were excused.

HB 258-FN-L, relative to fees for preparing motor vehicle registration documents. Ought to Pass, Vote 5-1. Senator D'Allesandro for the committee.

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

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

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

The following Senators voted No: Cataldo, Sanborn, Daniels, Carson, Birdsell, Prescott, Morse.

Yeas: 14 - Nays: 7

Adopted, bill ordered to Third Reading.

Sens. Hosmer, Lasky, and Watters were excused.

HB 381-FN, allowing a liquor manufacturer to be issued an on-premises license. Ought to Pass, Vote 6-0. Senator Reagan for the committee.

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

HB 391-FN, applying the E911 surcharge to prepaid cellular telephones. Ought to Pass, Vote 4-2. Senator D'Allesandro for the committee.

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

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

HB 521, relative to the size of the pool of the workers' compensation appeals board. Re-refer to committee, Vote 5-1. Senator Little for the committee.

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

A division vote was requested.

Yeas: 11 - Nays: 9

Adopted.

Sen. Sanborn is in favor of the motion of Re-refer to Committee on HB 521.

HB 577-FN-A-L, establishing a children's savings account program, and relative to the bonding authority of the city of Dover. Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance  
May 21, 2015  
2015-1917s  
04/06

### Amendment to HB 577-FN-A-LOCAL

Amend RSA 195-I:3, II-III as inserted by section 2 of the bill by replacing them with the following:

II. Establish and promote kindergarten to college savings plans pilot programs in Coos county and in the city of Manchester no later than September of 2016, which would consist of creating a savings account at a local financial institution with a minimum deposit of \$50.00 for each eligible child attending public kindergarten in Coos county and in the city of Manchester, and would include financial literacy education for such children and their families in cooperation with local public schools. The pilot programs shall be funded to the extent of any gifts, grants, or donations received from any source.

III. Establish policies that ensure that children's savings accounts are accessible and eventually offered on an opt-out basis statewide, are seeded with gifts, grants, or donations from local or private philanthropic foundations, and are connected to local public school financial literacy education programs.

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. Little is in favor of the motion of Ought to Pass with Amendment on HB 577-FN-A-L.

### JUDICIARY

HB 203, relative to the unauthorized practice of law. Inexpedient to Legislate, Vote 3-1. Senator Carson for the committee.

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

HB 315, relative to termination of tenancy. Inexpedient to Legislate, Vote 4-1. Senator Pierce for the committee.

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

### PUBLIC AND MUNICIPAL AFFAIRS

HB 328, relative to delivery of absentee ballots. Ought to Pass, Vote 4-1. Senator Stiles for the committee.

Sen. Stiles offered a floor amendment.

Sen. Stiles, Dist. 24  
Sen. Birdsell, Dist. 19  
May 12, 2015  
2015-1908s  
03/01

### Floor Amendment to HB 328

Amend the bill by replacing section 1 with the following:

1 Absentee Voting; Procedure by Voter. Amend RSA 657:17 to read as follows:

657:17 Procedure by Voter. After marking the ballot, the voter or the person assisting a blind voter shall enclose and seal the same in an inner envelope. The voter shall execute the affidavit. The voter or the person assisting the blind voter shall enclose and seal the inner envelope with the affidavit in an outer envelope. The voter shall then endorse on the outer envelope his or her name, address, and voting place and shall mail the envelope, affixing postage, or personally deliver it ***or have it delivered by the voter's spouse, parent, sibling, or child*** to the city or town clerk from whom it was sent. ***The city or town clerk shall not accept an absentee ballot from***

***a family member unless the family member completes a form provided by the secretary of state, which shall be maintained by the city or town clerk, and the family member presents a government-issued photo identification or has his or her identity verified by the city or town clerk.***

Recess. Out of recess.

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

Sen. Pierce moved Re-refer to Committee.

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

Sen. Bradley moved Ought to Pass with Amendment.

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

#### WAYS AND MEANS

HB 169, relative to table stakes poker. Ought to Pass, Vote 4-1. Senator Boutin for the committee.

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

#### MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

#### LATE SESSION ANNOUNCEMENTS

(The Chair recognized Sen. Prescott.)

SENATOR PRESCOTT: Thank you very much, Mister President. Tomorrow will mark my 33rd year being married to my wife. I want to say I love my wife. It's going to be a great day tomorrow. And, you know, we changed our name to husband and wife, then we had children and we were called mom and dad. Well, six days ago they started calling me "Pops" because I have a grandson. And, his name is Rieker Patrick Traponi. Thank you very much, Mister President.

(The Chair recognized Sen. Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. Mister President, I just wanted to highlight and praise the graduating class of Profile Junior-Senior High School in Bethlehem, New Hampshire. Many of you may have seen the articles in the paper and on TV, but their principal, Courtney Vashaw, who's someone I have the privilege of knowing and working with, was diagnosed with a rare form of cancer. And, instead of spending the \$8,000 that they raised, they decided to give that to their principal for her care. And, in just this moment of difficulty for her, this is an uplifting thing and I just wanted to praise them and praise her for what she does. Thank you, Mister President.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. I don't want to be boring, but our spouses do a great deal to assist us in what we do here. So, I just want to say a few things about my spouse. I met her when I was a freshman at the University of New Hampshire. We were in the sociology class. That was in 1957. We started going out at that point in time. Married her in 1961 in my senior year. But, what I want to say is that she's raised my children, she's raised my grandchildren, she's helping to raise my great grandson. I can only say that my life changed dramatically when I met her and, certainly, for the better. And, I don't think our spouses get enough credit for what they do for us when we do these things. And all of us work hard, we work late, we come home, we ask our family to be there, we ask them to take care of us. I think we don't really give them enough credit for everything they do for us. And, I feel that...I've been doing this for a long time. I've been in public service for the last 40 years, and my wife and family has paid a price for that. So, I want to thank them, and just say without her my life wouldn't be complete. She's done so much for me that goes well beyond just being a terrific wife. And, I have a great deal of love and affection for her and I say this without qualification: next to my mother, I can't think of any woman who's done more for me. Thank you, Mister President.

PRESIDENT MORSE: Well said, Senator. I do want to apologize to my wife, because I went home a little cranky after hearing the word “gimmicks” and I do owe her an apology. But, on a brighter note, the young lady who came up here, Jodi Gosselin, from Salem from the Salem Boys and Girls Club won the event out of the six girls that were up here, and I congratulate her. And I want to read this because she’s been through a lot: “This was the first time I could share my story with confidence knowing the people who surround me would support me no matter what. The Club is a second home to me, and it is the place I can go and be myself.” Congratulations to her, she’s a great kid.

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 25-FN-A, making appropriations for capital improvements.

HB 169, relative to table stakes poker.

HB 230, relative to the discharge of a mortgage.

HB 258-FN-L, relative to fees for preparing motor vehicle registration documents.

HB 290, relative to the acceptance of risk in outdoor recreational activities.

HB 292, expanding the good Samaritan law to engineers and architects.

HB 305, relative to assessment of and discharge planning for minors in the juvenile court system.

HB 328, relative to delivery of absentee ballots.

HB 381-FN, allowing a liquor manufacturer to be issued an on-premises license.

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

HB 415, limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire.

HB 449, relative to the duration of child support.

HB 450, establishing a commission to study and make recommendations for a common definition of employee.

HB 455-FN, relative to the board of managers of the New Hampshire veterans’ home, relative to the reporting process for certain departments and divisions of departments, and extending the commission to study mental health implementation in New Hampshire.

HB 464, establishing the traditional commercial and recreational fishing protection act, prohibiting political subdivisions from interfering with commercial and recreational operations, relative to protective well radii for sewage disposal systems of commercial buildings, and relative to rulemaking by the commissioner of environmental services on certain minimal impact projects.

HB 472, relative to the parole board and parole board procedures.

HB 495, relative to commercial referral fees.

HB 577-FN-A-L, establishing a children’s savings account program, and relative to the bonding authority of the city of Dover.

#### 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.