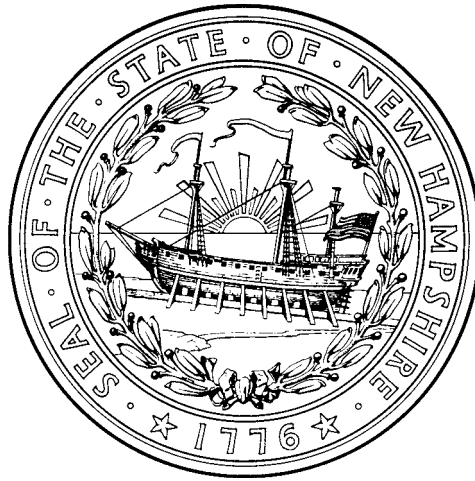


**March 5, 2015  
Nos. 6-7**

# **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 – FEBRUARY 19, 2015 SESSION  
COMMENCEMENT – MARCH 5, 2015 SESSION**

# SENATE JOURNAL 6 *(continued)*

*February 19, 2015*

## INTRODUCTION OF SENATE BILLS

Sen. Bradley offered the following Resolution:

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

### First and Second Reading and Referral

15-1031

**SB 265-FN**, establishing the achieving a better life experience (ABLE) savings account program. (Bradley, Dist 3; Birdsell, Dist 19; Lasky, Dist 13; Little, Dist 8; Stiles, Dist 24; Watters, Dist 4; Ways and Means)

15-1025

**SB 266-FN**, adopting the Uniform Securities Act. (Little, Dist 8; Avar, Dist 12; Boutin, Dist 16; Bradley, Dist 3; D'Allesandro, Dist 20; Soucy, Dist 18; Watters, Dist 4; Pierce, Dist 5; Stiles, Dist 24; Lasky, Dist 13; Butler, Carr 7; Williams, Hills 4: Commerce)

## HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 146, relative to the board of dental examiners.

HB 170, relative to the advisory committee on international trade.

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

HB 260, relative to the definition of antique motor vehicle or motorcycle.

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

HB 344, relative to membership on advisory boards for municipal economic development and revitalization districts and relative to the financing plan of such districts.

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

HB 395-FN, relative to electronic toll collection.

HB 407, establishing a committee to study the classifications of military vehicles and equipment that may be purchased by the state and its political subdivision.

HB 464, establishing the traditional commercial and recreational fishing protection act, prohibiting political subdivisions from interfering with commercial and recreational operations.

HB 493, relative to minimum voting booths for city or town elections.

HB 502, relative to petitions for verification of checklists.

HB 503, relative to presidential primary ballots.

HB 529, relative to party conventions.

HB 545, relative to eligibility for office.

HB 616-FN, relative to compensation to claimants under the victims' assistance fund.

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 7

*March 5, 2015*

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

The Reverend Michael Wilson, chaplain to the Senate, offered the following meditative thoughts and prayer.

*Almighty and loving God, we give you thanks for giving us another day. We ask today that you bless the members of the New Hampshire State Senate to be the best and most faithful servants of the people they serve. We ask also for blessings for their families and their staff. Grant them wisdom and strength in the performance of their duties as it affects the people of New Hampshire. Guide them in their deliberations and in their making decisions for the benefit of the people. Guide them safely to Concord and back to their homes and families at the end of the day. We humbly ask this in your holy name. Amen.*

Sen. Cataldo led the Pledge of Allegiance.

## INTRODUCTION OF GUESTS

Sen. Little introduced Sunapee Middle School visiting in the balcony.

Sen. Woodburn introduced White Mountain School from Bethlehem visiting in the balcony.

Sen. D'Allesandro introduced Maple Avenue School from Goffstown visiting in the balcony.

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

SENATOR FELTES: Thank you, Mister President. Mister President, it's my honor to present a Resolution to the family of William Blake Marston here with us today. Good morning, thank you for being here is William's mom, Nancy; father, Bill; Chris and Marie Marston are here, too thank you for being here his brother, his oldest brother. Thank you very much for being here. On behalf of the State Senate, the State of New Hampshire, this is a Resolution honoring United States Navy SEAL William "Blake" Marston for his service and dedication to our state and our country:

Whereas, United States Navy SEAL William "Blake" Marston of Concord, New Hampshire lost his life while performing training duties as part of his dedicated service to our great nation; and

Whereas, Blake's resolute and steadfast spirit, committed determination to service, and gregarious nature will be sorrowfully missed, yet fondly remembered for years to come by family, friends, and fellow SEALs; and

Whereas, Blake's family, especially his mother, Nancy and father, William, who will forever grieve [this] incredible loss, can take pride in their son's honorable service and his many distinguished accomplishments; and

Whereas, [Blake's] memory is strongly engrained in the Bedford and Concord communities, having been a talented baseball player and skier who attended the Derryfield School; and

Whereas, friends, teammates, coaches, professors, staff, and mentors at Stonehill College recognize the deep loss of their talented alumnus; and

Whereas, his unyielding bravery and service in two tours of duty in Afghanistan as part of one of the most elite forces, the United States Navy SEALs and his East Coast team and his devotion to our great nation.

Now, therefore, be it resolved that the New Hampshire [State] Senate shares in the mourning of United States Navy SEAL William "Blake" Marston, and offers its sincerest gratitude to his family for his honorable and exemplary service to our country.

Signed by all 24 State Senators and attested to by Tammy Wright, Clerk of the Senate. Thank you very much.

PRESIDENT MORSE: I just wanted to add, on behalf of the Senate we are all grateful to Blake for his service to our country as a member of the United States Navy SEALs. We acknowledge and appreciate Blake's ultimate sacrifice in his service to our state and to our country, and we offer our deepest condolences to you for the loss of your son and brother. The Senate will continue to keep Blake and your family in our thoughts and prayers, and I can tell you we do. We truly appreciate you being here today, and thank you for all you've given.

BILL MARSTON: Thank you. We appreciate it.

PRESIDENT MORSE: Thank you.

(The Chair recognized Sen. Bradley.)

SENATOR BRADLEY: I would request that we have a moment of silence for Blake Marston.

PRESIDENT MORSE: Amen.

#### INTRODUCTION OF PAGES

Sen. Forrester introduced Cameron Daly and Julia Eifert of Inter-Lakes High School in Meredith serving as Senate Pages for the day.

PRESIDENT MORSE: I'd just like to read Rule 2-3 Use of Electronic Devices. "The use of electronic devices, with the exception of Senate-issued devices and devices used by members of the media, is prohibited on the Senate floor during session, unless the Senate is in recess or unless otherwise approved by the Senate." And so far I've had no requests.

#### FN REPORT FOR MARCH 5, 2015

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

##### CONSENT CALENDAR:

###### COMMERCE

SB 115-FN, relative to the resale of condominium and subdivision time shares.

SB 211-FN, relative to taxation of employee leasing companies under the business enterprise tax.

###### EDUCATION

SB 194-FN, relative to epinephrine administration policies in postsecondary educational institutions.

###### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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

###### JUDICIARY

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

##### REGULAR CALENDAR:

###### COMMERCE

SB 107-FN, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

SB 110-FN, establishing the administrative supervision act.

SB 156-FN, prohibiting discrimination against employees who are victims of domestic violence, sexual assault, or stalking.

SB 223-FN, relative to name availability for business organizations.

###### TRANSPORTATION

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

SB 236-FN, relative to alcohol ignition interlock requirements.

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

##### REGULAR CALENDAR:

###### COMMERCE

SB 104-FN, relative to licensure of research organizations by the pharmacy board.

###### EDUCATION

SB 195-FN, requiring instruction in cursive handwriting and memorization of multiplication tables.

SB 228-FN-L, relative to the maximum total education grant, adjustment of stabilization grants, and adequate education funding for full-day kindergarten pupils.

###### EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 125-FN, relative to certification and licensure for mold assessment or remediation services.

SB 155-FN-A, establishing a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud and continually appropriating a special fund.

#### TRANSPORTATION

SB 114-FN, enabling a drivers license applicant to indicate on his or her license that he or she has an autism spectrum disorder.

SB 132-FN, relative to dredging projects conducted by the Pease development authority division of ports and harbors.

#### WAYS AND MEANS

SB 1-FN-A, reducing the rate of the business profits tax.

SB 2-FN-A, reducing the rate of the business enterprise tax.

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

#### COMMERCE

SB 3-FN, relative to payment for reasonable value of services.

SB 266-FN, adopting the Uniform Securities Act.

#### ENERGY

SB 221-FN, relative to electric rate reduction financing.

#### WAYS AND MEANS

SB 265-FN, establishing the achieving a better life experience (ABLE) savings account program.

Without objection, the FN Report is adopted.

### CONSENT CALENDAR REPORTS

The following bill was removed from the Consent Calendar:

#### EDUCATION

SB 194-FN, relative to epinephrine administration policies in postsecondary educational institutions. Removed by Sen. D'Allesandro.

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 as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN report, to the Committee on Finance; and all other bills, to Third Reading.

#### COMMERCE

SB 50, relative to the content of a mortgage foreclosure notice. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

This bill, as amended by the committee, requires a mortgage foreclosure notice to include contact information for the mortgagee and a toll free number at the banking department that will inform callers on where they can get help with foreclosure issues. The bill is a request of the commission to study New Hampshire mortgage foreclosure law, new federal regulations, and fair foreclosure practices.

Commerce

February 19, 2015

2015-0507s

10/05

### Amendment to SB 50

Amend RSA 479:25, II as inserted by section 1 of the bill by replacing it with the following:

II.(a) A copy of said notice shall be served upon the mortgagor or sent by registered or certified mail to his **or her** last known address or to such person as may be agreed upon in the mortgage at least 25 days before the sale. The term "mortgagor" shall include the mortgagor and any grantee, assignee, devisee or heir of the mortgagor holding a recorded interest in the mortgaged premises subordinate to the lien of the mortgage, provided that such interest is recorded, at least 30 days, before the date of the sale, in the registry of deeds for the county in which the mortgaged premises are situated. Like notice shall be sent to any person having a lien of record on the mortgaged premises, provided that the lien is recorded at least 30 days before the date of the sale in the registry of deeds. The notice shall be sent not less than 21 days before the sale.

Such notice of sale shall be sufficient if it fully sets forth the date, time, and place of sale; the town, county, street or highway and street number, if any, of the mortgaged premises; the date of the mortgage; the volume and page of the recording of the mortgage; and the terms of the sale. Any mortgagor or record lienholder who refuses to accept or claim mailed or served notice or who frustrates attempts by the mortgagee to give notice of the sale by failing to give or leave a forwarding address or by other act or omission shall be deemed to be notified of the sale, provided that such mortgagee shall have made a good faith effort to provide such notice.

***(b) Notice of the sale as served on or mailed to the mortgagor shall include, for owner-occupied dwellings of 4 or fewer dwelling units:***

***(1) The address of the mortgagee for service of process and the name of the mortgagee's agent for service of process; and***

***(2) Contact information for the New Hampshire banking department, along with the statement: "For information on getting help with housing and foreclosure issues, please call the foreclosure information hotline at \_\_\_\_\_ (insert toll-free telephone number). The hotline is a service of the New Hampshire banking department. There is no charge for this call." The banking department shall maintain a toll-free telephone number for this purpose, which shall be disseminated and kept up-to-date through a bulletin on the department's website.***

***(c) Notice of the sale as served on or mailed to the mortgagor shall also in all cases include the following language:***

"You are hereby notified that you have a right to petition the superior court for the county in which the mortgaged premises are situated, with service upon the mortgagee, and upon such bond as the court may require, to enjoin the scheduled foreclosure sale." Failure to institute such petition and complete service upon the foreclosing party, or his ***or her*** agent, conducting the sale prior to sale shall thereafter bar any action or right of action of the mortgagor based on the validity of the foreclosure.

SB 115-FN, relative to the resale of condominium and subdivision time shares. Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

This bill, as amended by the committee regulates the resale of condominium and subdivision time shares and will increase consumer protections against fraud. The amendment clarifies that violating this chapter will constitute a violation of the consumer protection act, and that, in addition to the penalties set forth under the consumer protection act, any violation of this will be subject to a civil penalty of not more than \$15,000 for each violation.

Commerce  
February 19, 2015  
2015-0506s  
10/05

#### **Amendment to SB 115-FN**

Amend RSA 356-D:5 as inserted by section 1 of the bill by replacing it with the following:

356-D:5 Penalties. A violation of this chapter shall constitute a violation of the consumer protection act, RSA 358-A, provided that, in addition to the penalties set forth in RSA 358-A:10, any person who violates a provision of this chapter shall be subject to a civil penalty of not more than \$15,000 for each such violation.

SB 122-FN, relative to requirements for on-premises liquor licenses. Inexpedient to Legislate, Vote 5-0. Senator Cataldo for the committee.

This bill would have modified the definition of full service restaurant applicable to certain on-premises liquor licenses to include an outdoor seating area that would have restricted access. This bill would eliminate the degree of separation between a full liquor license and a beer and wine only liquor license and would create liquor commission enforcement concerns.

SB 128-FN, relative to pharmacy benefit managers paying claims. Re-refer to committee, Vote 5-0. Senator Cataldo for the committee.

This bill would limit higher copays in certain instances for drugs covered by insurance plans and prohibit Pharmacy Benefit Managers from requiring participating pharmacies to share copay revenue. Stakeholders agree that some of the current language in this bill is problematic and the committee would like time to work towards a consensus.

SB 211-FN, relative to taxation of employee leasing companies under the business enterprise tax. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

This bill allows an employee leasing company and a client company to elect to make the client company solely responsible for paying Business Enterprise Taxes concerning its leased employees and be eligible for credits against such taxes. As amended by the committee, the client company may elect to authorize the employee leasing company to act as an agent for the client company for purposes of collecting and paying the tax, provided the client company files the appropriate forms.

Commerce  
February 19, 2015  
2015-0510s  
10/03

#### **Amendment to SB 211-FN**

Amend RSA 77-E:13-a, III as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) Upon making such an election, a client company may elect to authorize the employee leasing company to act as an agent for the client company for purposes of collecting and paying the tax imposed by RSA 77-E, provided that the client company files the forms required by the department of revenue administration to designate such an agent pursuant to rules adopted by the commissioner.

#### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

SB 168, relative to the duties of the commissioner of the department of environmental services. Ought to Pass with Amendment, Vote 5-0. Senator Reagan for the committee.

This bill, as amended, gives the Commissioner of Environmental Services, jointly with the executive director of the Fish and Game Department authority to make recommendations pursuant to RSA 4:40 concerning the leasing of state-owned submerged lands in the Great Bay estuary for the purpose of shellfish restoration.

Senate Executive Departments and Administration  
February 18, 2015  
2015-0454s  
06/03

#### **Amendment to SB 168**

Amend RSA 487:37-a as inserted by section 1 of the bill by replacing it with the following:

1 New Section; Shellfish Protection; Lease of State-Owned Land for Shellfish Restoration. Amend RSA 487 by inserting after section 37 the following new section:

487:37-a Lease of State-Owned Land for Shellfish Restoration.

I. The commissioner, jointly with the executive director of the fish and game department, shall make recommendations pursuant to RSA 4:40 concerning the leasing of state-owned submerged lands in the Great Bay estuary for the purpose of shellfish restoration.

II. Leases granted under this section shall be for noncommercial shellfish restoration purposes only, in areas where restoration will not unduly interfere with existing or anticipated commercial or recreational activities.

III. The executive director of the fish and game department, jointly with the commissioner, shall determine the terms of any such lease, including the amount of acreage and duration.

IV. No fee shall be charged for any lease granted under this section.

V. Any person seeking a lease under this section shall obtain a permit under RSA 482-A:3.

2015-0454s

#### **AMENDED ANALYSIS**

This bill requires the commissioner of the department of environmental services, jointly with the executive director of the fish and game department, to make recommendations concerning the lease of certain state-owned submerged lands in the Great Bay estuary.

SB 202-FN, relative to licensure of outsourcing facilities by the pharmacy board. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill establishes the requirement for licensure by the Pharmacy Board of outsourcing facilities operating pursuant to section 503B of the federal Food, Drug, and Cosmetic Act. The amendment requires notification on disciplinary action, registration of outsourcing facilities, and full compliance with all federal regulations, guidelines, and state law and rules.

Senate Executive Departments and Administration

February 18, 2015

2015-0549s

10/08

### **Amendment to SB 202-FN**

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

2 New Sections; Licensing of Outsourcing Facilities; Rulemaking. Amend RSA 318 by inserting after section 51-b the following new sections:

318:51-c Licensing of Outsourcing Facilities Identified as Section 503B Facilities by the United States Food and Drug Administration.

I. No person shall compound legend drugs or controlled drugs, as defined in RSA 318-B:1, VI, and no person acting as or employed by an outsourcing facility shall supply such drugs, without first having obtained a license from the board. Such license shall expire annually on June 30. An application together with a fee established by the board shall be filed annually on or before July 1.

II. No license shall be issued under this section unless the applicant has furnished proof satisfactory to the pharmacy board:

(a) That the applicant is of good moral character or, if that applicant is an association or corporation, that the managing officers are of good moral character.

(b) That the applicant has sufficient land, buildings, and security equipment as to properly carry on the business described in the application.

III. No license shall be granted to any person who has within 5 years been convicted of a violation of any law of the United States, or of any state, relating to drugs, as defined in this chapter or RSA 318-B, or to any person who is a drug-dependent person.

IV. Any person licensed pursuant to this section shall be subject to the provisions of RSA 318:29.

V.(a) The outsourcing facility to which a license has been issued shall, within 30 days of any change of information supplied in the original application, notify the board.

(b) The notice required pursuant to subparagraph (a) shall contain:

(1) Current New Hampshire license number of the outsourcing facility.

(2) Name of the outsourcing facility, old and new, if applicable.

(3) Address of the outsourcing facility, old and new, if applicable.

(4) Names, addresses, and titles of new corporate officers, partners, or owners.

(c) A new license shall be required for a change of ownership of an established outsourcing facility to a successor business entity which results in a change in the controlling interest in the outsourcing facility.

VI. The outsourcing facility to which a license has been issued shall, within 30 days of any written warnings or disciplinary action from any state or federal licensing or enforcement agency, notify the board and provide a copy of the action.

318:51-d Requirements for Outsourcing Facilities.

I. Outsourcing facilities shall maintain a human drug compounding outsourcing facility registration from the United States Food and Drug Administration (FDA) and shall comply with applicable Current Good Manufacturing Practices (CGMP) requirements as defined in the Final Guidance for Industry-Human Drug Compounding Outsourcing Facilities under Section 503B of the Food, Drug, and Cosmetic Act, when compounding or manufacturing drug products for sale in New Hampshire.



II. Facilities are subject to inspection by FDA on a risk-based schedule.

III. Outsourcing facilities shall be in compliance with applicable United States Drug Enforcement Administration (DEA) regulations.

IV. As part of the New Hampshire outsourcing facility license application process, the pharmacist-in-charge shall certify to the board that the facility is in full compliance with all applicable FDA and DEA regulations and guidelines, and state law and rules.

V. Outsourcing facilities shall be required to test all finished drug products compounded from bulk active pharmaceutical ingredients (API) to determine whether they meet final product specifications before their release for distribution. No products shall be released for use until this testing is conducted and the results confirm that the finished drug meets specifications. Copies of the test results shall be included with each batch sent to New Hampshire customers and available for inspection by the pharmacy board.

VI. Outsourcing facilities compounding drug products from sterile, commercially available raw materials shall confirm sterility through process control validated by testing of at least 20 percent of the lots of each product shipped into New Hampshire. Results of these test shall be provided to New Hampshire customers in receipt of the compounded preparations and available for inspection by the pharmacy board.

318:51-e Rulemaking. The board shall adopt rules pursuant to RSA 541-A relative to:

- I. The application procedure for licensing of outsourcing facilities;
- II. Content of the application;
- III. The standards for licensing of outsourcing facilities;
- IV. The establishment of fees for licensing outsourcing facilities;
- V. Standards for denial and revocation of license;
- VI. Inspection Requirements;
- VII. Dispensing / Distribution requirements of prescription drugs;
- VIII. Record keeping requirements; and
- IX. Requirements for outsourcing facilities.

3 Repeal. RSA 318:51-d relative to requirements for outsourcing facilities, is repealed.

4 Contingency; Effective Date of Repeal. Section 3 of this act shall take effect on the date that the pharmacy board certifies to the director of legislative services and the secretary of state the effective date of rules adopted by the board under RSA 318:51-e, IX which replace the requirements of RSA 318:51-d, or June 30, 2017, whichever is later.

5 Effective Date.

- I. Section 3 of this act shall take effect as provided in section 4 of this act.
- II. The remainder of this act shall take effect July 1, 2015.

SB 237-FN, establishing a reporting requirement for gubernatorial inauguration contributions. Re-refer to committee, Vote 5-0. Senator Woodburn for the committee.

The bill requires the governor-elect to appoint an inaugural treasurer and report expenditures and contributions related to the inauguration. This bill was re-referred to committee for additional work.

## JUDICIARY

CACR 6, Relating to county attorneys. Providing that county attorneys shall be appointed. Inexpedient to Legislate, Vote 5-0. Senator Lasky for the committee.

While we appreciate the underlying reasons for bringing this CACR forward, the committee feels that there are still many unanswered questions relative to the continued election or switching to the policy of appointment of the county attorney position and therefore the matter is not ready to go forward.

SB 12, relative to jurisdiction over surrogacy cases under RSA 168-B. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

This bill makes a small technical correction to the surrogacy statute that was revised during the last Session. The amendment clarifies court jurisdiction

Senate Judiciary  
February 19, 2015  
2015-0502s  
05/03

### **Amendment to SB 12**

Amend the bill by replacing section 1 with the following:

1 Definition of Court. RSA 168-B:1, IV is repealed and reenacted to read as follows:

IV. "Court," unless otherwise indicated in this chapter, means the probate division of the circuit court in the county where the gestational carrier resides, where the intended parent or parents reside, or where the resulting child is born or is expected to be born.

SB 53, repealing the interagency coordinating council for women offenders and expanding the membership and duties of the interbranch criminal and juvenile justice council. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

This bill repeals the Interagency Coordinating Council for Women Offenders and provides jurisdiction to the Interbranch Criminal and Juvenile Justice Council to deal with any issues. The amendment provides for the appointment of the Warden of the Women's Prison to the Council.

Senate Judiciary  
February 19, 2015  
2015-0498s  
05/06

### **Amendment to SB 53**

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

AN ACT repealing the interagency coordinating council for women offenders and transferring certain members and duties to the interbranch criminal and juvenile justice council.

Amend the bill by replacing section 2 with the following:

2 New Subparagraph; Interbranch Criminal and Juvenile Justice Council; Membership. Amend RSA 651-E:2, I by inserting after subparagraph (y) the following new subparagraph:

(z) The warden of the New Hampshire correctional facility for women, or designee, appointed by the commissioner of the department of corrections.

SB 102, relative to the determination of underemployment in child support cases. Inexpedient to Legislate, Vote 5-0. Senator Cataldo for the committee.

The bill deals with child support and individuals who may elect to be "underemployed." The courts are already dealing with this issue, thus the legislation is unneeded.

SB 193-FN-LOCAL, relative to the duties of the attorney general and county attorneys. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

This legislation would make changes to the power of the Attorney General over our elected county attorneys. The committee wishes to have more time to review what should be the proper balance of power when problems with elected county attorneys arise.

SB 197-FN, relative to mandatory minimum sentences. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

This bill proposes to make major sentencing changes to numerous sections of our statutes including murder and driving while intoxicated laws. Because of the broad changes sought, the committee asks that it be re-referred for further deliberation.

SB 209-FN, adopting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

This bill adopts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act and will enable our families and courts to better protect and serve individuals with Guardianships, especially those from other states. The amendment makes changes agreed upon by all of the parties involved in this work.

Senate Judiciary  
 February 19, 2015  
 2015-0500s  
 05/03

### **Amendment to SB 209-FN**

Amend RSA 464-C:2 as inserted by section 1 of the bill by replacing it with the following:

464-C:2 Definitions. In this chapter:

- I. "Adult" means an individual who has attained 18 years of age.
- II. "Conservator" means a person appointed by the court to administer the property of an adult, including a person appointed under RSA 464-A, and a guardian of the estate as defined in RSA 464-A.
- III. "Court" means circuit court probate division.
- IV. "Guardian" means a person appointed by the court to make decisions regarding the person of an adult, including a person appointed under RSA 464-A, and a guardian of the person as defined in RSA 464-A.
- V. "Guardianship order" means an order appointing a guardian.
- VI. "Guardianship proceeding" means a judicial proceeding in which an order for the appointment of a guardian is sought or has been issued.
- VII. "Incapacitated person" means an adult for whom a guardian has been appointed.
- VIII. "Party" means the respondent, petitioner, guardian, conservator, or any other person allowed by the court to participate in a guardianship or protective proceeding.
- IX. "Person," except in the term incapacitated person or protected person, means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- X. "Protected person" means an adult for whom a protective order has been issued.
- XI. "Protective order" means an order appointing a conservator or other order related to management of an adult's property.
- XII. "Protective proceeding" means a judicial proceeding in which a protective order is sought or has been issued.
- XIII. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- XIV. "Respondent" means an adult for whom a protective order or the appointment of a guardian is sought.
- XV. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

Amend RSA 464-C:8 as inserted by section 1 of the bill by replacing it with the following:

464-C:8 Exclusive Basis. This chapter provides the exclusive jurisdictional basis for a court to address and adjudicate a case falling within the provisions of this chapter.

Amend RSA 464-C:17, VI and VII as inserted by section 1 of the bill by replacing it with the following:

VI. In issuing a final order under RSA 464-C:17, V, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the incapacitated or protected person's incapacity and the appointment of the guardian or conservator.

VII. Not later than 90 days after issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the law of this state and enter orders in accordance therewith.

Amend RSA 464-C:20, II as inserted by section 1 of the bill by replacing it with the following:

II. Upon registration of a protective order from another state, the court may require the conservator to post an adequate surety bond to insure the faithful performance of his or her duties. The conservator shall account to the court for the proceeds from the sale of any of the protected person's estate situated in this state. A certified copy of the approved account shall be filed with the court in this state prior to discharge of the conservator unless the court of this state authorizes the filing of an affidavit, in lieu of the account, stating that the assets of the protected person situated in this state have been transferred to the estate of the protected person pending in the court of the other state.

III. A court of this state may grant any relief available under this chapter and other law of this state to enforce a registered order.

#### TRANSPORTATION

SB 171, establishing a committee to study issues concerning handicap parking. Ought to Pass with Amendment, Vote 5-0. Senator Feltes for the committee.

This bill establishes a committee to study issues concerning handicap parking. The committee amended the bill to replace "handicap" with the phrase "persons with walking disabilities" throughout, including in the title. New Hampshire has a growing senior population, and many of whom have walking disabilities. This legislation will enable a committee to study the adequacy of the supply and location of walking-disabled parking spots, the supply of placards issued, and also examines the rules and laws governing the above for possible update.

Senate Transportation

February 18, 2015

2015-0480s

08/10

#### **Amendment to SB 171**

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

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

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study issues concerning parking for those with walking disabilities.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study issues concerning parking for those with walking disabilities including reviewing RSA 265:73 – RSA 265:74-a and any applicable administrative rules. The committee may also consider any recommendations or suggestions relative to disabled persons or specifically to walking disabilities that comes before the committee.

2015-0480s

#### **AMENDED ANALYSIS**

This bill establishes a committee to study issues concerning parking for those with walking disabilities.

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

#### **REGULAR CALENDAR REPORTS**

##### **CAPITAL BUDGET**

SB 206-FN-A, making a capital appropriation for a facility in Milford for a circuit court and a division of motor vehicles office. Re-refer to committee, Vote 4-0. Senator Boutin for the committee.

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

##### **COMMERCE**

SB 42, relative to employee notification of contraceptive coverage. Ought to Pass with Amendment, Vote 4-1. Senator Pierce for the committee.

Commerce

February 19, 2015

2015-0505s

01/09

#### **Amendment to SB 42**

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

1 New Subdivision; Employee Notification of Contraceptive Coverage. Amend RSA 275 by inserting after section 75 the following new subdivision:

Employee Notification of Contraceptive Coverage

275:76 Employee Notification of Contraceptive Coverage.

I. An employer who is issued a policy or contract for group accident, group health, or group accident and health insurance that covers some or all of its employees or an employer that provides health coverage through a self-funded health plan that covers some or all of its employees shall provide notice to all persons who seek employment with such employer if such policy or contract or self-funded health plan does not include contraceptive coverage or if such policy or contract or self-funded health plan includes some, but not all, contraceptive drugs and devices or their generic equivalents approved by the federal Food and Drug Administration (FDA). Such notice shall also specify which such drugs or devices are not included in such insurance coverage. Such notice shall be prominently displayed on the face of any written application for employment utilized by an employer or included on a separate written notice form to be provided to each person who receives such written application.

II. An employer who is issued a policy or contract for group accident, group health, or group accident and health insurance that covers some or all of its employees or an employer that provides health coverage through a self-funded health plan that covers some or all of its employees shall provide 90 days' written notice to its employees if the employer alters, restricts, or terminates such contraceptive coverage.

III. The labor commissioner, in consultation with the commissioner of insurance, may adopt rules, pursuant to RSA 541-A, relative to the proper administration of this subdivision.

275:77 Civil Penalty. An employer who is aware of and knowingly disregards its obligation to comply with RSA 275:76 shall be charged for a first offense, and for each such subsequent offense, a civil penalty of up to \$500. An employer whose first offense is not willful shall receive a written warning from the labor commissioner, but for each subsequent offense the employer shall be charged a civil penalty of up to \$500. In addition, the attorney general or the appropriate county attorney may bring an action for injunctive relief to prevent further violations of this subdivision.

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

2015-0505s

AMENDED ANALYSIS

This bill requires employers offering insurance or self-funded health coverage to its employees to specify the details of the contraceptive coverage to prospective employees and to notify current employees if it alters such coverage.

The question is on the adoption of the Committee Amendment.

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

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

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

Yeas: 12 - Nays: 12

Failed.

Sen. Prescott moved to Lay on the Table SB 42. Adopted.

SB 47, repealing the payment of subminimum wages to persons with disabilities. Ought to Pass, Vote 5-0. Senator Soucy for the committee.

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

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

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

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

SB 104-FN, relative to licensure of research organizations by the pharmacy board. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

Commerce

February 19, 2015

2015-0508s

10/03

### **Amendment to SB 104-FN**

Amend RSA 318:1, XXX as inserted by section 1 of the bill by replacing it with the following:

XXX.(a) "Research organization" means an entity, including a biotechnology company or research institute, whose primary goal is to conduct fundamental research, industrial research, or experimental development relating to drug products, disease and drug diagnostics, and/or drug manufacturing technologies.

(b) A "research organization" shall not include:

(1) A "sponsor," "sponsor-investigator," or "contract research organization" as such terms are defined in 21 C.F.R. section 312.3;

(2) An "applicant" as such term is defined in 21 C.F.R. section 314.3; a "manufacturer," "processor," "packer," or "distributor" as such terms are used in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. section 301 et. seq.); or

(3) A "manufacturer" or "applicant" as such terms are used in 21 C.F.R. section 601.2.

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

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

SB 107-FN, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union. Ought to Pass, Vote 3-2. Senator Cataldo for the committee.

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

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

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

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

Yeas: 12 - Nays: 12

Failed.

Sen. Bradley moved to Lay on the Table SB 107-FN. Adopted.

SB 110-FN, establishing the administrative supervision act. Ought to Pass, Vote 5-0. Senator Pierce for the committee.

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

Sens. Avard and Daniels are in opposition to the motion of Ought to Pass on SB 110-FN.

SB 156-FN, prohibiting discrimination against employees who are victims of domestic violence, sexual assault, or stalking. Ought to Pass, Vote 5-0. Senator Bradley for the committee.

Sen. Bradley moved to Lay on the Table SB 156-FN. Adopted.

SB 178, relative to optometrist participation in vision insurance plans. Ought to Pass, Vote 5-0. Senator Prescott for the committee.

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

SB 223-FN, relative to name availability for business organizations. Ought to Pass, Vote 5-0. Senator Soucy for the committee.

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

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

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

The following Senators voted No: (None)

Yeas: 24 - Nays: 0

Adopted, bill ordered to Third Reading.

Recess. Out of recess.

#### EDUCATION

SB 195-FN, requiring instruction in cursive handwriting and memorization of multiplication tables. Ought to Pass with Amendment, Vote 4-1. Senator Stiles for the committee.

Senate Education  
February 18, 2015  
2015-0449s  
06/01

#### Amendment to SB 195-FN

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

AN ACT relative to the continuation of instruction in cursive handwriting and memorization of multiplication tables.

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

1 Criteria for an Adequate Education. Amend RSA 193-E:2, I-II to read as follows:

I. Skill in reading, writing, and speaking English, ***including the continuation of instruction in cursive handwriting***, to enable them to communicate effectively and think creatively and critically.

II. Skill in mathematics, ***including the continuation of instruction in the memorization of multiplication tables***, and familiarity with methods of science to enable them to analyze information, solve problems, and make rational decisions.

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

2015-0449s

#### AMENDED ANALYSIS

This bill includes the continuation of instruction in cursive handwriting and memorization of multiplication tables in the criteria for an adequate education.

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

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

SB 228-FN-L, relative to the maximum total education grant, adjustment of stabilization grants, and adequate education funding for full-day kindergarten pupils. Ought to Pass, Vote 4-1. Senator Watters for the committee.

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

Sen. Reagan moved to Lay on the Table SB 228-FN-L. Adopted.

#### ENERGY AND NATURAL RESOURCES

SB 183, allowing the fish and game department to offer lifetime hunting and fishing licenses for newborns. Ought to Pass with Amendment, Vote 4-0. Senator Little for the committee.

Energy and Natural Resources  
 February 18, 2015  
 2015-0456s  
 10/05

### **Amendment to SB 183**

Amend RSA 214:9-c, I(b)(2) as inserted by section 1 the bill by replacing it with the following:

***(2) In addition further, the executive director may issue discounted lifetime licenses to residents who have not yet reached their first birthday. The executive director shall establish the discounted amount of such lifetime licenses in rules adopted under RSA 541-A, except that the fee for a combination hunting and freshwater fishing lifetime license for a resident who has not yet reached his or her first birthday shall be \$300.***

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

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

### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

SB 125-FN, relative to certification and licensure for mold assessment or remediation services. Ought to Pass with Amendment, Vote 4-0. Senator Carson for the committee.

Senate Executive Departments and Administration  
 February 18, 2015  
 2015-0467s  
 08/10

### **Amendment to SB 125-FN**

Amend RSA 310-C:2 as inserted by section 2 of the bill by inserting after paragraph V the following new paragraph:

VI. Any person holding a current New Hampshire pesticide applicator registration certificate under RSA 430:33 shall be exempt from the licensing requirements of this chapter.

2015-0467s

### **AMENDED ANALYSIS**

This bill requires persons providing residential mold assessment or remediation services for mold contamination in residential dwellings be certified by certain professional organizations and licensed by the joint board.

This bill also exempts persons holding a current New Hampshire pesticide applicator license from the licensure requirements for mold assessment or remediation services.

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

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

Sens. Forrester and Daniels are in opposition to the motion of Ought to Pass with Amendment on SB 125-FN.

SB 155-FN-A, establishing a recovery fund for victims of the Financial Resources Mortgage (FRM) fraud and continually appropriating a special fund. Ought to Pass, Vote 4-1. Senator Reagan for the committee.

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

Sen. Forrester is in opposition to the motion of Ought to Pass on SB 155-FN-A.

### **FINANCE**

SB 28-FN, establishing the transitional housing unit maintenance fund and authorizing the commissioner of the department of corrections to make deposits into the fund. Inexpedient to Legislate, Vote 5-1. Senator Reagan for the committee.

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

SB 95, relative to the authority of the department of state. Re-refer to committee, Vote 4-2. Senator Little for the committee.



Sen. Little moved to Lay on the Table SB 95. Adopted.

SB 192-FN, permitting the department of revenue administration to conduct employee candidate background checks and establishing the position of tax policy analyst within the department. Ought to Pass with Amendment, Vote 6-0. Senator Hosmer for the committee.

Senate Finance  
February 10, 2015  
2015-0314s  
01/05

### **Amendment to SB 192-FN**

Amend paragraph III as inserted by section 4 of the bill by replacing it with the following:

III. The incumbent in the abolished unclassified position audit team leader shall be offered the opportunity to seek the commissioner's nomination for the unclassified position of tax policy analyst.

Amend the bill by replacing section 5 with the following:

5 State Salaries. Amend RSA 94:1-a, I(b), grade HH by inserting the following:

HH Department of revenue administration director, division of municipal and property

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.

Recess. Out of recess.

SB 233-FN-A, relative to state revenue and expenditures for fiscal year 2015. Inexpedient to Legislate, Vote 4-2. Senator Morse for the committee.

Sen. Soucy asked the Chair if sections 1 and 6, and 2 through 5 were divisible.

Recess. Out of recess.

The Chair ruled the question divisible.

Sen. Bradley moved to Lay on the Table SB 233-FN-A.

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

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

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

Yeas: 14 - Nays: 10

Adopted.

Recess. Out of recess.

### **ANNOUNCEMENT**

PRESIDENT MORSE: I think this is the appropriate time to read something that I wrote, and I know we thank my colleague for coming up here and standing in as Senate Pro Tempore. But, I would also like to recognize our Senate colleague, Sharon Carson, on being elected to serve as the 2015 state director with the Women in Government Foundation. Those of you who don't know, this is a leadership position within the organization and one that Senator Carson, no doubt, will serve well. The Women in Government Foundation is a national, non-profit and non-partisan organization that fosters a network of women state legislators across the country. It's an organization where legislators can share ideas and support one another in service to their communities. As we all know, Senator Carson is a strong leader in the senate and in her district. Her experiences and hard work here make her an invaluable asset to that organization. I want to congratulate you, Senator Carson, on receiving this honor and wish you the best of luck in your service with the organization. Thank you.

## JUDICIARY

SB 103, relative to guardian ad litem reports. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Judiciary  
February 19, 2015  
2015-0499s  
05/09

**Amendment to SB 103**

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

AN ACT relative to guardian ad litem reports and relative to the definition of incapacity for purposes of filing a guardianship petition.

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

2 Guardians and Conservators; Definition of Incapacity; Petition Filing Date. Amend RSA 464-A:2, XI to read as follows:

XI. "Incapacity" means a legal, not a medical, disability and shall be measured by functional limitations. It shall be construed to mean or refer to any person who has suffered, is suffering or is likely to suffer substantial harm due to an inability to provide for his personal needs for food, clothing, shelter, health care or safety or an inability to manage his or her property or financial affairs. Inability to provide for personal needs or to manage property shall be evidenced by acts or occurrences, or statements which strongly indicate imminent acts or occurrences. All evidence of inability must have occurred within 6 months prior to the filing of the petition and at least one incidence of such behavior must have occurred within 20 days of the filing of the petition for guardianship. ***Evidence of such filing shall be the date the petition was mailed to the court, as evidenced by a receipt from the United States Postal Service or, if hand delivered, by the court's date stamp on the petition.*** Isolated instances of simple negligence or improvidence, lack of resources or any act, occurrence or statement if that act, occurrence or statement is the product of an informed judgment shall not constitute evidence of inability to provide for personal needs or to manage property.

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

2015-0499s

**AMENDED ANALYSIS**

This bill:

I. Requires the parties to have access to the reports and recommendations of the guardian ad litem unless the court explicitly finds that such disclosure is not in the child's best interest.

II. Clarifies the filing date of a petition for guardianship.

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.

## TRANSPORTATION

SB 62, relative to drivers' licenses for persons without a permanent address. Ought to Pass, Vote 4-0. Senator Birdsell for the committee.

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

SB 114-FN, enabling a drivers license applicant to indicate on his or her license that he or she has an autism spectrum disorder. Ought to Pass with Amendment, Vote 5-0. Senator Feltes for the committee.

Senate Transportation  
February 18, 2014  
2015-0462s  
08/03

**Amendment to SB 114-FN**

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

AN ACT enabling a driver's license applicant to request that his or her license that he or she has a medically recognized disorder.

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

1 New Section; Medically Recognized Disorder Indication. Amend RSA 263 by inserting after section 41-a the following new section:

263:41-b Medically Recognized Disorder Indication.

I. When requested by the applicant, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the division of motor vehicles shall indicate on the applicant's driver's license or nondriver's picture identification card that the applicant has a medically recognized disorder.

II. The director shall cause a suitable decal or symbol to be affixed to the license or nondriver's picture identification card of a person who has indicated to the division of motor vehicles that he or she has a medically recognized disorder.

III. For the purposes of this section, the director shall adopt rules under RSA 541-A defining medically recognized disorder and listing disorders which may be listed on a driver's license.

2 Effective Date. This act shall take effect July 1, 2016.

2015-0462s

#### AMENDED ANALYSIS

This bill enables a driver's license applicant to request that his or her license that he or she has a medically recognized disorder.

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

Sen. Watters offered a floor amendment.

Sen. Watters, Dist. 4

February 25, 2015

2015-0533s

08/10

#### Floor Amendment to SB 114-FN

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

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

Amend RSA 263:41-b as inserted by section 1 of the bill by replacing it with the following:

263:41-b Medically Recognized Disorder Indication.

I. At the request of the holder of a driver's license or nondriver's picture identification card, and presentation of signed statement by a licensed physician confirming the applicant's condition, the department shall print a standard representation of the medically recognized disorder on the driver's license or nondriver's picture identification card of the person making the request, in a form and location determined by the director.

II. It shall be the sole responsibility of the holder of the driver's license or nondriver's picture identification card to notify the department of any change in medically recognized disorder that requires an update of the driver's license or nondriver's picture identification. The holder of a driver's license or nondriver's picture identification card shall pay the applicable replacement fee if a change in information necessitates the issuance of a new driver's license or nondriver's picture identification card.

III. For the purpose of this section, the director shall adopt rules under RSA 541-A defining medically recognized disorder and listing the disorders and their representations that may be shown on driver's licenses or nondriver's picture identification cards.

2015-0533s

#### AMENDED ANALYSIS

This bill enables a driver's license applicant to request that his or her license indicate that he or she has a medically recognized disorder.

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 the Committee on Finance (Rule 4-5).

SB 118-FN, relative to registration for the Selective Service System. Inexpedient to Legislate, Vote 3-1. Senator Watters for the committee.

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

SB 132-FN, relative to dredging projects conducted by the Pease development authority division of ports and harbors. Ought to Pass, Vote 4-0. Senator Stiles for the committee.

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

SB 230-FN-L, relative to speed limits on state roads that are seasonally congested by pedestrian and bicycle traffic. Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Senate Transportation  
February 11, 2015  
2015-0334s  
06/09

#### **Amendment to SB 230-FN-LOCAL**

Amend the introductory paragraph of RSA 236:7-a as inserted by section 1 of the bill by replacing it with the following:

236:7-a Establishment of Seasonal Speed Limits. The commissioner may establish seasonal speed limits on roads that are seasonally congested by pedestrian and bicycle traffic, as determined by the governing body of the municipality, subject to the following:

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

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

SB 236-FN, relative to alcohol ignition interlock requirements. Ought to Pass, Vote 5-0. Senator Watters for the committee.

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

Recess. Out of recess.

#### **WAYS AND MEANS**

SB 1-FN-A, reducing the rate of the business profits tax. Ought to Pass with Amendment, Vote 3-2. Senator Sanborn for the committee.

Senate Ways and Means  
February 19, 2015  
2015-0495s  
06/09

#### **Amendment to SB 1-FN-A**

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

1 Business Profits Tax; Imposition of Tax; 2015. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of [8-5] **8.3** percent upon the taxable business profits of every business organization.

2 Business Profits Tax; Imposition of Tax; 2017. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of [8-3] **8.1** percent upon the taxable business profits of every business organization.

3 Business Profits Tax; Imposition of Tax; 2019. Amend RSA 77-A:2 to read as follows:

77-A:2 Imposition of Tax. A tax is imposed at the rate of ~~[8:1]~~ **7.9** percent upon the taxable business profits of every business organization.

4 Applicability.

I. Section 1 of this act shall apply to taxable periods ending on or after December 31, 2015.

II. Section 2 of this act shall apply to taxable periods ending on or after December 31, 2017.

III. Section 3 of this act shall apply to taxable period ending on or after December 31, 2019.

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

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

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

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

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

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

Yeas: 14 - Nays: 10

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

Recess. Out of recess.

SB 2-FN-A, reducing the rate of the business enterprise tax. Ought to Pass with Amendment, Vote 3-2. Senator Sanborn for the committee.

Senate Ways and Means

February 19, 2015

2015-0493s

06/09

**Amendment to SB 2-FN-A**

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

1 Business Enterprise Tax; Imposition of Tax; 2015. Amend RSA 77-E:2 to read as follows:

77-E:2 Imposition of Tax. A tax is imposed at the rate of ~~[3/4 of one]~~ **.725** percent upon the taxable enterprise value tax base of every business enterprise.

2 Business Enterprise Tax; Imposition of Tax; 2017. Amend RSA 77-E:2 to read as follows:

77-E:2 Imposition of Tax. A tax is imposed at the rate of ~~[-.725]~~ **.7** percent upon the taxable enterprise value tax base of every business enterprise.

3 Business Enterprise Tax; Imposition of Tax; 2019. Amend RSA 77-E:2 to read as follows:

77-E:2 Imposition of Tax. A tax is imposed at the rate of ~~[-.7]~~ **.675** percent upon the taxable enterprise value tax base of every business enterprise.

4 Applicability.

I. Section 1 of this act shall apply to taxable periods ending on or after December 31, 2015.

II. Section 2 of this act shall apply to taxable periods ending on or after December 31, 2017.

III. Section 3 of this act shall apply to taxable periods ending on or after December 31, 2019.

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

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

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

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

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

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

Yeas: 14 - Nays: 10

Adopted.

Sen. Feltes moved to Lay on the Table SB 2-FN-A.

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

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

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

Yeas: 10 - Nays: 14

Failed.

Bill ordered to the Committee on Finance (Rule 4-5).

Sen. Boutin was excused for the day.

SB 199-FN-A, including prepaid communications services as taxable under the communications services tax. Inexpedient to Legislate, Vote 3-2. Senator Sanborn for the committee.

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

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

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

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

Yeas: 17 - Nays: 6

Adopted.

Sen. Boutin is excused.

SB 201-FN, increasing the annual limit on the new investment tax credit. Ought to Pass, Vote 5-0. Senator Feltes for the committee.

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

Sen. Bradley moved to Lay on the Table SB 201-FN. Adopted.

SB 215-FN-A, establishing an option to rebate the research and development tax credit against business profits taxes. Ought to Pass, Vote 5-0. 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. Soucy, seconded by Sen. Feltes.

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

The following Senators voted No: (None)

Yeas: 23 - Nays: 0

Adopted.

Sen. Boutin is excused.

Sen. Bradley moved to Lay on the Table SB 215-FN-A. Adopted.

SB 217-FN, establishing a job creation tax credit against business enterprise taxes. Ought to Pass with Amendment, Vote 5-0. Senator D'Allesandro for the committee.

Senate Ways and Means  
February 19, 2015  
2015-0494s  
06/09

### **Amendment to SB 217-FN**

Amend RSA 162-R:2 as inserted by section 2 of the bill by deleting paragraph III.

Amend RSA 162-R:3, II as inserted by section 2 of the bill by replacing it with the following:

II. An existing business if it demonstrates that it has expanded its workforce from the previous year by adding one or more net new jobs. Only employees hired in a qualifying net new job shall be eligible for the program.

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.

Sen. Bradley moved to Lay on the Table SB 217-FN. Adopted.

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

### **EDUCATION**

SB 194-FN, relative to epinephrine administration policies in postsecondary educational institutions. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

This bill permits postsecondary educational institutions the ability to establish guidelines for the emergency administration of epinephrine by designated trainees. The bill also allows for the establishment of requirements for the storage of epinephrine on campus, and limits civil liability for individuals who administer an emergency injection of epinephrine.

Senate Education  
February 18, 2015  
2015-0448s  
06/01

### **Amendment to SB 194-FN**

Amend RSA 200-N:1 as inserted by section 1 of the bill by replacing it with the following:

200-N:1 Definitions. In this chapter:

I. "Anaphylaxis" means a rapidly progressing, life-threatening allergic reaction that can occur following exposure to certain allergens, most commonly, but not limited to, foods, insect stings, medications, and latex. Signs and symptoms of anaphylaxis include, but are not limited to, difficulty breathing, coughing, throat clearing, altered heart rhythms, hives, redness or blotches on the skin, nausea and vomiting, low blood pressure, shock, and loss of consciousness. Failure to treat these symptoms promptly, with epinephrine, may result in serious consequences up to and including death.

II. "Licensed campus medical professional" means any of the following individuals who are employed by or have contracted with a postsecondary educational institution and are designated by the postsecondary educational institution to serve in such a capacity:

(a) A physician licensed under RSA 329.

(b) A physician assistant licensed under RSA 328-D.

(c) An advanced practice registered nurse or registered nurse who is licensed under RSA 326-B:18.

III. "Member of the campus community" means an individual who is a student, faculty member, or staff member of a postsecondary educational institution.

IV. "Trained designee" means a member of the campus community trained by a licensed campus medical professional in the emergency administration of auto-injectable epinephrine.

Amend RSA 200-N:5, II as inserted by section 1 of the bill by replacing it with the following:

II. The postsecondary educational institution shall store the auto-injectable epinephrine in an unlocked safe location in which only postsecondary educational institution personnel have access.

Amend RSA 200-N:6 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. A licensed pharmacy, whether with a physical presence or doing business through mail order, that fulfills a prescription, drug order, or protocol under this chapter is not liable for civil damages resulting from the administration of auto-injectable epinephrine under this chapter unless the act or omission constitutes gross negligence or willful misconduct.

Amend RSA 200-N:7 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. Establish a standard of care under which a postsecondary educational institution would have a duty to employ or contract with a licensed campus medical professional or to establish guidelines for the emergency administration of epinephrine. Except as set forth in RSA 200-N:6, a postsecondary educational institution shall not be held liable for any act or omission related to the availability or non-availability of epinephrine for emergency administration on campus.

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

2 Dealing in or Possessing Prescription Drugs. Amend RSA 318:42, VII-a to read as follows:

VII-a. The possession and administration, with written parental authorization, of flu vaccine, immunizations, and mantoux tests for the purpose of disease prevention and tuberculosis screening by registered nurses employed or contracted by public school systems. The possession and administration of epinephrine for the emergency treatment of anaphylaxis by licensed practical nurses or registered nurses employed or contracted by public school systems ***or by licensed campus medical professionals in postsecondary educational institutions.***

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

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20

March 2, 2015

2015-0626s

08/05

### **Floor Amendment to SB 194-FN**

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

AN ACT relative to epinephrine administration policies.

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

3 New Chapter; Epinephrine Administration for Other Entities. Amend RSA by inserting after chapter 126-Y the following new chapter:

### **CHAPTER 126-Z**

#### **EPINEPHRINE ADMINISTRATION FOR OTHER ENTITIES**

126-Z:1 Definitions. In this chapter:

I. "Authorized entity" means any entity, other than a school described in RSA 200:44-a through RSA 200:45, at which allergens capable of causing anaphylaxis may be present, as identified by the department of health and human services. The department of health and human services shall, through rule or other guidance, identify the types of entities and organizations that are considered authorized entities no later than January 1, 2016 and shall review and update such rule or guidance at least annually thereafter.

II. "Epinephrine auto-injector" means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

III. "Health care practitioner" means a physician licensed under RSA 329, a physician assistant licensed under RSA 328-D, or an advanced practice registered nurse or registered nurse who is licensed under RSA 326-B:18.



### 126-Z:2 Life-Saving Allergy Medication; Stock Supply of Epinephrine Auto-Injectors.

I. A health care practitioner may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this section, and pharmacists and health care practitioners may dispense epinephrine auto-injectors pursuant to a prescription issued in the name of an authorized entity.

II. An authorized entity may acquire and stock a supply of epinephrine auto-injectors pursuant to a prescription issued in accordance with this section. Such epinephrine autoinjectors shall be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto-injector's instructions for use and any additional requirements that may be established by the department of health and human services. An authorized entity shall designate employees or agents who have completed the training required by RSA 126-Z:3 to be responsible for the storage, maintenance, control, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

III. An employee or agent of an authorized entity, or other individual, who has completed the training required by RSA 126-Z:3 may use epinephrine auto-injectors prescribed pursuant to this section to:

(a) Provide an epinephrine auto-injector to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, or the parent, guardian, or caregiver of such individual, for immediate administration, regardless of whether the individual has a prescription for an epinephrine autoinjector or has previously been diagnosed with an allergy.

(b) Administer an epinephrine auto-injector to any individual who the employee, agent, or other individual believes in good faith is experiencing anaphylaxis, regardless of whether the individual has a prescription for an epinephrine autoinjector or has previously been diagnosed with an allergy.

### 126-Z:3 Training.

I. An employee, agent, or other individual described in RSA 126-Z:2 shall complete an anaphylaxis training program. Such training shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or an entity or individual approved by the department of health and human services. The department of health and human services may approve specific entities or individuals or may approve classes of entities or individuals to conduct training. Training may be conducted online or in person and, at a minimum, shall cover:

(a) How to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;

(b) Standards and procedures for the storage and administration of an epinephrine auto-injector; and

(c) Emergency follow-up procedures.

II. The entity that conducts the training shall issue a certificate, on a form developed or approved by the department of health and human services, to each person who successfully completes the anaphylaxis training program.

### 126-Z:4 Immunity.

I. An authorized entity that possesses and makes available epinephrine auto-injectors and its employees, agents, and other individuals; a health care practitioner that prescribes or dispenses epinephrine auto-injectors to an authorized entity; a pharmacist or health care practitioner that dispenses epinephrine auto-injectors to an authorized entity; and an individual or entity that conducts the training described in RSA 126-Z:3 shall not be liable for any injuries or related damages that result from any act or omission taken pursuant to this section; provided however this immunity does not apply to acts or omissions constituting willful or wanton misconduct. The administration of an epinephrine auto-injector in accordance with this section is not the practice of medicine or any other profession that otherwise requires licensure. This section shall not eliminate, limit, or reduce any other immunity or defense that may be available under state law. An entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector outside of this state if the entity:

(a) Would not have been liable for such injuries or related damages had the provision or administration occurred within this state; or

(b) Is not liable for such injuries or related damages under the law of the state in which such provision or administration occurred.

4 New Sections; Epinephrine Administration to School Children. Amend RSA 200 by inserting after section 44 the following new sections:

200:44-a Definitions. In this subdivision:

I. "Designated school personnel" means an employee, agent, or volunteer of a school designated by the school district who has completed the training required under RSA 200:44-d to provide or administer an epinephrine auto-injector.

II. "Epinephrine auto-injector" means a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body.

III. "Health care practitioner" means a physician licensed under RSA 329, a physician assistant licensed under RSA 328-D, or an advanced practice registered nurse or registered nurse who is licensed under RSA 326-B:18.

IV. "School" means any elementary, junior high, or senior high school.

200:44-b Stock Supply of Epinephrine Auto-Injectors.

I. Notwithstanding any provision of law to the contrary:

(a) A health care practitioner may prescribe epinephrine auto-injectors in the name of a school for use in accordance with RSA 200:44-c, and pharmacists may dispense epinephrine auto-injectors pursuant to a prescription issued in the name of a school. A school may maintain a stock supply of epinephrine auto-injectors for use in accordance with this subdivision.

(b) A school may enter into arrangements with manufacturers of epinephrine autoinjectors or third-party suppliers of epinephrine auto-injectors to obtain epinephrine autoinjectors at fair-market, free, or reduced prices.

(c) A school that possesses and makes available a stock supply of epinephrine autoinjectors pursuant to this section shall submit to the department of education, on a form developed by the department of education, a report of each incident that involves a severe allergic reaction or the administration of an epinephrine auto-injector. The department of education shall annually publish a report that summarizes and analyzes all reports submitted to it under this subparagraph.

200:44-c Emergency Administration. School nurses and designated school personnel may, upon authorization by the school district, use epinephrine auto-injectors prescribed pursuant to RSA 200:44-b to:

I. Provide an epinephrine auto-injector to a student for self-administration in accordance with a prescription specific to the student on file with the school;

II. Administer an epinephrine auto-injector to a student in accordance with a prescription specific to the student on file with the school; and

III. Administer an epinephrine auto-injector to any student or other individual, on school premises, at school-sponsored events, or at any other time the student or individual is subject to the school's jurisdiction or supervision, who the school nurse or designated school personnel believes in good faith is experiencing anaphylaxis in accordance with a standing protocol from a health care practitioner, regardless of whether the student or other individual has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy.

200:44-d Training and School Policies.

I. Designated school personnel shall complete an anaphylaxis training program prior to providing or administering an epinephrine auto-injector made available by a school. Such training shall be conducted by a nationally recognized organization experienced in training laypersons in emergency health treatment or an entity or individual approved by the department of health and human services. Training may be conducted online or in person and, at a minimum, shall cover:

(a) Techniques on how to recognize symptoms of severe allergic reactions, including anaphylaxis;

(b) Standards and procedures for the storage and administration of an epinephrine auto-injector; and

(c) Emergency follow-up procedures.

II. The entity that conducts the training shall issue a certificate, on a form developed or approved by the department of health and human services, to each person who successfully completes the anaphylaxis training program.

III. Not later than July 1, 2016, the department of education, in consultation with the department of health and human services, shall develop and make available to all schools guidelines for the management of students with life-threatening allergies. The guidelines shall include:

- (a) Education and training for school personnel on the management of students with life-threatening allergies, including training related to the administration of an epinephrine auto-injector;
- (b) Procedures for responding to life-threatening allergic reactions;
- (c) A process for the development of individualized health care and allergy action plans for every student with a known life-threatening allergy; and
- (d) Protocols to prevent exposure to allergens.

IV. Not later than January 1, 2017, each school district shall:

- (a) Implement a plan based on the guidelines developed pursuant to paragraph III for the management of students with life-threatening allergies enrolled in the schools under its jurisdiction; and
- (b) Make such plan available on its website or the website of each school under its jurisdiction, or if such websites do not exist, make such plan publicly available through other practicable means as determined by such school district.

2015-0626s

#### AMENDED ANALYSIS

This bill permits postsecondary educational institutions to establish guidelines for the emergency administration of epinephrine by designated trainees, establishes requirements for the storage of epinephrine on campus, and limits civil liability for certain individuals who administer an emergency injection of epinephrine.

This bill also permits the department of health and human services to authorize non-school entities to administer emergency doses of epinephrine, provided that certain employees receive training and instruction about the administration of epinephrine.

This bill also allows schools to maintain a stock supply of epinephrine auto-injectors for emergency use.

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

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

SENATOR FULLER CLARK: Personal privilege? I just wanted to draw the Senators' attention to the fact that three weeks ago we lost a civil rights champion in this state with the loving husband of Representative Margie Smith: Peter Smith died at age 76. Peter S. Smith Attorney Peter Sheridan Smith passionate Red Sox supporter and mountaineer par excellence; noted for his contributions to landmark civil rights cases; died from lymphoma February 14th from his Durham home.

Smith's legal career spanned 50 years, during which he provided legal services to those who are often denied access, such as African Americans, other people of color, the poor, juveniles, and the disabled.

A memorial service for Smith will be held March 14th at 2 p.m. in Huddleston Hall at the University of New Hampshire.

Smith was born in New York, raised in Durham [New Hampshire] and graduated from Phillips Exeter Academy in 1956. He was a 1960 Bowdoin College graduate and in 1989 received the college's Alumni Service Award.

Smith assisted in the preparation and defense of the Civil Rights Act of 1964 and [the] Voting Act of 1965. He was the first legal service lawyer to argue before the Supreme Court. [And] In 1966, Smith argued before the Supreme Court... in the landmark case of *Shapiro v. Thompson*, which ended residency requirements for welfare.

In 1969, the Piper and Marbury law firm hired Smith to open and direct a branch office in Baltimore's inner-city that was dedicated exclusively to representing the underprivileged and [the] poor.

In 1972, Smith created one of the first clinical legal education programs in the nation at the University of Maryland Law School, in which students practiced law with their professors.

Smith was also a member of the Appeals and Research Section of the Civil Rights Division of the Justice Department.

In 1990, Smith and his wife Marjorie moved back to Durham where he practiced law...[he moved back to his family's home. He practice law] until 2014 [in New Hampshire] and left an indelible mark on the community.

Stratham resident Beth Petit said Smith worked as her attorney for several years to help provide her son, Hunter, with special education services. "He has been incredible in getting kids services they should have," she said. "He was instrumental in getting my son what he needed. He has been an incredible resource and wonderful attorney."

Smith also served two terms on the Durham Town Council as well as the Planning Board and Conservation Commission. "When he was on the council, he was a strong advocate for openness in government and defender of the public right-to-know-law," said former Town Council Chair[man] Malcom Sandberg. Durham Town Administrator Todd Selig said of Smith, "He was as honest as the day is long. He had the highest moral character. He was really concerned about protecting the character of Durham." Selig said Smith encouraged the town to hire more women and also...ensure[d] the integrity of the town's Police Department. [And was the leader for an] idea [of] what became known as the town's Friday Updates in order to increase resident's awareness of town proceedings.

Smith also worked for 10 years at the Disability Rights Center in Concord. [And] While working at the center, Smith litigated a case against the state prison that resulted in improvements in special education services to young prisoners with disabilities. Executive Director Richard Cohen said, "He was really a force in changing the lives of children with disabilities and their families. He had a national reputation and he will be sorely missed."

In 2013, upon reaching the milestone of 50 years in the practice of law, Smith was recognized as an honorary member of the New Hampshire Bar Association.

I'm sure that you will join me in sending your condolences to his wife, Representative Marjorie Smith. They were married for 48 years and, in addition, he is survived by his children Douglas and Abigail, and their three grandchildren. Thank you.

(The Chair recognized Sen. D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. On an upbeat note, one of our distinguished members will be celebrating a birthday tomorrow. And, you know, we usually have a song, get together, but our great singers are gone. Gone is John Gallus with the voice of an angel, and others. But the magnificent Andrew Hosmer will hit 51 domani, and we'll wish him good fortune and all the very, very best. Bona fortuna, Andrew! Happy birthday!

PRESIDENT MORSE: Trust me, I heard from Senator Gallus this morning.

(The Chair recognized Sen. Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. A few weeks back the coldest and windiest place on the earth was in the White Mountains, and there was a tragic loss of life of a young hiker, Kate Matrosova. And it's a time to remember those people, when these terrible situations occur, that go into the wild and into the cold to do the state's work as volunteers, as state employees. And I'd just like to list the names of the

people who participated in that search because they certainly put their life in harm's way. And they came from our State Fish and Game Department, Androscoggin Valley Search and Rescue and the Mountain Rescue Service. And the names of the people who participated in that were Bill Arnold, Mike Pelchat, Diane Holmes, Matt Bowman, Jeremy Broughton, Mike Cherim, Myles Chouinard, Hunter Cote, Anthony Cormier, Brett Fitzgerald, Corey Swartz, Patrick Galligan, Mason Irish, Matt Schomberg, Al Sochard, Eric Thatcher, Paul Cormier, Geoff Wilson, and Steve Dupuis. Thank you, Mister President.

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

SB 12, relative to jurisdiction over surrogacy cases under RSA 168-B.

SB 47, repealing the payment of subminimum wages to persons with disabilities.

SB 50, relative to the content of a mortgage foreclosure notice.

SB 53, repealing the interagency coordinating council for women offenders and transferring certain members and duties to the interbranch criminal and juvenile justice council.

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

SB 103, relative to guardian ad litem reports and relative to the definition of incapacity for purposes of filing a guardianship petition.

SB 110-FN, establishing the administrative supervision act.

SB 115-FN, relative to the resale of condominium and subdivision time shares.

SB 168, relative to the duties of the commissioner of the department of environmental services.

SB 171, establishing a committee to study issues concerning parking for those with walking disabilities.

SB 178, relative to optometrist participation in vision insurance plans.

SB 183, allowing the fish and game department to offer lifetime hunting and fishing licenses for newborns.

SB 192-FN, permitting the department of revenue administration to conduct employee candidate background checks and establishing the position of tax policy analyst within the department.

SB 194-FN, relative to epinephrine administration policies in postsecondary educational institutions.

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

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

SB 211-FN, relative to taxation of employee leasing companies under the business enterprise tax.

SB 223-FN, relative to name availability for business organizations.

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

SB 236-FN, relative to alcohol ignition interlock requirements.

#### 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.