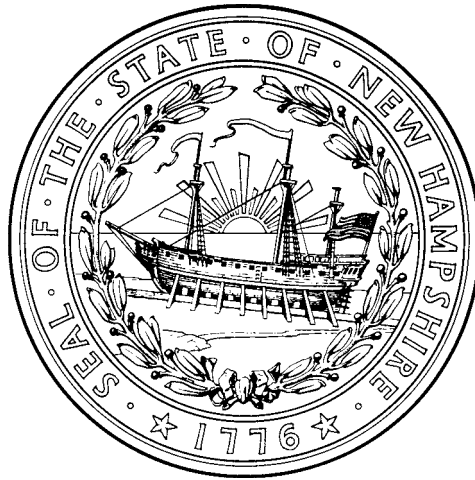


March 12, 2015
Nos. 7-8

STATE OF NEW HAMPSHIRE

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



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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – MARCH 5, 2015 SESSION
COMMENCEMENT – MARCH 12, 2015 SESSION**

SENATE JOURNAL 7 *(continued)*

March 5, 2015

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

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

HB 140, relative to appointment of inspectors of election.

HB 142, relative to student social media policies by education institutions.

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

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

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

HB 187, relative to information sharing for enforcement of the tobacco tax and relative to the biennial adjustment of the filing threshold for the business enterprise tax.

HB 192, relative to the valuation of utility property.

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

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

HB 203, relative to the unauthorized practice of law.

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

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

HB 225, requiring the defendant to personally appear in the courtroom during a victim impact statement.

HB 227, relative to eminent domain on public lands.

HB 233, relative to local approval of mining activity.

HB 268, establishing a committee to study the adoption of low-impact housing development standards by the department of environmental services.

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

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

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

HB 310, relative to reporting the destruction of motor vehicles.

HB 315, relative to termination of tenancy.

HB 331, relative to absences among selectmen on election day.

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

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

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

HB 451, relative to local approval of mining permits.

HB 463, relative to state agency communications.

HB 467-FN, relative to the 14-month registration of off highway recreational vehicles.

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

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

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

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

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

HB 534, relative to the duties of the housing finance authority.

HB 550-FN, relative to administration of the tobacco tax.

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

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

HB 621-FN, establishing fines for violations of the "wide berth" laws.

HB 662-FN-L, relative to property taxes paid by chartered public schools leasing property.

HB 689, relative to adoption of a default budget.

HCR 4, urging Congress to adopt a policy ending the use of a backward American Flag on military uniforms.

INTRODUCTION OF HOUSE BILLS

Sen. Bradley offered the following Resolution:

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

First and Second Reading and Referral

HB 102, relative to consideration of warrant articles. (Public and Municipal Affairs)

HB 107, relative to the retention of municipal trust fund bank statements. (Public and Municipal Affairs)

HB 115, relative to reports on gross appropriations from the highway fund in the tentative state budget. (Transportation)

HB 118, relative to vehicular assault. (Judiciary)

HB 119, establishing the John G. Winant Memorial Commission. (Executive Departments and Administration)

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

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

HB 133, relative to recounts on questions. (Public and Municipal Affairs)

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

HB 135, relative to qualifications of assistant election officials. (Public and Municipal Affairs)

HB 136, prohibiting tanning facilities from tanning persons under 18 years of age. (Health and Human Services)

HB 140, relative to appointment of inspectors of election. (Public and Municipal Affairs)

HB 142, relative to student social media policies by education institutions. (Education)

HB 149, relative to qualifications for the office of county commissioner. (Public and Municipal Affairs)

HB 151, establishing a committee to study end-of-life decisions. (Health and Human Services)

HB 187, relative to information sharing for enforcement of the tobacco tax and relative to the biennial adjustment of the filing threshold for the business enterprise tax. (Ways and Means)

HB 192, relative to the valuation of utility property. (Ways and Means)

HB 193, relative to utility assessments for the use of village district roads. (Ways and Means)

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

HB 203, relative to the unauthorized practice of law. (Judiciary)

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

HB 208-FN, relative to allowance sales under the New Hampshire regional greenhouse gas initiative program. (Energy and Natural Resources)

HB 225, requiring the defendant to personally appear in the courtroom during a victim impact statement. (Judiciary)

HB 227, relative to eminent domain on public lands. (Public and Municipal Affairs)

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

HB 304, establishing a committee to study public access to political campaign information. (Public and Municipal Affairs)

HB 306, relative to membership of the wetlands council and the water council. (Energy and Natural Resources)

HB 310, relative to reporting the destruction of motor vehicles. (Transportation)

HB 315, relative to termination of tenancy. (Judiciary)

HB 382, establishing a committee to study facilitating private investment in energy efficiency and renewable energy. (Energy and Natural Resources)

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

HB 463, relative to state agency communications. (Executive Departments and Administration)

HB 467-FN, relative to the 14-month registration of off highway recreational vehicles. (Transportation)

HB 476-FN, amending the definition of “qualifying medical condition” in the therapeutic cannabis law. (Health and Human Services)

HB 483, relative to the commission on primary care workforce issues. (Health and Human Services)

HB 486, authorizing towns and cities to establish special assessment districts. (Public and Municipal Affairs)

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

HB 534, relative to the duties of the housing finance authority. (Finance)

HB 550-FN, relative to administration of the tobacco tax. (Ways and Means)

HB 559-FN, relative to vehicle registration by entities doing business in New Hampshire. (Transportation)

HB 616-FN, relative to compensation to claimants under the victims’ assistance fund. (Judiciary)

HB 621-FN, establishing fines for violations of the “wide berth” laws. (Transportation)

HB 662-FN-L, relative to property taxes paid by chartered public schools leasing property. (Education)

HB 689, relative to adoption of a default budget. (Public and Municipal Affairs)

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 8

March 12, 2015

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

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

There are two refrains I get a lot in parish ministry, and you probably get something like it yourselves. The first phrase I hear is, “Nice sermon, Father.” It usually comes with a nice, good handshake, and is either from someone who doesn’t know what to say to a priest, or it’s from someone who wants a favor from me.

The second one is: "What are you thinking Father?" Recently I got pulled into a pew after Sunday services and was totally dressed down by someone who was upset with the way I was teaching the youth confirmation class. Unfortunately, both harsh criticism and ingratiating praise come our way a lot--your way and my way--and they do that because they both work so well because our egos can be manipulated by the tiniest of words. We have to set aside some time to clear our minds so that we can listen only to God. Let us pray.

Holy Spirit, sweep out our minds from the loose dirt of praise, and flattery, and criticism. Not so that we can be true to ourselves, but so that we can be kept true to your wisdom, your word, and your witness of love. Amen.

Sen. Hosmer led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

Sen. Boutin introduced Hooksett Memorial School of Hooksett visiting in the balcony.

Sen. Carson introduced the Victory Baptist School of Londonderry visiting in the balcony.

INTRODUCTION OF PAGES

Sen. Little introduced Natalie Baker and Madison Snaith of Kearsarge Regional High School in Sutton serving as Senate Pages for the day.

Recess. Out of recess.

FN REPORT FOR MARCH 12, 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:

HEALTH AND HUMAN SERVICES

SB 200-FN, relative to newborn screening for Krabbe Leukodystrophy.

REGULAR CALENDAR:

COMMERCE

SB 219-FN, relative to breastfeeding

ENERGY AND NATURAL RESOURCES

SB 117-FN-L, relative to energy security and diversity.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 259-FN-L, relative to permits for water events.

HEALTH AND HUMAN SERVICES

SB 108-FN, relative to health care associated infections.

SB 133-FN, relative to certain health care data.

JUDICIARY

SB 40-FN, including a viable fetus in the definition of "another" for the purposes of certain criminal offenses.

SB 124-FN, relative to filing felonies first in the superior court.

WAYS AND MEANS

SB 113-FN-A-L, relative to video lottery and table gaming

SB 134-FN, relative to the escheat of United States savings bonds.

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

CONSENT CALENDAR:

EDUCATION

SB 190-FN, relative to payment of costs for career and technical education center programs and administration by the department of education, and establishing a tax credit against business profits taxes for donations to such centers.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 238-FN, relative to the workers' compensation appeals board.

TRANSPORTATION

SB 29-FN, relative to fines for motor vehicle offenses.

SB 256-FN, authorizing certain expenditures by the department of transportation.

REGULAR CALENDAR:

COMMERCE

SB 188-FN, revising the banking and credit union laws.

SB 203-FN, relative to review of eligibility for workers' compensation.

SB 216-FN, relative to sales on the premises of beverage manufacturers and nano breweries.

EDUCATION

SB 157-FN, establishing a civics education requirement as a condition for high school graduation.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 138-FN, relative to claims arising from clinical services provided to the department of corrections.

SB 191-FN, relative to use of the state's procurement card services.

HEALTH AND HUMAN SERVICES

SB 135-FN, relative to lead poisoning in children.

SB 214-FN, relative to the transfer of skilled nursing facility beds from the Franklin Regional Hospital.

JUDICIARY

SB 205-FN, relative to the governor's office and the legislature under the electioneering law.

PUBLIC AND MUNICIPAL AFFAIRS

SB 30-FN-L, relative to municipal economic development and revitalization districts.

WAYS AND MEANS

SB 34-FN-L, establishing a voluntary tax disclosure program and a tax amnesty program in the department of revenue administration.

SB 213-FN-A-L, relative to the disposition of meals and rooms tax revenues to towns and cities.

SB 232-FN-A, exempting certain leases from the real estate transfer tax.

Without objection, the FN Report is adopted.

SPECIAL ORDER

Without objection the following bill was Special-Ordered to Thursday, March 19, 2015:

ENERGY AND NATURAL RESOURCES

SB 170, requiring the public utilities commission to ensure ratepayer protections with electric power suppliers.

CONSENT CALENDAR REPORTS

The following bills were removed from the Consent Calendar:

JUDICIARY

SB 72, relative to confidentiality of police personnel files. Removed by Sen. Carson.

TRANSPORTATION

SB 262-FN, relative to the form of drivers' licenses and identification cards. Removed by Sen. Soucy.

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 52, establishing a commission to study the issue of residential tenancies in foreclosed properties. Ought to Pass with Amendment, Vote 5-0. Senator Pierce for the committee.

This bill, as amended by the committee, will establish a committee to study the issue of residential tenancies in foreclosed properties. Study is needed to determine the magnitude of the problem of when tenants are evicted from their home because the landlord has defaulted on the mortgage. Legislation may be necessary to insure the right of tenants in good standing to stay in his or her home despite foreclosure proceedings against the landlord. This bill comes from a recommendation for legislation by the commission to study New Hampshire mortgage foreclosure law, new federal regulations, and fair foreclosure practices.

Commerce
 March 3, 2015
 2015-0704s
 05/06

Amendment to SB 52

Amend the bill by replacing section 1 with the following:

1 Committee To Study Residential Tenancies in Foreclosed Properties.

I. There is established a committee to study the issue of residential tenancies in foreclosed properties.

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

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

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

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

IV. The committee shall study the issue of residential tenancies in foreclosed properties, including state and federal laws governing the eviction of tenants after foreclosure and the status of reauthorization of the Protecting Tenants at Foreclosure Act, Public Law 111-22.

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

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

2015-0704s

AMENDED ANALYSIS

This bill establishes a committee to study the issue of residential tenancies in foreclosed properties.

EDUCATION

SB 25-FN, relative to epinephrine administered in schools. Re-refer to committee, Vote 5-0. Senator Watters for the committee.

This bill allows schools and certain authorized entities to acquire and maintain a supply of epinephrine auto-injectors, requires designated school personnel to receive training in the administration of an epinephrine auto-injector, establishes immunity from civil liability for the good faith acts of individuals administering an epinephrine auto-injector to a student, and establishes an exemption from criminal liability for pharmacists to prescribe epinephrine for use in the schools. The committee believes in the merits of this bill, and would like to re-refer the bill to the Senate Education Committee for improvement and clarification.

SB 152, requiring the state police to disclose the results of a criminal records check to school officials. Re-refer to committee, Vote 5-0. Senator Reagan for the committee.

This bill amends the disclosure procedures for criminal history records checks performed on prospective school employees and volunteers. The committee believes they need more time to study this issue before proceeding and would like to re-refer this bill to the Senate Education Committee.

SB 190-FN, relative to payment of costs for career and technical education center programs and administration by the department of education, and establishing a tax credit against business profits taxes for donations to such centers. Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill, as amended, will improve student access, support business partnerships through a tax-credit program, establish an advisory council, and address other matters relating to our Career and Technical Education program. This bill was a product of a study committee last year, and it also focuses on aligning instruction with licensing standards and with curriculum at the community college system in New Hampshire.

Senate Education
March 3, 2015
2015-0676s
10/04

Amendment to SB 190-FN

Amend RSA 188-E:5, VI as inserted by section 6 of the bill by replacing it with the following:

VI. The receiving district shall be responsible for determining the student's qualifications for admission and space availability.

Amend the bill by replacing section 8 with the following:

8 Tuition. Amend RSA 188-E:7 to read as follows:

188-E:7 Tuition.

I. The department of education is authorized to pay from its regular budget tuition for full or part-time ***sending district*** students, attending programs at designated ~~[vocational]~~ ***career and technical education*** centers or designated ~~[vocational-educational courses]~~ ***career and technical education programs*** at other comprehensive high schools, whose residence is in a district where the high school of normal attendance does not offer a similar ~~[vocational-education course]~~ ***career and technical education program***.

II. The department of education shall pay only those districts designated as regional career and technical education centers for sending district tuition at a per student rate calculated by dividing the total number of students into the balance of appropriation available.

III. The department is authorized to pay from its budget for at risk students who reside in a school district in which the high school does not offer an alternative education program, to attend an alternative education program at a ~~[regional vocational education center or the associated]~~ ***comprehensive*** high school ***within New Hampshire***.

~~[H:]~~ ***IV.*** The liability of the state and local school districts for tuition shall be determined by the state board under rules adopted pursuant to RSA 541-A, provided that a receiving district may charge a student from a sending district a differential ***fee for*** career and technical education ~~[fee]~~ not to exceed 3 percent of the receiving district's cost per pupil for the prior school year, as calculated by the department of education, and provided that the receiving district shall deposit the differential fee into its capital reserve account to be used for career and technical education program development, improvement, and equipment.

~~[H:]~~ ***V.*** The state's tuition liability for a student enrolled in an alternative education program shall not exceed the per student cost of a student enrolled in a career and technical education program, as calculated by the department of education.

Amend RSA 188-E:9-a, I as inserted by section 10 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) Money to be used by the school district for the local share of construction and renovation costs under RSA 188-E:3.

Amend RSA 188-E:10-b, III as inserted by section 11 of the bill by replacing it with the following:

III. Members of the advisory council appointed under subparagraphs I(f) –(h) shall serve for terms of 3 years and may be reappointed, except that terms of initial appointments by the commissioner under subparagraphs (f) and (h) shall be staggered.

Amend the bill by replacing section 12 with the following:

12 New Paragraph; Business Profits Tax; Credit for Donations to Regional Career and Technical Education Centers. Amend RSA 77-A:5 by inserting after paragraph XV the following new paragraph:

XVI. The tax credit computed under RSA 188-E:9-a for donations to regional career and technical education center programs, provided that the credit allowed for a taxpayer under this paragraph shall not exceed 25 percent of the tax due under this chapter for such taxpayer before any credits under RSA 77-A:5 are taken into account.

Amend the bill by replacing section 16 with the following:

16 Reference Changed. Amend RSA 194:23, II-a to read as follows:

II-a. In this section, the term “high school” shall include [any] ***the*** regional [vocational] ***career and technical*** education center in the Manchester school district which complies with the provisions of RSA 188-E.

SB 246, relative to the definition of “teacher” for the purpose of renomination or reelection. Re-refer to committee, Vote 5-0. Senator Kelly for the committee.

This bill amends the definition of “teacher” for the purpose of renomination or reelection. The bill’s sponsor brought this legislation forward after being questioned by a specific school board regarding re-examining the definitions of administrators, supervisors, and other staff in our schools. The committee believes they need more time to address the various aspects of this bill.

SB 247, relative to duties of the legislative oversight committee established under the statewide education improvement and assessment program. Inexpedient to Legislate, Vote 5-0. Senator Stiles for the committee.

This bill adds a duty to the legislative oversight committee established under the statewide education improvement and assessment program to study the model of elementary and secondary education used in Finland. The Senate Education Committee believes this bill is not required and that local school districts and the Department of Education currently have the authority to examine various school systems.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 150, exempting certain waste disposal system installer work from licensure and regulation by the electricians’ board. Re-refer to committee, Vote 5-0. Senator Cataldo for the committee.

This bill adds an exception for waste disposal system installers engaged in wiring of sewage discharge pumps from licensure and regulation by the electricians’ board. Additional work needs to be completed on this legislation.

SB 238-FN, relative to the workers’ compensation appeals board. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill adjusts the size of the workers’ compensation appeals board and raises the per diem amount of compensation for its members. The amendment clarifies that one-third of the members of the board will represent each individual section; labor, employers or workers’ compensation insurers and attorneys.

Senate Executive Departments and Administration

March 4, 2015

2015-0729s

01/06

Amendment to SB 238-FN

Amend RSA 281-A:42-a, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established a compensation appeals board. The board shall consist of a pool of ***not less than 21 and not more than*** 33 members, of which ~~[11]~~, ***to the extent possible, 1/3 of the*** members shall represent labor, ~~[11]~~ ***1/3 of the*** members shall represent employers or workers’ compensation insurers and ~~[11]~~ ***1/3 of the*** members shall be attorneys who shall be neutral. Members of the board shall be appointed by the governor and council from a list of nominees submitted by the commissioner. The commissioner shall submit at least 2 nominees for each vacancy to be filled. Any person appointed by the governor and council who is not qualified or who ceases to be qualified in the capacity in which such person is serving on the appeals board shall be replaced by the governor and council. Terms of board members shall be 3 years, except the initial appointments shall be staggered so that no more than 1/3 of the members’ terms shall expire in the same year. Members of the board shall have at least 5 years’ experience in the area of workers’ compensation. As a condition to maintaining eligibility to hear appeals, board members shall have at least 10 hours annually of training and briefing in the area of workers’ compensation and relevant disciplines. The commissioner, or designee, with the assistance of the attorney general’s staff shall supervise and approve the training. The commissioner shall have the authority to suspend the eligibility of any member of the board who is not in compliance with such annual training requirements, and to reinstate such member’s eligibility upon compliance. The commissioner may suspend from active participation any board member who fails to render a decision or order within 30 days of the hearing as required by RSA 281-A:43, I(b). The commissioner may rescind the suspension once the board member is in compliance with RSA 281-A:43, I(b). Appeals from a decision of the commissioner or the commissioner’s representative shall be heard de novo by a 3-member panel, composed of an attorney who shall serve as chair, one member representing labor and one member representing employers or workers’ compensation insurers. At least 2 like votes shall be necessary for a decision by the panel. The board shall hear appeals, in accordance with RSA 281-A:43, I(b), from the decisions of the commissioner made pursuant to RSA 281-A:43. No person who is an interested party or an employee of an interested party shall participate as a member of the panel. The board shall conduct its proceedings in such a manner as to ensure a fair and impartial hearing.

Sen. Sanborn is in opposition to the motion of Ought to Pass with Amendment on SB 238-FN.

SB 245, establishing a committee to study occupational regulatory boards and commissions. Inexpedient to Legislate, Vote 5-0. Senator Reagan for the committee.

This bill establishes a committee to study occupational regulatory boards and commissions. The committee felt that this would be a huge undertaking at this time and would require the hiring of additional staff. For these reasons the committee voted unanimously 5-0 to ITL this legislation.

HEALTH AND HUMAN SERVICES

SB 49, relative to clinical eligibility determination for long-term care. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill clarifies the professional medical personnel who may determine clinical eligibility for long-term care services under Medicaid. This bill is a request of the Department of Health and Human Services.

SB 200-FN, relative to newborn screening for Krabbe Leukodystrophy. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill requires newborns to be screened for Krabbe Leukodystrophy. This is a genetic disease affecting the myelin of the central nervous system in newborns.

JUDICIARY

SB 257-FN, relative to the amortization of the unfunded accrued liability under the judicial retirement plan and membership in the judicial retirement plan of judges appointed at age 63 or older. Re-refer to committee, Vote 5-0. Senator Carson for the committee.

This bill affects the amortization of unfunded accrued liability with the Judicial Retirement Plan and seeks to align it to the same calculation method of the State Retirement System. Waiting will not affect retirees or the plan.

SB 263-FN, relative to placing tracking devices on motor vehicles. Re-refer to committee, Vote 5-0. Senator Daniels for the committee.

This bill deals with placing tracking devices on motor vehicles without the owner's permission or knowledge. Testimony indicated that some state agencies are doing this on state-owned and leased vehicles. The committee wishes to take the time to address the whole problem without causing a problem for our agencies or otherwise creating additional problems as a result of trying to resolve this issue piecemeal.

PUBLIC AND MUNICIPAL AFFAIRS

SB 83, relative to the powers of conservation commissions. Inexpedient to Legislate, Vote 5-0. Senator Kelly for the committee.

This bill would have prohibited members of municipal conservation commissions from serving as agents of the municipality when gathering information about a property not acquired by the conservation commission. The committee believes that this is not a compelling statewide issue and that the enactment of this legislation would hinder the statutorily assigned duties of these commissions.

TRANSPORTATION

SB 29-FN, relative to fines for motor vehicle offenses. Ought to Pass with Amendment, Vote 5-0. Senator Stiles for the committee.

This bill establishes and modifies fines for certain motor vehicle offenses and clarifies that the penalty assessment is charged and the range of fines for specific violations; The committee amended the bill in agreement with the department to reflect the minimum amount currently being charged for the violation. This legislation also will provide the opportunity for motorists who receive specific violations to plead guilty without having to go to court which is currently required.

Senate Transportation
March 5, 2015
2015-0754s
03/09

Amendment to SB 29-FN

Amend RSA 265:37-a, II as inserted by section 3 of the bill by replacing it with the following:

II. Any person violating this section shall be fined \$75 plus penalty assessment for a first offense and \$250 plus penalty assessment for a subsequent offense in a 12-month period.

Amend the bill by replacing section 4 with the following:

4 Fine Added. Amend RSA 265:50-a to read as follows:

265:50-a Failure to Stop at Railroad Crossings; Fine. The fine for a violation of the provisions of ***RSA 265:48***, RSA 265:49, or RSA 265:50 shall be \$100 ***plus penalty assessment for a first offense and \$250 plus penalty assessment for a subsequent offense in a 12-month period.***

Amend the bill by replacing section 10 with the following:

10 Transporting Hazardous Materials and Explosives. Amend RSA 265:118 to read as follows:

265:118 Penalty. The driver, owner, and custodian of any vehicle which is driven in violation of the provisions of this subdivision or any rule adopted under this subdivision shall be guilty of a violation for a first offense and, notwithstanding the provisions of title LXII, shall be fined not more than [~~\$500~~] ***\$250 plus penalty assessment*** if a natural person or not more than [~~\$1,000~~] ***\$500 assessment*** if any other person. Any person convicted of an offense under this subdivision who was convicted of an offense relating to the transportation of explosives or hazardous materials or wastes within the 5 years preceding the commission of the offense under this subdivision shall be guilty of a misdemeanor. Any person convicted of an offense under this subdivision who was convicted of 2 or more offenses relating to the transportation of explosives[,] ***or*** hazardous materials or wastes within 5 years preceding the commission of the offense under this subdivision shall be guilty of a class B felony if a natural person or of a felony if any other person.

SB 256-FN, authorizing certain expenditures by the department of transportation. Ought to Pass, Vote 5-0. Senator Feltes for the committee.

This bill authorizes the department of transportation to move up in the DOT 10 year plan the road improvements to N.H. Route 106 making the motor speedway traffic more manageable, and a North Country economic development project that will promote monetary growth.

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

REGULAR CALENDAR REPORTS

CAPITAL BUDGET

SB 224-FN-A, making a capital appropriation for the Valley Regional Hospital in Claremont to construct an involuntary commitment mental health facility. Re-refer to committee, Vote 4-0. Senator Daniels for the committee.

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

COMMERCE

SB 55, allowing private employers to establish a policy granting a veterans' preference in employment decisions. Ought to Pass, Vote 4-0. 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.

SB 75, relative to unfair trade practices targeting veterans. Ought to Pass, Vote 4-0. Senator Cataldo for the committee.

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

SB 119, relative to regulation of guaranteed asset protection waivers by the insurance department. Ought to Pass with Amendment, Vote 4-0. Senator Cataldo for the committee.

Commerce
March 3, 2015
2015-0706s
01/06

Amendment to SB 119

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

AN ACT relative to the regulation of consumer guaranty contracts and debt cancellation or debt suspension agreements by the insurance department.

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

1 Consumer Guarantee Contracts; Definitions. Amend RSA 415-C:1, XIV to read as follows:

XIV.(a) "Service contract" means a contract or agreement for a separately stated consideration, and a specified period of time or usage, covering any consumer good, including, but not limited to, any automobile, household system, or appliance, which promises to provide for the service, repair, replacement, or maintenance of the property necessitated by operational or structural failure due to: a defect in materials or workmanship; normal wear and tear; power surges; or accidental damage from handling. This definition shall apply regardless of the name or label of such contract and regardless of the nature of the service contract obligor. A service contract may provide for the payment of incidental indemnity when service repair or replacement is not feasible or economical or under limited circumstances, including, but not limited to, towing, rental, road hazard, emergency road service, lodging, meals, ~~and~~ food loss, **or other minor expenses that directly relate to the failure of the consumer good.**

(b) "Service contract" includes a contract or agreement for a separately stated consideration, and a specified period of time or usage that provides for any of the following:

(1) **Repair or replacement of tires and/or wheels on an automobile damaged as a result of coming into contact with road hazards including, but not limited to, potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps;**

(2) **Removal of dents, dings, or creases on an automobile that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing automobile body panels, sanding, bonding, or painting;**

(3) **Repair of chips or cracks in or the replacement of an automobile windshield as a result of damage caused by road hazards; or**

(4) **Replacement of an automobile key or key-fob if the key or key-fob becomes inoperable or is lost or stolen.**

2 New Paragraph; Consumer Guaranty Contracts; Exemptions. Amend RSA 415-C:2 by inserting after paragraph IV the following new paragraph:

V. Debt cancellation or debt suspension agreements are exempt from RSA 415-C:4 and RSA 415-C:8.

3 Consumer Guarantee Contracts; Prohibited Acts and Terms. Amend RSA 415-C:7, III(c) to read as follows:

(c) The consumer does not have the right to bring an action to enforce the terms of the contract or otherwise challenge the denial of a claim which the consumer believes is wrongful, subject to the provisions ~~[or]~~ **of any alternative dispute resolution procedure specified in the consumer guaranty contract. *Consumer guaranty contracts may include provisions requiring the parties to submit to alternative dispute resolution, including a provision requiring binding arbitration that would expressly limit the right of the consumer to bring an action in a court of law, if such provision complies with and does not impede upon the rights of the consumer as provided under RSA 542. All arbitration provisions shall state that they are subject to RSA 542;*** or

4 Consumer Guarantee Contracts; Reimbursement Insurance Policies. Amend RSA 415-C:8, I(b) to read as follows:

(b) The obligation of the reimbursement insurer to reimburse or, ***in the event of the obligor's non-performance, to*** pay on behalf of the obligor any sums the obligor is legally obligated to pay or shall provide the service which the obligor is legally obligated to undertake according to the obligor's contractual obligations under the consumer guaranty contracts issued or sold by the obligor. In the event the obligor does not provide for covered services within 60 days after the contract holder has submitted proof of loss to the obligor, the contract holder is entitled to apply directly to the reimbursement insurance company for satisfaction.

5 Retail Installment Contracts. Amend RSA 361-A:7, II(i) to read as follows:

(i) The time balance, which is the sum of (g) and (h), payable in installments by the buyer, the number of installments, the amount of each installment and the due date or period thereof.

The above subparagraphs in paragraph II need not be stated in the sequence or order set forth. Additional paragraphs may be included to explain the calculations involved in determining the stated time balance to be paid by the buyer;

(j) The amount included for a debt cancellation or debt suspension agreement offered in compliance with RSA 415-C.

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

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

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

SB 131-FN, authorizing individuals and certain businesses to purchase health insurance from out-of-state companies. Re-refer to committee, Vote 4-0. Senator Prescott for the committee.

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

The Chair rescinded ordering SB 75 to Third Reading.

MOTION OF RECONSIDERATION

Sen. Bradley, having voted on the prevailing side, moved to reconsider SB 75, the bill having previously been found Ought to Pass. Adopted.

A roll call was requested by Sen. Bradley, 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 163, relative to wholesale hospital-to-hospital laboratory and testing services. Ought to Pass, Vote 4-0. Senator Bradley for the committee.

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

SB 176, relative to the definition of "direct primary care." Inexpedient to Legislate, Vote 4-0. Senator Bradley for the committee.

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

SB 177, relative to tip pooling. Re-refer to committee, Vote 4-0. Senator Cataldo for the committee.

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

SB 188-FN, revising the banking and credit union laws. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Commerce
March 3, 2015
2015-0712s
08/10

Amendment to SB 188-FN

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

AN ACT revising banking, credit union, and trust laws.

Amend RSA 383:6 as inserted by section 4 of the bill by replacing it with the following:

383:6 Qualifications. No person who is not a resident of the state at the time of his or her appointment or who fails to become a resident of the state within one year after his or her appointment, and no person who is indebted to any ~~[corporation or association]~~ **entity** under the supervision of the commissioner, or who holds any stock or office in ~~[any such corporation or association]~~ **the entity**, or who is engaged as principal or agent in the business of selling or negotiating ~~[in this state]~~ loans, stocks, or securities of any kind **in this state**, or who is an officer or stockholder in any ~~[corporation]~~ **entity** engaged in ~~[such]~~ **that** business, shall be eligible

to hold or continue to hold the office of commissioner or deputy commissioner. The provisions of this section relative to indebtedness to ~~[a corporation or association]~~ **an entity** under the supervision of the commissioner shall not disqualify a person who, at the time of his or her appointment, is indebted to ~~[such corporation or association]~~ **the entity** for a home mortgage loan, or if at a time subsequent to his or her appointment a legal transfer of the loan or conversion of ~~[a corporation or association]~~ **an entity** results in the loan being held by ~~[a corporation or association]~~ **an entity** under the supervision of the commissioner or deputy commissioner, provided that the indebtedness shall be limited to such pre-existing contracts.

Amend RSA 383:7, IV as inserted by section 5 of the bill by replacing it with the following:

IV. The commissioner may adopt a written policy to require certain department employees to comply with the limitations of RSA 383:6 except that ~~[examiners]~~ **the employees** may be indebted to ~~[such corporations and associations]~~ **a bank, trust company, or credit union or any other entity chartered or licensed by the department** at the time of ~~[their]~~ **his or her** appointment, or thereafter, provided ~~[any such]~~ **the** debt is incurred primarily for personal, household, or family purposes and on terms no more favorable than those afforded to other borrowers, the ~~[examiner's]~~ **employee's** employment is disclosed to such ~~[corporation or association]~~ **entity**, and both the ~~[examiner]~~ **employee** and the ~~[corporation or association]~~ **entity** disclose to the commissioner that a debt has been incurred.

Amend RSA 383:9, I as inserted by section 7 of the bill by replacing it with the following:

I. The commissioner shall have general supervision of **and shall conduct examinations of** all state banks ~~[(except national banks)]~~, trust companies, **family trust companies**, ~~[building and loan associations,]~~ credit unions, ~~[Morris plan banks, small loan companies, and other similar institutions in the state. Except as provided in RSA 383:9-d, he or she shall examine into the condition and management of all such institutions every 18 months, and more often when necessary in his or her judgment or when so directed by the governor. The commissioner may regulate the buying or selling of securities by banks for officers, employees, or customers. He or she shall assign to the deputy commissioner and the assistants appointed under RSA 383:7 such of his or her duties as he or she sees fit. In accordance with RSA 383:9-d, qualified institutions under RSA 383:9-a may be examined less often, but at no time shall the commissioner examine the condition and management of any institution less than every 36 months]~~ **and other entities licensed by the department as may be designated by law from time to time. He or she may inspect the books of those entities and their papers, notes, bonds, and other evidences of debt. By that examination, the commissioner shall determine the true financial condition of the entities, their ability to perform their engagements, and whether they have violated any provision of law.**

Amend RSA 383:9, V as inserted by section 7 of the bill by replacing it with the following:

~~[H:]~~ V. The commissioner may conduct an examination **or investigation at any location** of the ~~[institution's]~~ **entity's** operations, including any place where assets are located or where records are made, posted, or kept. The commissioner shall have the power to conduct such an examination **or investigation** outside the state of New Hampshire and outside the United States and its territories.

Amend the section heading of RSA 383:9-d as inserted by section 9 of the bill by replacing it with the following:

383:9-d Examination of Banks, Credit Unions, Trust Companies, and Family Trust Companies.

Amend RSA 383:9-d, III(c) as inserted by section 9 of the bill by replacing it with the following:

(c) The commissioner has deemed it prudent to apply this paragraph and paragraph II.

Amend RSA 383:9-d, IV as inserted by section 9 of the bill by replacing it with the following:

IV. The commissioner shall examine the condition and management of all consumer credit licensees as required by law, every 18 months, or more often when necessary in his or her judgment. In lieu of his or her own report, the commissioner may accept a report of a federal or state regulator or group of regulators with authority to conduct a similar type of examination of the entity.

Amend RSA 383:10-b as inserted by section 11 of the bill by replacing it with the following:

383:10-b Confidential Information. All records of **the department's** investigations, **examinations and visitations** and reports ~~[of examinations by the banking department,]~~ **produced by those investigations, examinations, and visitations** including any duly authenticated copy ~~[or copies thereof]~~ **of those records** in the possession of any ~~[institution]~~ **entity** under the supervision of the ~~[bank]~~ commissioner, shall be confidential ~~[communications]~~, shall not be subject to subpoena and shall not be made public unless, in the judgment

of the commissioner, the ends of justice and the public advantage will be ~~[subserve]~~ **served** by the publication ~~[thereof]~~ **of those records**. The commissioner may furnish to the federal supervisory authorities and to independent insuring funds which he **or she** deems qualified such information and reports relating to the ~~[institutions]~~ **entities** under his **or her** supervision as he **or she** deems best. On motion for discovery filed in any court of competent jurisdiction, in aid of any pending action, the court, after hearing the parties, may order the production of ~~[such]~~ **those** records~~[-investigations and reports]~~ for use in ~~[such]~~ **that** action whenever it is found that justice so requires, subject to such reasonable safeguards imposed by the court as may be necessary to prevent use by unauthorized persons or publicity of irrelevant portions ~~[thereof]~~ **of those records**.

Amend the introductory paragraph RSA 383:11, II as inserted by section 13 of the bill by replacing it with the following:

II. If, after the close of each fiscal year, there remains any deficiency between the sums collected under paragraph I, combined with the other fees, fines, and penalties collected by the department during the fiscal year just closed, and actual department expenditures for the fiscal year just closed, the commissioner shall make an assessment of the ~~[institutions]~~ **entities** as follows:

Amend RSA 383:11, II(a)(1)-(7) as inserted by section 13 of the bill by replacing it with the following:

- (1) Fiduciary assets up to \$5,000,000,000 shall be calculated at 25 percent;
- (2) Fiduciary assets that are between ~~[\$5,000,000,000]~~ **\$5,000,000,001** and \$10,000,000,000, shall be calculated at 20 percent;
- (3) Fiduciary assets that are between ~~[\$10,000,000,000]~~ **\$10,000,000,001** and \$15,000,000,000, shall be calculated at 15 percent;
- (4) Fiduciary assets that are between ~~[\$15,000,000,000]~~ **\$15,000,000,001** and \$20,000,000,000, shall be calculated at 10 percent;
- (5) Fiduciary assets that are between ~~[\$20,000,000,000]~~ **\$20,000,000,001** and \$25,000,000,000, shall be calculated at 5 percent;
- (6) Fiduciary assets that are between ~~[\$25,000,000,000]~~ **\$25,000,000,001** and \$50,000,000,000, shall be calculated at 2.5 percent;
- (7) Fiduciary assets that are ~~[\$50,000,000,000]~~ **\$50,000,000,001** or more, shall be calculated at one percent.

Amend RSA 383:11, II(c) as inserted by section 13 of the bill by replacing it with the following:

~~(c) From [non-depository lenders, debt adjusters, money transmitters, and brokers]~~ **consumer credit division entities**. Each ~~[licensee and registrant]~~ **entity** subject to the supervision of the ~~[bank]~~ commissioner under the provisions of **RSA 361-A**, RSA 397-A, RSA 397-B, RSA 399-A, RSA 399-D, **and** RSA 399-G, ~~[and sales finance companies under RSA 361-A,]~~ shall be charged and shall pay such proportion of ~~[said]~~ **the** balance applicable to the consumer credit administration division under the ~~[banking]~~ department's accounting unit designation as the gross revenue received from the total dollar volume of loans made, originated, funded, or brokered, or debt adjustment contracts entered into, or mortgage servicing fees received or money transmitted from each ~~[licensee's]~~ **entity's** New Hampshire business bears to the total gross revenue received from the total dollar volume of ~~[all such]~~ **the** loans made, originated, funded, or brokered, or debt adjustment contracts entered into, or mortgage servicing fees received, or money transmitted, from New Hampshire business by ~~[such licensees]~~ **all entities** during the preceding calendar year ending December 31, as shown by their annual reports to the commissioner.

Amend RSA 383:11-b, V as inserted by section 14 of the bill by replacing it with the following:

V. The special assessment shall be due and payable within 30 days after the commissioner declares the assessment and so notifies each entity being assessed in writing. If any entity refuses to obey the commissioner's order to pay the special assessment, then an action may be brought by the attorney general on the commissioner's behalf in any superior court in this state. In that action, an order, or judgment may be entered awarding (a) a temporary or permanent injunction, (b) the assessed amount and any accumulated statutory fines to the commissioner, and (c) the costs in bringing the action to the attorney general. In addition to all of the court's customary powers, the court may enforce any injunction issued under this paragraph by a fine not exceeding \$10,000 or by imprisonment, or both.

Amend RSA 383-A:2-201(3)-(5) as inserted by section 16 of the bill by replacing it with the following:

(3) "Bank" means a state bank, national bank, federal savings bank, or foreign state bank.

(4) "Bank holding company" means an entity which is a bank holding company under the Federal Bank Holding Company Act of 1956, or a federal savings and loan company under the Federal Home Owners' Loan Act, as may be amended from time to time.

(5) "Banking Acts" means the Bank and Credit Union Act (RSA 383-A), the Depository Bank Act (RSA 383-B), the Trust Company Act (RSA 383-C), and the Family Trust Company Act (RSA 383-D).

Amend RSA 383-A:2-201(13) as inserted by section 16 of the bill by replacing it with the following:

(13) "Corporation Act" means RSA 293-A or any replacement or successor New Hampshire statutes.

Amend RSA 383-A:2-201(15) as inserted by section 16 of the bill by replacing it with the following:

(15) "Credit union" means (i) an entity that is organized under RSA 383-E, or (ii) an entity that was organized under the prior laws of this state and was authorized to operate as a credit union. If the term is modified by the words "federal" or "foreign," then the modification is intended to clarify distinctions between New Hampshire-chartered credit unions and credit unions chartered by federal or other state regulatory authorities.

Amend RSA 383-A:2-201(18) as inserted by section 16 of the bill by replacing it with the following:

(18) "Deposit" means a deposit defined under 12 U.S.C. section 1813(l).

Amend RSA 383-A:2-201(21) as inserted by section 16 of the bill by replacing it with the following:

(21) "Depository bank" means (i) an entity that is organized under the laws of this state and is authorized to engage in a banking business under RSA 383-B, or (ii) any type of entity that was organized under the prior laws of this state as a trust company, mutual bank, guaranty savings bank, or other banking entity and was authorized to accept deposits and make loans.

Amend RSA 383-A:2-201(26)-(44) as inserted by section 16 of the bill by replacing it with the following:

(26) "Family trust company" means (i) a trust company that is organized under the laws of this state and authorized to engage in trust business under RSA 383-D, or (ii) any entity that was organized as a family trust company under the prior laws of this state.

(27) "Federal savings bank" means any savings bank or savings association organized under federal law.

(28) "Foreign state bank" means a bank chartered by a state other than New Hampshire which is authorized to accept deposits.

(29) "Include" or "including" means to comprise or comprehend any item listed following the use of the term and any other item that is reasonably implied from the context of its use. The term is intended to be expansive rather than restrictive.

(30) "Investment grade debt security" means a debt security that is issued by an issuer which has an adequate capacity to meet financial commitments for the life of the security. An issuer has adequate capacity to meet its financial commitments if the risk of default is low and the full and timely repayment of principal and interest is expected.

(31) "Investor-owned bank" means a bank other than a mutual bank.

(32) "LLC Act" means RSA 304-C or any replacement or successor New Hampshire statutes.

(33) "Mutual bank" means a mutual savings bank or savings association.

(34) "Mutual holding company" means (i) an entity that is organized under the laws of this state to become, or continues in mutual form as, the majority shareholder of a mutual bank following its reorganization into a bank holding company structure, or (ii) an entity that was organized as a mutual holding company under the prior laws of this state.

(35) "Mutual savings bank" means (i) a depository bank that is organized under the laws of this state, is owned by its depositors and has incorporators who elect directors and vote on corporate matters as provided in RSA 383-B:6-605(a), or (ii) a depository bank that was organized as a mutual savings bank under the prior laws of this state.

(36) "National bank" means any national bank or banking association organized under the National Bank Act, as may be amended from time to time.

(37) “New Hampshire bank holding company” means a bank holding company that owns or controls one or more depository banks with respect to which the largest amount of total deposits of these banks is located in New Hampshire.

(38) “Note” means a debt obligation issued under terms and conditions specified in the note instrument.

(39) “NRSRO” means a nationally recognized statistical rating organization designated by the U.S. Securities and Exchange Commission. Ratings of any NRSRO relied upon under this chapter shall be expressed in accordance with standard rating categories.

(40) “Obligation” means a debt security issued or assumed by an obligor and unconditionally guaranteed as to the payment of principal and interest by the obligor.

(41) “Organizations Act” means either the Corporation Act or the LLC Act; and “Organizations Acts” means the Corporation Act and the LLC Act.

(42) “Organizational instrument” means the articles of incorporation or articles of agreement of a bank organized as a corporation, the certificate of formation of a bank organized as a limited liability company, or the bylaws of a credit union.

(43) “Organizational documents” means the organizational instrument, the bylaws of a corporation, the operating agreement of a limited liability company, the bylaws of a credit union, and other documents governing the organization of a bank or a credit union or the conduct of its business.

(44) “Organizer” means a person or persons who organize a bank under article 3 of this chapter or a credit union under RSA 383-E.

Amend RSA 383-A:2-201(48) as inserted by section 16 of the bill by replacing it with the following:

(48) “Savings association” means (i) a depository bank that is organized under the laws of this state, is owned by its depositors and has association members who elect directors and vote on corporate matters as provided in RSA 383-B:6-605(b), or (ii) a depository bank that was organized as a cooperative bank, building and loan association, or savings and loan association under the prior laws of this state.

Amend RSA 383-A:2-201(52) as inserted by section 16 of the bill by replacing it with the following:

(52) “Trust company” means (i) an entity organized under the laws of this state that is authorized to engage in a trust business under RSA 383-C, but is not authorized to accept deposits, or (ii) any entity that was organized as a trust company under the prior laws of this state but was not authorized to accept deposits.

Amend RSA 383-A:2-201 as inserted by section 16 of the bill by inserting after paragraph (a) the following new paragraph:

(b) Whenever a federal law or rule is referenced by incorporation in the Bank and Credit Union Regulatory Enforcement Act, the Depository Bank Act, the Trust Company Act, the Family Trust Company Act, or the Credit Union Act, the reference is to the law or rule as may be amended from time to time.

Amend RSA 383-A:3-304(a) as inserted by section 16 of the bill by replacing it with the following:

(a) The organizational instrument shall comply with the requirements of the Corporation Act if the state bank is organized as a corporation or the LLC Act if the state bank is organized as a limited liability company. In addition to the information required by the applicable Organizations Act, the organizational instrument shall set forth (i) the state bank’s powers, (ii) a statement describing any limitation on its powers, (iii) if there is any limit on transferability of shares or ownership interests, a statement that the limitation shall exclude any transfer required by lawful order of the commissioner, and (iv) any additional information or statements that the commissioner may require as a condition of the state bank’s charter.

Amend RSA 383-A:3-305(e)(2) as inserted by section 16 of the bill by replacing it with the following:

(2) For purposes of this subsection, the following groups of persons shall be presumed to be acting in concert: (i) an entity and any shareholder, member, partner, trustee, or executive officer of the entity, if both the entity and the person hold directly or indirectly voting interests or beneficial interests in the proposed state bank, (ii) a person and the person’s immediate family which hold directly or indirectly voting interests or beneficial interests in the proposed state bank; or (iii) entities under common control of those persons.

Amend RSA 383-A:3-305(e)(5) as inserted by section 16 of the bill by replacing it with the following:

(5) Notwithstanding subsections (e)(1) through (e)(4), if the state bank is organized on an interim basis for the sole purpose of effecting either a reorganization of a state bank into a holding company structure or the acquisition of a foreign state bank by a bank holding company, then the holding company may organize and be the sole organizer of the interim state bank, and only the persons who will serve as directors or executive officers of the resulting state bank and are not already serving as directors or executive officers of the existing state bank will be required to comply with subsections (e)(1) through (e)(4).

Amend RSA 383-A:3-308(a) as inserted by section 16 of the bill by replacing it with the following:

(a) If the commissioner determines that the application meets all of the requirements of this chapter and other applicable federal and state laws, then the commissioner shall grant a charter to the state bank (i) by issuing a notice of approval of the organization of the state bank, subject to the terms and conditions as determined by the commissioner, and (ii) endorsing the state bank's organizational instrument to indicate the commissioner's approval.

Amend RSA 383-A:3-314 as inserted by section 16 of the bill by replacing it with the following:

383-A:3-314 Completion of Organization. The organizer shall submit evidence to the commissioner that it has (i) adopted bylaws if a corporation or an operating agreement if an LLC, (ii) elected or caused to be elected, the directors and officers required by its organizational documents, and (iii) satisfied all other requirements of the charter.

Amend RSA 383-A:4-403 and RSA 383-A:4-404 as inserted by section 16 of the bill by replacing them with the following:

383-A:4-403 Capital Debentures. For the purpose of strengthening its financial condition, subject to the approval of its board of directors, a state bank may receive contributions to its capital funds and in consideration for those funds may issue capital debentures to any person. The board of directors may not issue the capital debentures unless (i) it files an application for approval of the issuance of the capital debenture under RSA 383-A:6-602 specifying the principal amount of capital debentures which it proposes to issue, the terms and conditions of the debentures including interest rate and retirement provisions, the name of any bank or other persons proposing to purchase capital debentures, the principal amount of debentures which it proposes to purchase, and its reasons for issuing those debentures, and (ii) is permitted to issue the debentures by the commissioner. Capital debenture shall be considered legal investments for any person named in the plan. Capital debentures may be retired only from earnings unless otherwise authorized by the commissioner.

383-A:4-404 Redemption of Shares. A state bank may redeem shares of its capital stock if (i) the redemption is conducted in accordance with the provisions of its organizational documents, (ii) the remaining capital exceeds the minimum capital required by this chapter, and (iii) the board of directors determines that the redemption will not jeopardize the safe and the sound operation of the state bank based on a diligent review of all applicable facts and circumstances then known to them. The board of directors shall not make a proposed redemption unless it gives notice of the proposed redemption to the commissioner as provided in RSA 383-A:6-602 and it is permitted to do so by the commissioner.

Amend RSA 383-A:4-405(a) as inserted by section 16 of the bill by replacing it with the following:

(a) A state bank or credit union shall maintain a fidelity bond that provides protection against losses from (i) any dishonest or criminal act of any person, including any of its directors, officers, employees, and agents, and (ii) any act such as robbery, burglary, or forgery by a person not associated with the bank. The board of directors shall review the fidelity bond annually, or more often as circumstances require, to evaluate the adequacy of the amount of coverage. A bank or credit union shall give notice to the commissioner if the coverage is decreased by 25 percent or more under RSA 383-A:6-602.

Amend RSA 383-A:5-505 as inserted by section 16 of the bill by inserting after paragraph (e) the following new paragraph:

(f) The board of directors of a bank may declare dividends from the bank's net earnings remaining after deducting all losses and expenses from the 2 most recent fiscal years. The board of directors may also declare dividends from its cumulative retained earnings from the previous fiscal years, provided that it remains well capitalized after the declaration of the dividend under the regulations of the Federal Deposit Insurance Corporation.

Amend RSA 383-A:6-602(a) as inserted by section 16 of the bill by replacing it with the following:

(a) A person seeking to engage in any act or transaction under the Banking Acts and the Credit Union Act, that requires the prior review of the commissioner shall make a notice filing or submit a written application, as appropriate, with the commissioner. For purposes of this article, "filer" means the person filing the notice or application.

Amend RSA 383-A:6-609(g)-(i) as inserted by section 16 of the bill by replacing it with the following:

(g) Fee for a relocation or termination of a branch, loan production office or trust company office: \$100

(h) Fee to issue a certificate of existence: \$50

(i) Fee for a reservation or approval of a name or trade name: \$50

Amend RSA 383-A:7-701(c) as inserted by section 16 of the bill by replacing it with the following:

(c) No director, officer, or employee of a state bank or credit union under the supervision of the commissioner shall directly or indirectly receive any fee, gift, or benefit whatsoever from any borrower or applicant for a loan from the state bank or credit union as an inducement to making the loan, or from anyone negotiating securities to the entity, except the usual compensation for drawing mortgages and other papers pertaining to the loan; nor shall any director, officer or employee negotiate loans in his or her own behalf with himself or herself as an official of the state bank or credit union. Any director, officer, or employee of the state bank or credit union who violates the provisions of this subsection shall be guilty of a class A felony.

Amend the introductory paragraph of RSA 383-A:9-903(a) as inserted by section 16 of the bill by replacing it with the following:

(a) The commissioner may issue an order to show cause why fines and penalties should not be applied, why a person should not be required to cease and desist, or both, in accordance with this provision (i) to any person that is engaged or that has engaged in any violation of the Banking Acts or the Credit Union Act, including holding itself, himself, or herself out as a state bank or credit union without a charter and authority issued under this chapter, or (ii) to any state bank or credit union or bank holding company under the supervision of the commissioner that is engaging in or has engaged in any of the following:

Amend RSA 383-A:9-903(b) as inserted by section 16 of the bill by replacing it with the following:

(b) If the commissioner finds that the violation or practice set forth in RSA 383-A:9-903(a) requires immediate action for the protection of depositors or the public, or where the violation or practice, or the continuation of the violation or practice, is likely to cause insolvency or substantial dissipation of the assets, capital or earnings of a state bank or credit union, then the commissioner may issue orders under RSA 383-A:9-903(a) which shall become effective upon service of those orders, without prior notice or hearing. Upon entry of the order, the commissioner shall promptly notify the person (i) that the order has been entered, (ii) the reasons for the order, and (iii) that within 10 calendar days the matter will be scheduled for a hearing unless the time period is waived by the person subject to the order.

Amend RSA 383-A:9-903(h) as inserted by section 16 of the bill by replacing it with the following:

(h) In addition to any other penalty provided for under this chapter, and after notice and opportunity for hearing, the commissioner may impose (i) an administrative penalty of not more than \$2,500 upon any person who violates, or participates in any act or conduct that violates, the Banking Acts, the Credit Union Act, or any rule or order issued under the Banking Acts or Credit Union Act; and (ii) an additional penalty of \$25,000 upon any person who willfully violates the Banking Acts, the Credit Union Act, or any rule or order issued under the Banking Acts or Credit Union Act. Each of the acts specified shall constitute a separate violation.

Amend RSA 383-B:2-201(b)(3)-(7) as inserted by section 16 of the bill by replacing them with the following:

(3) "Capital and surplus" has the same meaning as the term is used in 12 U.S.C. section 32.

(4) "Closely related activity" means any activity that is part of a banking business, is closely related to a banking business, is convenient and useful to a banking business, is reasonably related to the operation of a bank or is financial in nature or incidental to the financial activity, as authorized under the Gramm-Leach-Bliley Act, 12 U.S.C. section 1811. Closely related activities include, but are not limited to, custodial services; services as a fiscal agent for the United States or any instrumentality of the United States or for this state or any instrumentality of this state; services as an agent for the purpose of issuing, registering, or countersigning certificates of stock, bonds, or other evidence of indebtedness of any entity or this state;

business and professional financial services; data processing, courier and messenger services; credit-related activities; consumer financial services; real estate-related services; insurance and related services; securities brokerage; investment advice; securities underwriting; mutual fund activities; financial consulting; tax planning and preparation; community development; charitable activities; finder activities; and any activities reasonably related or incidental to these activities, subject to any limitations under federal or state laws. A closely related activity shall include any activity that may be authorized or permissible for a national bank, a federal savings bank, or any service corporation or subsidiary of a national bank or federal savings bank, including financial subsidiaries as defined in 12 U.S.C. section 24A and 12 C.F.R. section 5.39 to engage in under federal law; and any additional activities that the commissioner by rule or order determines to be a closely related activity.

(5) "Control" has the same meaning as the term is used in 12 U.S.C. section 1841(a).

(6) "Foreign bank" means:

(A) A national bank or a federal savings bank having its main office located in a state other than New Hampshire; or

(B) A foreign state bank.

(7) "Foreign bank holding company" means a bank holding company that owns or controls one or more depository banks and the largest amount of total deposits of these banks is located in a state other than New Hampshire.

Amend RSA 383-B:3-301(a) as inserted by section 16 of the bill by replacing it with the following:

(a) A depository bank is authorized to solicit, receive, or accept deposits; to make loans; to engage in a trust business in the same manner as a trust company is permitted under RSA 383-C; and, in connection all of the foregoing, to provide services, offer products, and engage in closely related activities. If an authorized activity or closely related activity requires a depository bank to file an application with or give notice to federal regulators, then the depository bank shall file concurrently a copy of the application or notice with the commissioner.

Amend RSA 383-B:3-301(b) and (c) as inserted by section 16 of the bill by replacing it with the following:

(b) The minimum capital of a depository bank shall comply with the requirements of the Federal Deposit Insurance Corporation. The depository bank shall maintain deposit insurance in accordance with the regulations of the Federal Deposit Insurance Corporation and comply with the reserve requirements of the Federal Reserve System. A depository bank may borrow funds in connection with the conduct of its banking business; provided, however, each borrowing shall be approved by vote of the board of directors and duly recorded in its records, and any debt security of the depository bank shall be signed by at least 2 officers designated in the vote or its bylaws for that purpose. For the purpose of securing a loan or loans, a depository bank may pledge real estate mortgages, notes, stocks, or other securities.

(c) A depository bank may directly or indirectly engage in any activity permitted for a national bank or federal savings bank or their subsidiaries under federal laws, and otherwise organize, invest in or loan funds to, any entity formed to engage in any activity that is financial in nature or incidental to the financial activity authorized under the Gramm-Leach-Bliley Act, as amended from time to time, and any activity that is complementary to a financial activity that is authorized by federal regulatory authorities under the Gramm-Leach-Bliley Act.

Amend RSA 383-B:3-301(e)(1) as inserted by section 16 of the bill by replacing it with the following:

(1) A depository bank is authorized to pledge assets to the United States, any instrumentality of the United States, this state or any state entity of this state when the pledge is necessary or desirable to secure its deposits at the depository bank. In lieu of such collateralization, a depository bank is authorized to secure such public deposits by surety bonds and to pledge securities to the surety in connection therewith. Any such deposit of public funds in any depository bank may be evidenced by an agreement in such form and upon such terms and conditions as may be agreed upon by the depositing public authority and the bank. The bank commissioner may, by rule, limit the aggregate amount of securities which may be pledged by such a depository bank consistent with safe and sound banking practices, based upon the adequacy of the surplus of the bank and other criteria deemed material by the commissioner.

Amend RSA 383-B:3-301(g) as inserted by section 16 of the bill by replacing it with the following:

(g) A depository bank may engage in a trust business as defined in RSA 383-C. The depository bank shall establish a trust department and shall segregate all assets held in a fiduciary capacity from its banking assets, except that the depository bank may deposit temporarily in its deposit accounts any money so held in a fiduciary capacity awaiting distribution or investment and may also deposit in its deposit accounts as an investment for any one trust an amount insurable and insured by the Federal Deposit Insurance Corporation. The deposits shall be in the name of the trust or in the name of the depository bank as trustee of the trust. Unless required by the order of a court with proper jurisdiction, no depository bank authorized to act as trustee or executor in this state shall be required to give bond to secure performance of the depository bank's duties as trustee or executor. A depository bank may establish one or more trust offices in the same manner as is permitted to a trust company under RSA 383-C.

Amend RSA 383-B:3-301(l) as inserted by section 16 of the bill by replacing it with the following:

(l) All certificates for shares of stock, certificates of interest, uncertificated shares, or registered bonds owned by a depository bank shall be registered in the name of the bank or the name of a nominee without mention of the bank's name, provided that (i) the records of the bank clearly show its ownership of the securities and the name and address of the nominee in whose name the same are held, (ii) the nominee shall not have possession of, or uncontrolled access to, the securities, and (iii) every nominee shall be properly bonded in a commercially reasonable amount.

Amend RSA 383-B:3-301(m)(5) as inserted by section 16 of the bill by replacing it with the following:

(5) No loan shall be made to any brokerage firm that is then listed for and under special surveillance by an exchange in the belief that the brokerage firm is in or is approaching financial difficulty, and that is, at the time, the subject of any pending notice given by any exchange to the Securities Investor Protection Corporation and the Securities and Exchange Commission under the Securities Investor Protection Act of 1970 15 U.S.C. section 78e(a)(1).

Amend RSA 383-B:3-302(b) as inserted by section 16 of the bill by replacing it with the following:

(b) The board of directors of a depository bank shall meet on a regular basis as often as necessary but not less than 9 times per year, unless the commissioner shall issue an order requiring the board to meet more frequently based on a finding that the safety and soundness of the depository bank is likely to be impaired if meetings are not held more frequently.

Amend RSA 383-B:3-303(a)(3) as inserted by section 16 of the bill by replacing it with the following:

(3) A depository bank's board of directors shall establish a written investment policy that addresses, at a minimum, investment quality parameters, investment mix and diversification, investment maturities, derivative exposure, and delegation of authority to officers and committees responsible for administering the portfolio. The board shall review and ratify the policy annually or more frequently if circumstances so warrant.

Amend RSA 383-B:3-303(a)(7)(D)-(F) as inserted by section 16 of the bill by replacing it with the following:

(D) A depository bank may make a loan to an executive officer or director and accept an executive officer or director as surety, endorser, or guarantor of loans to other persons if the loan is approved in accordance with Federal Reserve Board Regulation O. Loans made under this section shall be on terms not more favorable than those afforded other borrowers.

(E) Any depository bank which requires or accepts moneys for deposit in escrow accounts maintained for the payment of taxes or insurance premiums related to loans on property secured by real estate mortgages shall credit each escrow account with interest at a minimum rate set for a 6-month period by the commissioner on February 1 and August 1 of each year. The rate shall be one percent below the mean interest rate paid by depository banks on regular savings accounts during the applicable period. The commissioner shall post the rate on the department's website.

(F) Upon payment in full of the outstanding principal, interest, and other charges due on any loan made by any depository bank or subsidiary, the depository bank or subsidiary, or the assignee or successor in interest thereto, if any, shall plainly mark the note or a copy thereof with the words "PAID IN FULL" or "CANCELLED" and release or provide the borrower evidence to release any mortgage or security instrument no longer securing any indebtedness to the depository bank or subsidiary, or the assignee or successor in interest thereto, if any. If the original note is retained by the depository bank or subsidiary, the original shall be returned within a reasonable period of time upon the written request of the borrower.

Amend RSA 383-B:3-303(b)(1)(C) as inserted by section 16 of the bill by replacing it with the following:

(C) For the purposes of paragraph A, the following described classes of property appearing in the fixed capital accounts of electric, telephone, gas, and water utilities operating in this state (as more particularly defined in the classification of accounts of utilities prescribed by the public utilities commission), when all of these classes of property are included in a blanket mortgage together with the utility's franchise to operate as a public utility in this state, shall be construed to be real estate: (i) electric utilities: land, structures, generating equipment for steam, hydro, internal combustion, wind, solar, or any new technology, transmission and distribution equipment, and unfinished construction; (ii) telephone utilities: land, structures, central office equipment, station equipment, station wiring, poles, conduits, cables, wires, other radio-telephone plant, and unfinished construction; (iii) gas utilities: land, structures, production equipment, distribution equipment, and unfinished construction; and (iv) water utilities: land, structures, production equipment, transmission and distribution equipment, and unfinished construction.

Amend RSA 383-B:4-401(a) as inserted by section 16 of the bill by replacing it with the following:

(a) A depository bank doing business in this state may continue to recognize the power of an attorney-in-fact authorized in writing to make withdrawals either in whole or in part from the account of a depositor, whether a minor or adult, until it receives written notice or is on actual notice of the revocation of his or her authority. No depository bank shall be liable for damages, penalties or tax by reason of any payment made under this section.

Amend RSA 383-B:5-501(b)-(d) as inserted by section 16 of the bill by replacing them with the following:

(b) At the expiration of 60 days from the date of mailing the notice, if the renter of the safe deposit box failed to pay all of the amounts due for the rental to the date of payment, and/or remove the contents, all right of the person in the safe deposit box and of access to the box shall cease. The depository bank shall be required to use only the degree of care required of a bailee for the sole benefit of the bailor notwithstanding the contract of renting requires a higher degree of care during the period of renting. In the presence of an officer of the depository bank and a notary public who is not an officer or employee, the depository bank shall cause the safe deposit box to be opened. The notary public shall remove the contents thereof, make a list of them, seal the contents in a package, and write on the package the name and address of the person in whose name the safe deposit box was recorded on the books of the depository bank. In the presence of the notary public and the bank officer, the package shall be placed in one of the storage vaults of the depository bank. The proceedings of the notary public, including the list of the contents of the safe deposit box of the contents, shall be recorded under his or her official seal and maintained in written or electronic form by the depository bank.

(c) The record of the notary public shall be prima facie evidence of the facts stated therein in all proceedings at law and in equity wherein evidence of the facts would be competent.

(d) If the contents of the safe deposit box have not been claimed or redeemed by the payment of charges within 5 years after the removal of the contents, the depository bank shall, without any requirement to appraise the contents of the safe deposit box and, notwithstanding the right to inspection under RSA 471-C:19,II (c), sell the contents of the safe deposit box at public auction, public sale, or nationally recognized internet auction to the highest bidder after providing the notice to the apparent owner as required by RSA 471-C:19,V. For all sales or auctions, the time and place of any auction or sale shall be posted conspicuously on the premises of the depository bank and shall be published in a newspaper of general circulation once weekly for 3 consecutive weeks, the last publication being no less than 10 days before the auction or sale, in a newspaper published in the place where the safe deposit box is located. Any documents, letters or other papers of a private nature and any property or articles of no apparent value among the contents of the safe deposit box shall not be sold, but shall be retained for the 5 years from the time of the opening of the safe deposit box, and unless sooner claimed by the renter of the safe deposit box, may thereafter be destroyed without the need to provide notice to the apparent owner under RSA 471-C:19 ,V. Contents of a safe deposit box offered for sale for which no purchaser exists may be destroyed by the depository bank. United States coin or currency among the contents of any safe deposit box so opened need not be sold, but may be used by the depository bank to pay for its charges as set forth below. U.S. Savings Bonds shall not be sold or destroyed, but instead delivered to the administrator under RSA 471-C. If property is destroyed under this section, no action or proceeding may be maintained against the depository bank or any of its employees, officers or directors for or on account of the action.

Amend RSA 383-B:5-501(i) as inserted by section 16 of the bill by replacing it with the following:

(i) A depository bank engaged in the business of renting safe deposit boxes, which in good faith allows the department of revenue administration access to a taxpayer's safe deposit box under the department's distraint powers under RSA 80 shall be discharged, as well as its employees, officers and directors, from any obligation or liability to the taxpayer with respect to the property contained in the safe deposit box.

Amend RSA 383-B:6-603 as inserted by section 16 of the bill by replacing it with the following:

383-B:6-603 Authority to Invest in Other Mutual Banks and Mutual Holding Companies. Notwithstanding any other law to the contrary, a mutual bank and mutual holding company may invest an amount not to exceed 25 percent of its capital and surplus in the capital debentures, bonds, special deposits, or other debt securities of any other mutual bank or mutual holding company located in this state or in any other state, whether the other bank is in organization or in existence. For purposes of this section, if the investment constitutes more than 50 percent of the capital and surplus of the mutual bank or mutual holding company issuing the capital debentures, bonds, special deposits or other debt securities, the banks involved in the investment transaction shall be deemed affiliates and may receive deposits, renew time deposits, close loans, service loans, and receive payments on loans and other obligations as an agent for each other in the same manner as bank subsidiaries of a bank holding company may do so under subsection (r) of the Federal Deposit Insurance Act 12 U.S.C. section 1828. The banks shall not be considered branches of each other nor shall the bank making the investment be considered a bank holding company.

Amend RSA 383-B:6-616(b) as inserted by section 16 of the bill by replacing it with the following:

(b) Except as otherwise provided in this subsection, the corporate powers of a mutual holding company shall be vested solely in its corporators, who shall consist of the persons who are named as corporators in the plan of reorganization, and such additional persons as may be chosen to serve as corporators from time to time as provided in the organizational documents of the mutual holding company. The corporators of a mutual holding company shall have the same rights and duties in the mutual holding company as the corporators of a mutual bank have in the bank under RSA 383-B:6-605. The governance of a mutual holding company shall be vested solely in its board of directors. The directors shall be elected by the corporators. The board of directors of the mutual holding company shall have all powers and authorities granted under its organizational documents and applicable federal and state laws. The board of directors shall elect officers and shall supervise management of the mutual holding company. The directors of a mutual holding company shall have the same rights and duties in the mutual holding company as the directors of a mutual bank have in the bank under RSA 383-B:6-604. The initial board of directors shall consist of the persons named in the plan of reorganization. The directors shall hold office until the first annual meeting of the corporators and until their successors have been chosen and qualified. The board of directors shall hold an organization meeting immediately following consummation of the reorganization for the adoption of organizational documents and the election of officers. Any action by a mutual holding company which, if taken by a business corporation, would require the approval of its shareholders under the Corporation Act shall require the vote or concurrence of the corporators of the mutual holding company and in such proportion of the corporators as would be required for the approval of similar action by shareholders of a business corporation. In the case of a savings association converting into a mutual holding company, the rights of the corporators described in this subsection shall be held instead by the association members.

Amend RSA 383-B:6-618 as inserted by section 16 of the bill by replacing it with the following:

383-B:6-618 Supervision and Examinations. The commissioner may require such reports from, and make such examinations of, each mutual holding company as he or she deems necessary to determine the true condition of the subsidiaries and affiliates thereof over which he or she has general supervision, the ability of the subsidiaries and affiliates to perform their engagements, and the inter-company relationship of the mutual holding company and its subsidiaries and affiliates. The cost of the examinations shall be assessed against, and paid by, the mutual holding company. Mutual holding companies shall furnish the commissioner with copies of the reports filed by them with their federal supervisory authorities, and the commissioner shall, as far as possible, rely upon the reports for the purposes of this article.

Amend RSA 383-B:7-703(b) as inserted by section 16 of the bill by replacing it with the following:

(b) A depository bank may relocate a branch office upon the affirmative vote of a majority of its board of directors, but the relocation shall not occur until the depository bank has filed notice of the branch office relocation with the commissioner under RSA 383-A:6-602 and it is permitted to do so by the commissioner under RSA 383-A:6-604. The depository bank shall comply with federal requirements for branch relocations.

Amend RSA 383-B:8-803 as inserted by section 16 of the bill by replacing it with the following:

383-B:8-803 Conversion of a National Bank or Federal Savings Bank into a Depository Bank. A national bank or federal savings bank located in this state which follows the procedure prescribed by federal laws to convert into a depository bank, shall be granted a charter in this state if the commissioner finds that the bank meets the standards as to office location, capital structure and business experience of officers and directors for the incorporation of a depository bank under RSA 383-A.

Amend RSA 383-B:10-1002(b) as inserted by section 16 of the bill by replacing it with the following:

(b) A foreign bank holding company may directly or indirectly acquire a New Hampshire bank holding company, a depository bank, or a national bank or a federal savings bank having its principal place of business in New Hampshire. A foreign bank holding company may also organize, and be the sole incorporator of, a depository bank. No direct or indirect acquisition of a depository bank shall be permitted which will result in a violation of the deposit limitation contained in RSA 383-B:9-906 and 907.

Amend RSA 383-C:3-301(k) as inserted by section 16 of the bill by replacing it with the following:

(k) To be appointed and to act under the order or appointment of any court of competent jurisdiction or otherwise (i) as guardian, receiver, trustee, committee, or conservator of the estate of any minor, person deemed by law to be incompetent to manage his or her affairs, or any other conservatee, or in any other fiduciary capacity, or (ii) as receiver, trustee, or committee of the property or estate of any person in insolvency or bankruptcy proceedings; but this power shall not be construed to deprive any other person of any legal right to have issued to the person a letter of guardianship or of administration;

Amend RSA 383-C:3-301(m) as inserted by section 16 of the bill by replacing it with the following:

(m) To act in a fiduciary capacity, including (i) to take, and accept, and execute any and all trusts, duties, or powers of whatever nature or description that may be conferred upon or entrusted or committed to the trust company by any person; (ii) to exercise any other authority, trust, or power conferred upon or entrusted or committed to the trust company by grant, assignment, transfer, devise, bequest, or otherwise; (iii) to exercise any power or authority that may be granted to the trust company by order of any court of competent jurisdiction or any surrogate; and (iv) to receive, take, use, manage, hold, and dispose of, according to the terms of any trust, duty, or powers any property or estate, real or personal, that is the subject of the trust, duty, or power;

Amend RSA 383-C:3-307 as inserted by section 16 of the bill by replacing it with the following:

383-C:3-307 Trust Company Business Plan; Amendments to Business Plan. A trust company's board of directors shall adopt a business plan that specifies (i) the trust business and other business in which the trust company will engage, (ii) the trust company's management and operation structures, including information technology, (iii) the trust company's disaster recovery or contingency plan, and (iv) other information relevant to the governance, operation, equity ownership, and business of the trust company, including other information as may be prescribed by the commissioner. A trust company's business plan shall be such as will assure the safety and soundness of the trust company. A trust company's board of directors shall obtain the commissioner's approval of any material amendment of its business plan as provided in RSA 383-C:8-801.

Amend RSA 383-C:3-308 as inserted by section 16 of the bill by replacing it with the following:

383-C:3-308 Trust Company Capital Plan and Amendments to Capital Plan. A trust company's board of directors shall adopt a capital plan that specifies (i) the amount of the trust company's capital, (ii) including its required capital, the quality, liquidity, and sources of the trust company's capital, (iii) the proposed investment of the trust company's capital and (iv) other information relevant to the capital of the trust company, including other information as may be prescribed by the commissioner. A trust company's capital plan shall be such as will assure the safety and soundness of the trust company. A trust company's board of directors also shall approve and adopt each amendment to the trust company's capital plan. A trust company shall obtain the commissioner's approval of any material amendment of its capital plan as provided in RSA 383-C:8-801.

Amend RSA 383-C:4-402 as inserted by section 16 of the bill by replacing it with the following:

383-C:4-402 Consideration of Safety and Soundness of Trust Companies. The commissioner shall consider the safety and soundness of a trust company and may make findings relative to a trust company's safety and soundness: (i) when considering any application or notice submitted by a trust company or by any person proposing to be chartered as a trust company; (ii) when examining or investigating the trust company; (iii)

when determining whether or not to initiate any proceeding or issue any no-objection letter, notice, determination; (iv) or order in respect of a trust company, its directors, or its officers, or otherwise as required by this chapter or as the commissioner determines in the commissioner's discretion.

Amend RSA 383-C:5-502(b) as inserted by section 16 of the bill by replacing it with the following:

(b) After a trust company is granted authority to transact business, a trust company shall maintain capital consistent with the trust company's capital plan and not less than the required capital determined by the commissioner for the trust company. Upon notice to a trust company and in consideration of the trust company's safety and soundness, the commissioner may: increase the amount of the trust company's required capital, or the commissioner may reduce the amount of trust company's required capital. All changes to the trust company's required capital shall be reflected in one or more amendments to the trust company's capital plan.

Amend RSA 383-C:5-503(b) as inserted by section 16 of the bill by replacing it with the following:

(b) In consideration of the safety and soundness of a trust company, the commissioner shall determine and, upon notice to a trust company, may increase or reduce the amount of cash or the value of securities pledged to the commissioner under this section so long as the amount of cash or value of securities required to be pledged is not less than \$250,000 nor more than \$1,000,000. If the commissioner requires a trust company to increase the trust company's required liquidation pledge, then the commissioner shall afford the trust company a reasonable time within which to achieve the increase in the trust company's required liquidation pledge and shall specify the reasonable time in the notice of increase provided to the trust company under this section. The amount of cash or value of securities pledged by a trust company shall not be reduced below the level determined by the commissioner, as adjusted by the commissioner, except (i) upon liquidation of the trust company under RSA 395, or (ii) as permitted to fund a special assessment under RSA 383:11-a.

Amend RSA 383-C:7-704 as inserted by section 16 of the bill by replacing it with the following:

383-C:7-704 Examination of Out-of-State Trust Offices. The commissioner may enter into agreements with any regulatory authority having jurisdiction to examine out-of-state trust offices of trust companies. For those examinations, a trust company shall pay (i) an examination fee calculated in accordance with RSA 383:11, I, and (ii) the actual cost of travel, lodging, meals, and other expenses of examination personnel employed in making examinations under this section.

Amend RSA 383-C:8-802(a)(1) as inserted by section 16 of the bill by replacing it with the following:

(1) The identity, personal history, business background, and experience of the proposed new owner or new owners, including (i) each new owner's material business activities and affiliations during the past 5 years, (ii) a description of any material pending legal or administrative proceedings in which the new owner is a party and (iii) a description of any criminal indictment or conviction of the new owner by a state or federal court;

Amend RSA 383-C:8-803(a)(1) as inserted by section 16 of the bill by replacing it with the following:

(1) The identity, personal history, business background, and experience of the proposed acquirer or acquirers of control, including (i) each acquirer's material business activities and affiliations during the past 5 years, (ii) a description of any material pending legal or administrative proceedings in which the acquirer is a party and (iii) a description of any criminal indictment or conviction of the acquirer by a state or federal court;

Amend RSA 383-C:11-1104(a) as inserted by section 16 of the bill by replacing it with the following:

(a) A foreign trust company shall file with the commissioner (i) a true and complete copy of each document that the foreign trust company submits for filing with this state's secretary of state, and (ii) a copy of any notice or other document that the foreign trust company receives from this state's secretary of state.

Amend RSA 383-C:11-1105(c) as inserted by section 16 of the bill by replacing it with the following:

(c) After receipt of a complete application for state charter under RSA 383-C:11-1105(b), and consistent with RSA 383-A:3-305(b), the commissioner may conduct an investigation under RSA 383-A:3-306 and may conduct a hearing under RSA 383-A:3-307. The commissioner shall take action on the application under RSA 383-A:3-308, subject to any conditions that he or she may impose with respect to the domestication, including establishing a date by which the domestication must be completed. In all domestication proceedings under this article, the foreign trust company shall act as organizer of the trust company subject to domestication for purposes of article 3 of RSA 383-A. Upon the foreign trust company's request, the commissioner subsequently may extend the domestication completion date.

Amend RSA 383-C:12-1201(a)-(c) as inserted by section 16 of the bill by replacing them with the following:

(a) "Limited-scope discretionary power" means discretionary power with respect to a trust if: (i) the terms of the trust confer simultaneous, discretionary authority on two or more persons; (ii) the power represents only a portion of the full range of discretionary powers conferred by the terms of the trust instrument on all persons that can exercise discretionary powers under the terms of the trust; and (iii) the power generally is directed toward a singular area of discretion. Limited-scope discretionary power may be any one of the following powers, but generally would not include more than one of the following: the power to make or direct discretionary distributions, the power to decant, the power to add or remove beneficiaries, the power to veto decisions by another fiduciary.

(b) "Qualified trust advisor" means (i) any person that serves as a trust advisor or as a trust protector and, in that capacity, exercises only limited-scope discretionary power as to a trust, and (ii) any other person designated as a qualified trust advisor pursuant to rules adopted by the commissioner under this article.

(c) "Registered advisor" means an entity that is (i) an investment advisor or broker-dealer that maintains a valid registration under state or federal law or (ii) a commodity trading advisor registered under federal law.

Amend RSA 383-D:1-105(a) as inserted by section 16 of the bill by replacing it with the following:

(a) Except to the extent that disclosure of confidential information is permissible under RSA 383:10-b, RSA 383-A:3-305(f), or RSA 383-A:5-512, family trust company information is confidential, is not subject to subpoena, and is not subject to public disclosure.

Amend RSA 383-D:2-201(b)(3)(E) as inserted by section 16 of the bill by replacing it with the following:

(E) A trust of which the settlor is one or more of (i) a key employee, (ii) a former key employee, or (iii) a spouse of a key employee or former key employee.

Amend RSA 383-D:2-201(b)(4) as inserted by section 16 of the bill by replacing it with the following:

(4) "Family charitable organization" means a nonprofit corporation, charitable trust, or other nonprofit or charitable entity if (i) it was created by a family client or (ii) one or more family clients contributed all or substantially all of the money or other property that the entity has received as contributions. For purposes of this subsection, a nonprofit corporation includes any voluntary corporation incorporated under RSA 292. For purposes of this subsection, a charitable entity includes an entity organized for any charitable, educational, or religious purpose or any exempt purpose under Section 501(c)(3) of the Internal Revenue Code of 1986.

Amend RSA 383-D:2-201(b)(8) as inserted by section 16 of the bill by replacing it with the following:

(8) "Former family member" means (i) a spouse or stepchild who was a family member but ceased to qualify as a family member as the result of a divorce, death, or any other reason or (ii) an individual who was a family member but ceased to qualify as a family member as the result of his or her adoption by an individual who is not a family member.

Amend RSA 383-D:4-402(a)(2) as inserted by section 16 of the bill by replacing it with the following:

(2) Except as otherwise provided in subsection (b), an individual who is within (i) the fifth degree of lineal kinship to the designated relative or (ii) the ninth degree of collateral kinship to the designated relative; or

Amend RSA 383-D:4-404(b) as inserted by section 16 of the bill by replacing it with the following:

(b) An individual is a former key employee only to the extent of (i) trust, investment, or other services that the family trust company was providing to that individual (or an eligible trust of which the individual or the individual's spouse was a settlor) immediately before the individual became a former key employee and (ii) any trust, investment, or other service in connection with any additional investments that, with respect to an investment that the family trust company advises or manages, the individual (or an eligible trust of which the individual or the individual's spouse was a settlor) was contractually obligated to make before the individual became a former key employee.

Amend RSA 383-D:5-502 as inserted by section 16 of the bill by replacing it with the following:

383-D:5-502 Application. In addition to any other information that the application may or must contain under RSA 383-A:3-305, the application shall include (i) the designated relative's name and date of birth and

(ii) any request for exemption under RSA 383-D:7-702. For purposes of determining family members, the application may include an election to use the alternate method described in RSA 383-D:4-402(b). Unless the application includes that election or the family trust company elects the alternate method in accordance with RSA 383-D:10-1003, the method described in RSA 383-D:4-402(a) shall apply.

Amend RSA 383-D:7-703 as inserted by section 16 of the bill by replacing it with the following:

383-D:7-703 Modification or Revocation of Exemptions. The commissioner may modify or revoke any exemption granted to a family trust company under RSA 383-D:7-702 if (i) the commissioner determines that, based upon the safety and soundness of the family trust company or any action that the family trust company has taken or proposes to take, modification or revocation is necessary or advisable or (ii) the family trust company fails to comply with this chapter or any other applicable laws. A modification of an exemption includes the imposition of one or more reasonable conditions or limitations on that exemption.

Amend RSA 383-D:11-1102(a)-(b) as inserted by section 16 of the bill by replacing them with the following:

(a) In lieu of an examination, the commissioner may accept (i) a financial audit report made in accordance with RSA 383-A:5-510 and (ii) a fiduciary compliance audit report that includes a review of each material aspect of the family trust company's management, operations, compliance, and asset management and conforms to applicable generally accepted auditing standards.

(b) A family trust company may apply for an exemption from regular examination under RSA 383:13. In determining whether to grant an exemption, the commissioner shall consider (i) the quality of the family trust company's management, operations, compliance, and asset management as determined under any prior examinations and reports described in subsection (a), (ii) the quality, scope, and amount of coverage under the errors and omissions liability insurance policy that the family trust company maintains, and (iii) any other relevant factors affecting the family trust company's safety and soundness. A family trust company exempt from regular examination shall annually file the reports described in subsection (a).

Amend RSA 383-D:12-1203(a) as inserted by section 16 of the bill by replacing it with the following:

(a) The commissioner or any interested person may commence a judicial proceeding for purposes of seeking the dissolution of a family trust company. Each interested person shall be a party to that judicial proceeding. For purposes of this section, "interested person" means a person who is (i) a shareholder of a family trust company organized as a corporation, (ii) a member of a family trust company organized as a limited liability company, or (iii) a director or officer of the family trust company.

Amend RSA 383-D:12-1203(i) as inserted by section 16 of the bill by replacing it with the following:

(i) As justice and equity may require in a judicial proceeding under this section, the court may award costs and expenses, including reasonable attorney's fees, to any party, to be paid by (i) the family trust company, (ii) to the extent that the family trust company's assets are insufficient, one or more of the family trust company's clients, or (iii) another party other than the commissioner.

Amend RSA 383-D:13-1301(b) as inserted by section 16 of the bill by replacing it with the following:

(b) For purposes of this chapter, "foreign family trust company" means a foreign trust company that (i) is organized in a state or jurisdiction other than New Hampshire and (ii) is authorized under the laws of that state or jurisdiction to provide trust, investment, and other services principally to members of one or two families and entities in which one or more of those family members have substantial interests. Under those laws, a trust company meeting those qualifications commonly is called a family trust company or a private trust company.

Amend RSA 383-D:13-1304 as inserted by section 16 of the bill by replacing it with the following:

383-D:13-1304 Filings with the Secretary of State. A foreign family trust company shall file with the commissioner (i) a true and complete copy of each document that the foreign family trust company submits for filing with the New Hampshire secretary of state and (ii) a copy of any notice or other document that the foreign family trust company receives from the New Hampshire secretary of state. RSA 383-C:11-1104 shall not apply to foreign family trust companies.

Amend RSA 383-E:3-304(a) as inserted by section 16 of the bill by replacing it with the following:

(a) The organizer of a credit union shall apply for a charter by filing an application under RSA 383-A:6-602. The commissioner shall prescribe the form of the application. The form shall specify information

required to process the application. Such information shall include: the name of the credit union; the address of the credit union's main office; the credit union's registered agent and registered office; the name and address of each organizer; the name, address, background and experience of the proposed directors and the executive officers; the proposed organizational documents, including the organizer's agreement and the proposed bylaws; a funding plan for the first 5 years of operations, including a statement as to the amount of the proposed initial funding of the guaranty fund, why such funding is adequate for its operations, and the sources and uses of funds; a strategic plan describing the activities the credit union intends to engage in, the qualifications of members and the markets that it intends to serve and its strategy for the first 5 years of operation; pro forma financial statements for the first 5 years of operations; and any other facts or circumstances deemed relevant to the application by the commissioner. The organizer shall also file with the commissioner a copy of any application to the National Credit Union Administration or any insurance fund for insurance of the shares and deposits of the members.

Amend RSA 383-E:3-309 as inserted by section 16 of the bill by replacing it with the following:

383-E:3-309 Completion of Organization. The organizer shall submit evidence to the commissioner that it has adopted bylaws, elected, or caused to be elected, the directors and officers required by its organizational documents and satisfied all other requirements of the charter.

Amend RSA 383-E:4-408(b) as inserted by section 16 of the bill by replacing it with the following:

(b) Advances of federal funds to banks which also qualify as cash depositories under RSA 383-B:3-301(k), provided that total advances of federal funds under this subsection shall not exceed 20 percent of the credit union's shares and deposits, and the total of such advances by a credit union to any one bank shall not exceed 10 percent of the bank's capital funds.

Amend RSA 383-E:4-410 as inserted by section 16 of the bill by replacing it with the following:

383-E:4-410 Retention of Securities. Any security held under RSA 383-E:4-404 through 409 which becomes nonlegal because of changes in the law relating to legal investments or because of conditions arising subsequent to the purchase of such security, may be retained upon application to the commissioner for approval to retain the security.

Amend RSA 383-E:4-417 as inserted by section 16 of the bill by replacing it with the following:

383-E:4-417 Transactions Involving Assets and Liabilities. A credit union may purchase assets from and assume liabilities of, or sell assets and transfer liabilities to, a bank, state credit union, federal credit union, or foreign credit union if it files an application with the commissioner under RSA 383-A:6-602 and is permitted to do so by the commissioner under RSA 383-A:6-604, subject to other federal or state regulatory approvals.

Amend RSA 383-E:5-509 as inserted by section 16 of the bill by replacing it with the following:

383-E:5-509 Dividends. At such intervals and for such periods as the board of directors may authorize, and after any required transfers to the required reserves, the board of directors may declare dividends on shares and interest on deposits from current earnings. Dividends may be paid at various rates with due regard to the conditions that pertain to each type of share or deposit account such as minimum balance, notice and time requirements. Dividends may be paid from the undivided earnings of previous years if the payment of the dividends does not cause the net worth of the credit union to fall below "Well Capitalized," as set forth in 12 C.F.R. part 702 Prompt Corrective Action (PCA). Payment of these dividends from prior years' undivided earnings shall be reported to the commissioner within 30 days of dividend declaration. With prior approval of the commissioner, dividends may be paid from the undivided earnings of previous years if the payment of the dividends does cause the credit union's net worth to fall below "Well Capitalized" as set forth in 12 C.F.R. part 702 Prompt Corrective Action (PCA).

Amend the introductory paragraph of RSA 383-E:6-603(a) as inserted by section 16 of the bill by replacing it with the following:

(a) The commissioner may exempt a credit union from the annual audit requirement of RSA 383-E:6-602 if the credit union demonstrates that:

Amend RSA 383-E:8-801 as inserted by section 16 of the bill by replacing it with the following:

383-E:8-801 Regular Reserves. At the end of each quarterly reporting period, a transfer from current earnings shall be made to the regular reserve as set forth in 12 C.F.R. part 702. In the event that current earnings are insufficient to allow the required transfer, undivided earnings shall be utilized to augment the

amount transferred from current earnings. The credit union shall notify the commissioner within 30 days of any required transfers made from undivided earnings to the regular reserve. Prior approval of the commissioner is required before any disbursements from the regular reserve.

Amend RSA 383-E:9-903 as inserted by section 16 of the bill by replacing it with the following:

383-E:9-903 Automated Teller Machines; Fee Disclosure. A credit union, federal credit union or foreign credit union that owns or operates an automated teller machine in this state shall be subject to RSA 383-B:7-705.

Amend RSA 564-B:7-702(c)(2) as inserted by section 50 of the bill by replacing it with the following:

~~(2) Any [trust company, bank, or savings association incorporated under the laws of any other state, or any national bank or federally chartered savings association having its principal place of business in any other state, if such entity is permitted to exercise fiduciary powers in this state pursuant to RSA 390:13, H]~~
bank as defined in RSA 383-A:2-201(a)(3), if that bank is permitted to conduct a trust business, as defined in RSA 383-A:2-201(a)(51), in this state.

Amend the bill by replacing all after section 52 with the following:

53 Purposes. The purposes of sections 54-67 of this act are to clarify the limitation periods applicable to claims against trustees, trust advisors, and trust protectors, clarify the persons who are interested persons for purposes of a nonjudicial settlement agreement, clarify the primacy of settlor intent in construing or modifying the terms of a trust, and make other changes to this state's trust laws.

54 Uniform Trust Code; Limitation of Action Against a Trustee by a Beneficiary. Amend RSA 564-B:10-1005 by inserting after subsection (e) the following new subsections:

(f) In the case of a claim against a deceased trustee for breach of trust, this section shall apply to the extent that the claim is not barred by a limitation period under RSA 556, RSA 564-B:5-508, or other applicable law.

(g) For purposes of determining whether, for purposes of this section, a trust has terminated or a beneficiary's interest in a trust has terminated, trust property excludes any claim against a trustee, trust advisor, or trust protector.

55 Uniform Trust Code; Limitation of Action Against a Trustee by a Trustee, Trust Advisor, or Trust Protector. Amend RSA 564-B:10-1005A by inserting after subsection (d) the following new subsections:

(e) In the case of a claim against a deceased trustee for breach of trust, this section shall apply to the extent that the claim is not barred by a limitation period under RSA 556, RSA 564-B:5-508, or other applicable law.

(f) For purposes of determining whether, for purposes of this section, a trust has terminated or a beneficiary's interest in a trust has terminated, trust property excludes any claim against a trustee, trust advisor, or trust protector.

56 Uniform Trust Code; Limitation of Action Against a Trust Advisor or Trust Protector. Amend RSA 564-B:12-1206(a) to read as follows:

(a) A beneficiary shall commence a proceeding against a trust advisor or trust protector for breach of trust within the earlier of:

(1) One year after the date on which the beneficiary or the beneficiary's representative was sent a report that adequately disclosed the existence of a potential claim for breach of trust and informed the beneficiary of the time allowed for commencing a proceeding; [or]

(2) Three years after the date on which the beneficiary or the beneficiary's representative was sent a report that adequately disclosed the existence of a potential claim for breach of trust[-];

(3) Three years after the trust advisor's or trust protector's resignation or removal;

(4) To the extent that the claim is not barred by a limitation period under RSA 556, RSA 564-B:5-508, or other applicable law, three years after the trust advisor's or trust protector's death;

(5) Three years after termination of the beneficiary's interest in the trust; or

(6) Three years after the termination of the trust.

57 Uniform Trust Code; Nonjudicial Settlement Agreements. Amend RSA 564-B:1-111(a) and (b) to read as follows:

(a) For purposes of this section, “interested [persons] **person**” means ***each of the following persons: a trustee; a person who, under the terms of the trust, has the power to enforce the trust; if the trust is a charitable trust, the director of charitable trusts; and any other*** [persons] **person**, other than the settlor, whose consent would be required in order to achieve a binding settlement were the settlement to be approved by a court.

(b) Except as otherwise provided in subsection (c), ***all of the*** interested persons may enter into a binding nonjudicial settlement agreement with respect to any matter involving a trust.

58 Uniform Trust Code; Rules of Construction. Amend RSA 564-B:1-112 to read as follows:

564-B:1-112 Rules of Construction. The rules of construction that apply in this state to the interpretation of and disposition of property by will also apply as appropriate to the interpretation of the terms of a trust and the disposition of the trust property. ***In interpreting or construing the terms of a trust, the settlor’s intent shall be sovereign to the extent that the settlor’s intent is lawful, not contrary to public policy, and possible to achieve.*** For the purposes of determining the benefit of the beneficiaries, the settlor’s intent as expressed in the terms of the trust shall be paramount.

59 Uniform Trust Code; Role of Court in Administration of Trust. Amend 564-B:2-201 by inserting after subsection (c) the following new subsection:

(d) Each of the following persons may commence a judicial proceeding for the purpose of enforcing the terms of the trust: a settlor; a qualified beneficiary; a trustee; a person who, under the terms of the trust, has the power to enforce the terms of the trust; and in the case of a charitable trust, the director of charitable trusts.

60 Uniform Trust Code; Modification or Termination of Trust; Proceedings for Approval or Disapproval. Amend RSA 564-B:4-410 by inserting after subsection (b) the following new subsection:

(c) A modification or termination under RSA 564-B:4-410, RSA 564-B:4-411, RSA 564-B:4-412, RSA 564-B:4-413, RSA 564-B:4-415, or RSA 564-B:4-416 shall not violate any of the trust’s material purposes.

61 Uniform Trust Code; Exceptions to Spendthrift Provision. Amend RSA 564-B:5-503(c) to read as follows:

(c) A claimant against whom a spendthrift provision [~~cannot be enforced~~] ***is unenforceable*** may obtain from a court an order attaching present or future distributions to or for the benefit of the beneficiary. ***Attachment of distributions is the claimant’s exclusive remedy against the beneficiary’s interest in the trust.*** The court may limit [~~the award to such~~] ***that*** relief as is appropriate under the circumstances.

62 Uniform Trust Code; Specific Powers of Trustees. Amend the introductory paragraph of RSA 564-B:8-816(b)(1) to read as follows:

(1) Without limiting the authority conveyed by RSA 564-B:8-815, a trustee of a charitable remainder [~~annuity~~] trust may pay an amount distributable to a beneficiary who is financially disabled by paying that amount to a separate trust if under the terms of that separate trust, the trustee must administer those amounts on behalf of that beneficiary and, upon the beneficiary’s death, must distribute the remaining trust property either to:

63 New Section; Uniform Trust Code; Beneficiary’s Disclaimer of an Interest in a Trust. Amend RSA 564-B by inserting after RSA 564-B:10-1014 the following new section:

564-B:10-1015 Beneficiary’s Disclaimer of an Interest in a Trust.

(a) In addition to a beneficiary’s right to disclaim an interest in a trust under RSA 563-B and any other method for refusing to accept an interest in a trust, a beneficiary may disclaim an interest in a trust, including a trust that contains a spendthrift provision. An interest may be less than the beneficiary’s entire interest in the trust. The disclaimer must be made by a written instrument delivered to a trustee.

(b) Unless the trustee has made a distribution to or for the benefit of the beneficiary, a disclaimer under subsection (a) is effective as of the interest’s creation and is not a transfer, assignment, or release of the disclaimed interest.

(c) A beneficiary’s right to disclaim an interest in a trust does not affect the validity or effect of a spendthrift provision.

64 Uniform Trust Code; Definitions. Amend RSA 564-B:1-103 by inserting after subsection (29) the following new sections:

(30) “Good faith” means:

(A) with respect to a trustee, trust advisor, or trust protector, the observance of common standards of honesty, decency, fairness, and reasonableness in accordance with the terms of the trust, the trust’s purposes, and the interests of the beneficiaries as their interests are defined under the terms of the trust; or

(B) with respect to a person other than a trustee, trust advisor, trust protector, or beneficiary for purposes of RSA 564-B:10-1012 and RSA 564-B:10-1013, honesty in fact and the observance of reasonable commercial standards of fair dealing.

(31) “Resident” means an individual who is domiciled in the state or jurisdiction in which he or she has his or her principal place of physical presence.

65 Uniform Trust Code; Governing Law. Amend RSA 564-B:1-107 to read as follows:

564-B:1-107 Governing Law.

(a) The meaning and effect of the terms of a trust are determined by:

(1) the law of the jurisdiction designated in the terms *of the trust* unless the designation of that jurisdiction’s law is contrary to a strong public policy of the jurisdiction having the most significant relationship to the matter at issue; or

(2) in the absence of a controlling designation in the terms of the trust, the law of the jurisdiction having the most significant relationship to the matter at issue.

(b) Without precluding other circumstances under which this state has the most significant relationship to a matter affecting a trust, this state has the most significant relationship to a matter involving a trust’s validity, construction, or administration if:

(1) under the terms of the trust, this state’s laws govern that matter; and

(2) the trust has its principal place of administration in this state.

66 Uniform Trust Code; Trustee’s Power to Decant Trust. Amend RSA 564-B:4-418(k)(1) and (2) to read as follows:

(1) the trustee does not have the discretion to make or participate in making distributions to himself or herself ***unless the terms of second trust impose the same limitation on that trustee’s discretion;***

(2) the trustee’s discretion to make or participate in making distributions to himself or herself is limited by an ascertainable standard ***unless the terms of second trust impose the same limitation on that trustee’s discretion;***

67 Uniform Trust Code; Short Title. Amend RSA 564-B:1-101 to read as follows:

564-B:1-101 Short Title. This chapter may be cited as the [Uniform] ***New Hampshire*** Trust Code.

68 Uniform Trust Code; Chapter Title. Amend the chapter title of RSA 564-B to read as follows:

CHAPTER 564-B

[UNIFORM] ***NEW HAMPSHIRE*** TRUST CODE

69 Cross Reference Change. Amend RSA 564:19, III to read as follows:

III. A trust created under a will described in paragraph II, with respect to which no judicial accountings will be required, shall in all respects be subject to the beneficiary reporting and information requirements of RSA 564-B, the [Uniform] ***New Hampshire*** Trust Code, and all other pertinent provisions of such code, except to the extent that a contrary provision appears in the will under which the trust was created, provided that such contrary provision does not violate any of the mandatory rules of RSA 564-B:1-105. For these purposes, the pertinent terms of the will shall have the same meaning as “terms of a trust” and the “will creating the trust” shall have the same meaning as “trust instrument,” as defined in RSA 564-B:1-103(19) and (20), respectively.

70 Cross Reference Change. Amend RSA 564:25 to read as follows:

564:25 Application of the [Uniform] *New Hampshire* Trust Code. The provisions of RSA 564-B, the [Uniform] *New Hampshire* Trust Code, shall apply to all trusts under a will governed by this chapter, except to the extent that any provisions of the [Uniform] *New Hampshire* Trust Code conflict with the express provisions of this chapter, in which case the provisions of this chapter shall control.

71 Effective Date.

- I. Section 13 of this act shall become effective on July 1, 2015.
- II. Sections 54, 55, 57, 61 and 62 of this act shall take upon its passage.
- III. Sections 53 and 56 shall take effect 60 days after its passage.
- IV. The remainder of this act shall become effective on October 1, 2015.

2015-0712s

AMENDED ANALYSIS

This bill:

- I. Amends RSA 383 relative to the banking department as part of the general revision of state laws relative to banks and credit unions.
- II. Adds a new chapter RSA 383-A that consolidates, updates, and simplifies administrative procedures and enforcement actions relative to banks and credit unions.
- III. Adds a new chapter RSA 383-B that consolidates, updates, and clarifies laws relative to depository banks and bank holding companies.
- IV. Adds a new chapter RSA 383-C that consolidates, updates, and clarifies laws relative to trust companies.
- V. Adds a new chapter RSA 383-D that consolidates, updates, and clarifies laws relative to family trust companies.
- VI. Adds a new chapter RSA 383-E that consolidates, updates, and clarifies laws relative to credit unions.
- VII. Amends miscellaneous banking statutes affected by these revisions.
- VIII. Repeals laws superseded by the new chapters.
- IX. Renames the uniform trust code as the New Hampshire trust code and amends provisions relative to limitation periods applicable to claims against trustees, trust advisors, and trust protectors.
- X. Identifies the persons who are interested persons for purposes of a nonjudicial settlement agreement.
- XI. Identifies the primacy of settler intent in construing or modifying the terms of a trust.

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. Soucy, seconded by Sen. Stiles.

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 the Committee on Finance (Rule 4-5).

SB 203-FN, relative to review of eligibility for workers' compensation. Ought to Pass with Amendment, Vote 4-0. Senator Soucy for the committee.

Commerce
March 3, 2015
2015-0705s
10/06

Amendment to SB 203-FN

Amend RSA 281-A:48, I as inserted by section 1 of the bill by replacing it with the following:

I. Any party at interest with regard to an injury occurring after July 1, 1965, may petition the commissioner *pursuant to RSA 281-A:42-d* to review a denial or an award of compensation made pursuant to RSA 281-A:40 by filing a petition with the commissioner not later than the fourth anniversary of the ~~[date of such denial or the last payment of compensation under such award or pursuant to RSA 281-A:40, as the case may be]~~ ***last date of medical treatment for that injury***, upon the ground of a change in conditions, mistake as to the nature or extent of the injury or disability, fraud, undue influence, or coercion. This section shall not apply to requests for extensions of medical and hospital benefits, or other remedial care, which shall be governed solely by those sections of this chapter relating thereto. This section shall not apply to lump sum agreements, except upon the grounds of fraud, undue influence, or coercion.

2015-0705s

AMENDED ANALYSIS

This bill allows the commissioner of labor to review eligibility for workers' compensation not later than the fourth anniversary of the last date of medical treatment for an injury.

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. Morse and Sanborn are in opposition to the motion of Ought to Pass with Amendment on SB 203-FN.

SB 216-FN, relative to sales on the premises of beverage manufacturers and nano breweries. Ought to Pass with Amendment, Vote 4-0. Senator Prescott for the committee.

Commerce
March 3, 2015
2015-0710s
03/10

Amendment to SB 216-FN

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

AN ACT relative to sales of alcoholic beverages by manufacturers.

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

1 Liquor Manufacturer License. Amend RSA 178:6, IV to read as follows:

IV. A liquor manufacturer may provide to visitors ***of legal drinking age*** at its facility samples of liquor ***manufactured on the premises*** for tasting. Samples ~~[shall not exceed 1/2 ounce, and shall not be provided to any persons under 21 years of age]~~ ***may be provided either free or for a fee and shall be limited to one 1/2-ounce sample per label per person. Samples sold under this section shall be subject to fees as established in paragraph VI.***

2 Rectifier License. Amend RSA 178:7, IV to read as follows:

IV. A rectifier may provide ~~[a reasonable number of]~~ samples of liquor ***rectified on the premises*** for tasting to ~~[a visitor]~~ ***visitors of legal drinking age*** at its licensed rectifier facility. Samples ~~[shall not exceed 1/2 ounce, and shall not be provided to any person under 21 years of age]~~ ***may be provided either free or for a fee and shall be limited to one 1/2-ounce sample per label per person. Samples sold under this section shall be subject to fees as established in paragraph VI.***

3 Wine Manufacturer License. Amend RSA 178:8, III to read as follows:

III. Each wine manufacturer shall have the right to sell at retail or wholesale at its winery for off-premises consumption any of its wines. Visitors ***of legal drinking age*** at said premises may be provided with ~~[reasonable]~~ samples of wine ***manufactured on the premises*** for tasting. ***Samples may be provided either free or for a fee and shall be limited to one 2-ounce sample per label per person.*** Pursuant to rules adopted by the commission, a wine manufacturer may transport its products to a farmers' market or a wine festival licensed under RSA 178:31, and may sell such products at retail in the original container.

4 New Paragraph; Beverage Manufacturer; Sales for On-Premises Consumption. Amend RSA 178:12 by inserting after paragraph II the following new paragraph:

II-a. The holder of a beverage manufacturer license may sell beverage samples to visitors of legal drinking age for consumption on the premises where the beverages were manufactured. Sales of samples for consumption on the premises shall be limited to one 4-ounce glass per label per person.

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

2015-0710s

AMENDED ANALYSIS

This bill authorizes sales of samples of alcoholic beverages by manufacturers. Samples sold by beverage manufacturers would be for on-premises consumption.

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 219-FN, relative to breastfeeding. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Commerce
March 3, 2015
2015-0707s
01/06

Amendment to SB 219-FN

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

1 New Subdivision; Breastfeeding; Employer Responsibilities. Amend RSA 275 by inserting after section 75 the following new subdivision:

Breastfeeding; Employer Responsibilities

275:76 Definitions. In this subdivision:

I. "Department" means the department of labor.

II. "Express milk" means the act of extracting human milk which can be accomplished by hand or pump.

III. "Employer" means an individual, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, governmental entity, and any common carrier who employs any person. "Employer" shall also include any person acting in the interest of an employer directly or indirectly.

275:77 Time and Space to Express Milk.

I. An employer shall provide:

(a) A reasonable break time for an employee to express breast milk for her nursing child each time such employee has need to express the milk; and

(b) A sanitary indoor place, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from co-workers and the public, which may be used by an employee to express breast milk.

II. An employer shall not be required to compensate an employee receiving reasonable break time under paragraph I for any work time spent for such purpose, providing such break shall be documented as a break for the purpose of expressing milk.

III. Where employers already provide compensated breaks, an employee who uses that break time to express milk shall be compensated in the same way that other employees are compensated for break time. In addition, the employee shall be completely relieved from duty or else the time shall be compensated as work time.

IV. An employer that employs less than 50 employees shall not be subject to the requirements of this chapter, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business.

275:78 Retaliation. An employer shall not discharge or in any other manner discriminate against any employee because he or she makes a charge, files any complaint, or institutes or causes to be instituted any

investigation, proceeding, hearing, or action under or related to this chapter, including an investigation conducted by the employer, or has testified or is planning to testify or has assisted or participated in any manner in any such investigation, proceeding, hearing, or action.

275:79 Penalty. Any employer violating this chapter shall be subject to a civil penalty, to be imposed by the labor commissioner in accordance with the procedures established in RSA 273:11-a. An employer aggrieved by the commissioner's assessment of such penalty may appeal in accordance with RSA 273:11-c.

275:80 Advisory Council on Breastfeeding.

I. There is hereby established an advisory council on breastfeeding. The advisory council shall follow the goals of the United States Surgeon General and the United States Breastfeeding Committee. The advisory council shall be comprised of, but not limited to:

- (a) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the senate president.
- (c) The commissioner of the department of labor, or designee.
- (d) A representative from the women, infants, and children program (WIC), appointed by the commissioner of the department of health and human services.
- (e) A certified midwife, appointed by the midwifery council established in RSA 326-D:3.
- (f) A member of the New Hampshire Business and Industry Association, appointed by the association.
- (g) The president of the New Hampshire Breastfeeding Rights Coalition, or designee.
- (h) The chair of the New Hampshire Breastfeeding Task Force, or designee.
- (i) A hospital administrator from a certified baby-friendly hospital, appointed by the governor.
- (j) A transportation representative, appointed by the governor.
- (k) A currently breastfeeding mother, appointed by the governor.
- (l) An attorney with experience in human rights issues, appointed by the New Hampshire commission on human rights.

II. The advisory council shall examine best practices in New Hampshire, including but not limited to the Baby Friendly Hospital Initiative, Family and Sick Leave, Childcare Trainings on Breastfeeding, Milk Banks, Lactation Spaces in Public Accommodations, and the World Health Organization's International Code of Marketing of Breastmilk Substitutes.

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

IV. The advisory council may meet as often as necessary to effectuate its goals and meetings may be held by conference call. A minimum of 3 meetings per year shall be open to the public.

V. The advisory council shall make an interim report commencing on November 1, 2015 and a final report on December 1, 2016 on its activities and findings, together with any recommendations for proposed legislation, to the president of the senate, the speaker of the house of representatives, and the governor.

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

VIII. Keep posted in a place accessible by his or her employees such notices as prescribed by the commissioner on the protections under RSA 275:76 – 275:80. The commissioner shall adopt rules, under RSA 541-A, relative to the form, content, and placement of such notices.

3 Nursing Mothers; Exemption from Jury Duty. Amend RSA 500-A:11 to read as follows:

500-A:11 Excuse From Jury Service. A person who is not disqualified for jury service may be excused from jury service by the court only upon a showing of undue hardship, extreme inconvenience, public necessity, **nursing mothers**, or for any other cause that the court deems appropriate. The person may be excused for the time deemed necessary by the court and shall report again for jury service, as directed by the court.

4 Repeal. RSA 275:80, relative to an advisory council on breastfeeding, is repealed.

5 Effective Date.

I. Section 4 of this act shall take effect December 1, 2016.

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

2015-0707s

AMENDED ANALYSIS

This bill requires employers to provide reasonable accommodations to women who are breastfeeding. The bill also exempts a nursing mother from jury duty.

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.

EDUCATION

SB 157-FN, establishing a civics education requirement as a condition for high school graduation. Ought to Pass with Amendment, Vote 3-2. Senator Avard for the committee.

Senate Education

March 3, 2015

2015-0677s

10/04

Amendment to SB 157-FN

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

AN ACT relative to encouraging high school students to take and pass a United States citizenship test.

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

1 Legislative Purpose. In order to ensure that all New Hampshire high school graduates have a basic understanding of United States civics and history, and to promote and encourage active and engaged citizenship, the general court encourages all New Hampshire high school students to take a United States Citizenship and Immigration Services (USCIS) test based on that administered to all applicants for U.S. citizenship.

2 School Boards; Instruction in National and State History and Government. Amend RSA 189:11 to read as follows:

189:11 Instruction in National and State History and Government.

I. In all public and private schools in the state there shall be given regular courses of instruction in the history, government and constitutions of the United States and New Hampshire, including the organization and operation of New Hampshire municipal, county and state government and of the federal government. Such instruction shall begin not later than the opening of the eighth grade and shall continue in high school as an identifiable component of a year's course in the history and government of the United States and New Hampshire.

II.(a) As a component of instruction under paragraph I, students shall be encouraged to take a United States Citizenship and Immigration Services (USCIS) test.

(b) The test shall be based on the 100-question test used by the USCIS and administered to all applicants for United States citizenship. Students taking the test will be tested on all 100 questions, and a score of 60 percent shall represent a passing grade. Students may take the test more than once and those students who attain a passing grade shall be eligible for a certificate issued by their school district.

(c) All New Hampshire public or chartered public schools, or the general education diploma (GED) testing service shall certify to the superintendent of the school district in which the student resides, the names of those students who have taken the test and received a passing grade on the test.

3 Applicability. The provisions of this act shall only apply to students eligible to receive a high school diploma or high school equivalency certificate on or after January 1, 2016.

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

2015-0677s

AMENDED ANALYSIS

This bill encourages students in high school or equivalent to take and pass a United States citizenship test as a component of instruction in the history, government, and constitutions of the United States and New Hampshire.

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

Sen. Kelly offered a floor amendment.

Sen. Kelly, Dist. 10

March 11, 2015

2015-0840s

04/10

Floor Amendment to SB 157-FN

Amend RSA 189:11, II as inserted by section 2 of the bill by replacing it with the following:

II.(a) As a component of instruction under paragraph I, students shall be encouraged to take a United States Citizenship and Immigration Services (USCIS) test.

(b) The test shall be based on the 100-question test used by the USCIS and administered to all applicants for United States citizenship. Students taking the test will be tested on all 100 questions, and a score of 60 percent shall represent a passing grade. Students may take the test more than once and those students who attain a passing grade shall be eligible for a certificate issued by their school.

Recess. Out of recess.

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

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

ENERGY AND NATURAL RESOURCES

SB 26-FN, relative to the electric renewable portfolio standard. Re-refer to committee, Vote 5-0. Senator Sanborn for the committee.

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

SB 117-FN-L, relative to energy security and diversity. Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Energy and Natural Resources

March 4, 2015

2015-0728s

06/01

Amendment to SB 117-FN-LOCAL

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

1 Public Utilities Commission; Investigation of Net-Metered Resources. The commission shall initiate a proceeding by July 30th, 2015 to:

I. Investigate the costs and benefits of renewable resources, net-metered pursuant to RSA 362-A:9, including but not limited to the following variables: utility service territory, participants, non-participants, resource type, and participant compensation rate to New Hampshire; and

II. Investigate the implementation of standard offer contracts, or feed-in tariffs, for customer-sited resources, net-metered pursuant to RSA 362-A:9, in New Hampshire.

2 New Subdivision; Geothermal Energy Systems Exemption. Amend RSA 72 by inserting after section 72 the following new subdivision:

Geothermal Energy Systems Exemption

72:72-a Definition of Geothermal Energy Systems. In this subdivision "geothermal energy system" means a system which produces useful thermal energy from geothermal energy to heat or cool the interior of a building or to heat water for use in a building.

72:72-b Exemption for Geothermal Energy Systems. Each city and town may adopt under RSA 72:27-a an exemption from the assessed value, for property tax purposes, for persons owning real property that is equipped with a geothermal energy system as defined in RSA 72:72-a.

72:72-c Application for Exemption. Applications for exemptions under RSA 72:72-b shall be governed by the provisions of RSA 72:33, 72:34, and 72:34-a.

3 Electric Utility Investment in Distributed Energy Resources; Purpose. Amend RSA 374-G:1 to read as follows:

374-G:1 Purpose. Distributed energy resources can increase overall energy efficiency and provide energy security and diversity by eliminating, displacing, or better managing traditional fossil fuel energy deliveries from the centralized bulk power grid, **and decrease the need to buy peak power from the regional wholesale market**, in keeping with the objectives of RSA 362-F:1. It is therefore in the public interest to stimulate investment in distributed energy resources in New Hampshire in diverse ways, including ~~[by encouraging]~~ **allowing** New Hampshire electric public utilities to invest in **prudent** renewable and clean distributed energy resources at the lowest reasonable cost to taxpayers benefiting the transmission and distribution system under state regulatory oversight.

4 Electric Utility Investment in Distributed Energy Resources; Definition; Distributed Energy Resources. Amend RSA 374-G:2, II to read as follows:

II. "Distributed energy resources" in this chapter shall exclude electric generation equipment interconnected with the local electric distribution system at a single point or through a customer's own electrical wiring that is in excess of [5] **6** megawatts.

5 Investments in Distributed Energy Resources. Amend RSA 374-G:4, I to read as follows:

I. Notwithstanding any other provision of law to the contrary, as provided in RSA 374-G:5, a New Hampshire electric public utility may invest in or own, **in part or in its entirety**, distributed energy resources, located on or inter-connected to the local electric distribution system.

6 Rate Filing; Authorization. RSA 374-G:5 is repealed and reenacted to read as follows:

I. A New Hampshire electric public utility may seek approval from the commission for rate recovery of its portion of the ownership of or investments in distributed energy resources by making an appropriate rate filing. At a minimum, such filing shall include the following:

(a) A detailed description and economic evaluation of the proposed investment.

(b) A discussion of the costs, benefits, and risks of the proposal, including an analysis of the costs, benefits, and rate implications to the participating customers, to the company's default service customers, and to the utility's distribution customers.

(c) A description of any equipment or installation specifications, solicitations, and procurements it has or intends to implement.

(d) A showing that the utility has used a competitive bidding process to reasonably minimize costs of the project to ratepayers and to maximize private investment in the project.

(e) A showing that it has made reasonable efforts to involve local businesses in its program.

(f) Evidence of compliance with any applicable emission limitations.

(g) A copy of any customer contracts or agreements to be executed as part of the program.

II. The commission shall approve the public utility's rate recovery of its portion of the ownership or investment in a distributed energy resource if the commission finds such ownership or investment is in the public interest. There shall be a rebuttable presumption that ownership of or investment in a distributed renewable energy or energy efficiency, demand-reducing, or storage resource is in the public interest. In determining whether ownership or investment is in the public interest, the commission shall find that such ownership or investment:

(a) Using the societal test, will result in an economic benefit to the state and its residents.

(b) Efficiently and cost-effectively realizes the purposes of the renewable portfolio standards of RSA 362-F and the restructuring policy principles of RSA 374-F:3.

(c) Promotes the energy security, environmental, and economic development benefits of the investment to the state of New Hampshire.

(d) Is consistent with the state energy strategy.

III. Authorized and prudently incurred investments shall be recovered under this section in a utility's base distribution rates as a component of rate base, and cost recovery shall include the recovery of depreciation, a return on investment, financing, taxes, internal and external costs prudently incurred related to the development of the resource and the regulatory approval process, and other operating and maintenance expenses directly associated with the investment, net of any offsetting revenues received by the utility directly attributable to the investment including revenues from projects authorized by RSA 374-G. The utility may recover all reasonable costs associated with the filing, whether or not the application is approved by the commission. Recovery of such project costs could occur outside of a rate case.

IV. The commission may add an incentive to the return on equity component as it deems appropriate to encourage investments in distributed energy resources.

V. The commission shall approve, disapprove, or approve with conditions a utility rate filing under this section within 90 days of its filing. The commission may extend by order this deadline to 6 months at its discretion for any filing involving an investment in excess of \$1,000,000.

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

2015-0728s

AMENDED ANALYSIS

This bill:

I. Creates an exemption from assessed value, for property tax purposes, for property with a geothermal energy system.

II. Modifies the requirements for electric public utilities that are filing for rate recovery.

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 260-FN, relative to the authority of the public utilities commission to regulate telecommunications service providers. Re-refer to committee, Vote 4-0. Senator Sanborn for the committee.

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

Sen. Feltes asserts Rule 6-25 on SB 260-FN.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 86, relative to state procurement of goods and services. Ought to Pass with Amendment, Vote 3-0. Senator Carson for the committee.

Senate Executive Departments and Administration

March 4, 2015

2015-0741s

08/10

Amendment to SB 86

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

1 New Subdivision; Requests for Financial Information Regarding Requests for Bids or Requests for Proposals. Amend RSA 21-G by inserting after section 35 the following new subdivision:

Financial Information Regarding Requests for Bids and Proposals

21-G:36 Definitions. In this subdivision:

I. "Agency" means any executive branch department, commission, board, institution, bureau, office, or other entity established in the state constitution, statutes, session laws, or executive orders.

II. "Bidder" means a contractor, supplier, or vendor who responds to an RFB, RFP, RFA, or similar requests for submission with an offer to sell goods or services.

III. "Request for application (RFA)" means an invitation to submit an offer to provide identified services to an agency where the amount of funding available and the particulars of how the services are to be provided are defined by the agency and where the selection of qualifying vendors will be according to identified criteria as provided in RSA 21-I:22-a and RSA 21-I:22-b.

IV. "Request for bid (RFB)" means an invitation to submit an offer to provide specified commodities or services to an agency at a price proposed by the bidder where selection is based on the lowest price meeting or exceeding specifications as stated in the bid.

V. "Request for proposal (RFP)" means an invitation to submit a proposal to provide specified goods or services, where the particulars of the goods or services and the price are proposed by the vendor and, for proposals meeting or exceeding specifications, selection is according to identified criteria as provided in RSA 21-I:22-a and RSA 21-I:22-b.

VI. "Selected vendor" means the qualified bidder which has been identified by the agency as having received the best score for its proposal according to the criteria set forth in an RFP, RFA, or similar requests for submission, as provided in RSA 21-I:22-a and RSA 21-I:22-b, or which has been identified by the agency as providing the best price as set forth in an RFB.

VII. "Vendor" means a person or entity who offers products or services for sale.

21-G:37 Financial Information Regarding Requests for Bids or Requests for Proposals.

I. In order to protect the integrity of the bidding process, notwithstanding RSA 91-A:4, no information shall be available to the public, or to the members of the general court or its staff concerning specific responses to requests for bids (RFBs), requests for proposals (RFPs), requests for applications (RFAs), or similar requests for submission for the purpose of procuring goods or services or awarding contracts from the time the request is made public until the closing date for responses.

II. On the closing date for responses, the agency shall:

(a) In the case of a RFB, hold a public bid opening at which it shall disclose the name of the bidders which submitted timely bids and the prices offered.

(b) In the case of a RFP, RFA, or similar request for submission, post the number of responses received on the agency website.

III. Notwithstanding RSA 91-A:4, no information other than that specified in paragraph II shall be available to the public or to the members of the general court or its staff concerning specific RFBs, RFPs, RFAs, or similar requests for submission made by any state agency from the closing date for responses until the contract negotiations with the selected vendor are completed, as determined by the issuing agency except:

(a) In the case of a RFB that requires approval from the governor and executive council, the issuing agency shall, at least 5 business days prior to submitting the contract to the department of administrative services, post the vendors' names and respective prices for each responding vendor on its website.

(b) In the case of a RFB that does not require approval from the governor and executive council, the issuing agency shall, at minimum, post the vendors' names and respective prices for each responding vendor on its website at the time that the RFB is awarded.

(c) In the case of a RFP, RFA, or similar request for submission that requires approval from the governor and executive council, the issuing agency shall, at least 5 business days prior to submitting the proposed contract to the department of administrative services, post the rank or score for each responding vendor on its website.

(d) In the case of a RFP, RFA, or similar request for submission that does not require approval from the governor and executive council, the issuing agency shall, at least 5 business days before final approval of the proposed contract by the appropriate agency authority, post the rank or score for each responding vendor on its website.

IV. A bidder questioning an agency's identification of the selected vendor may request that the agency review its selection process. Such request shall be made in writing and be received by the agency within 5 business days after the rank or score is posted on the agency website. The request shall specify all points on which the bidder believes the agency erred in its process and shall contain such argument in support of its position as the bidder seeks to present. In response, the issuing agency shall review the process it followed for evaluating responses and, within 5 business days of receiving the request for review, issue a written response either affirming its initial selection of a vendor or canceling the bid. In its request for review, a bidder shall not submit, and an agency shall not accept nor consider, any substantive information that was not included by the bidder in its original bid response. No hearing shall be held in conjunction with a review. The outcome of the agency's review shall not be subject to appeal.

V. The head of the issuing agency may waive the requirements of paragraphs II through IV in the event of an emergency situation or to prevent the loss of federal or other funds subject to recapture. Each agency shall adopt rules, pursuant to RSA 541-A, relative to circumstances constituting an emergency or loss of funding under this paragraph.

VI.(a) When an agency cancels a RFB, RFP, RFA, or similar request for submission, terminates the selection process, or otherwise does not select a bidder, no information shall be available to the public or to the members of the general court or its staff concerning the RFB, RFP, RFA, or similar request for submission, notwithstanding the provisions of RSA 91-A:4, for a period of 2 years following the cancellation, termination, or other non-selection, subject to subparagraph (b).

(b) If, within 2 years following the cancellation, termination, or other non-selection, a new RFB, RFP, RFA, or similar request for submissions is issued, which the issuing agency determines is substantially related to the original RFB, RFP, RFA, or similar request for submission, information concerning the original bid or proposal shall, if requested and upon payment of any costs established pursuant to RSA 91-A: 4, IV, be made available only after selection of a bidder on the new request for submission, but only to the extent that such information is not exempt from disclosure under RSA 91-A: 5 or other law.

21-G:38 Ethics.

I. From the time the bid is published until a contract is awarded, no bidder shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will select, evaluate, or award a RFB, RFP, RFA, or similar request for submission.

II. No elected official, public official, public employee, constitutional official, or family member of any such official or employee who was, is, or will be involved in the selection, evaluation, or award of a RFB, RFP, RFA, or similar request for submission, shall accept any gift, expense reimbursement, or honorarium, as defined in RSA 15-B, from a bidder.

III. Each agency and executive branch official and employee shall avoid any situation that might constitute a conflict of interest, misuse of position, or otherwise violate the code of ethics under RSA 21-G:21-27.

2 Cross Reference; Legislative Budget Assistant. Amend RSA 14:31, V to read as follows:

V. The commissioner of administrative services shall deliver to the legislative budget assistant the official financial information under the control of the commissioner as required by this section in a form unaltered from that which is finally reported in the integrated financial system. The approval of the governor, the speaker of the house of representatives, and the senate president shall be required for delivery of any other information, other than the official financial information required by this section. The right of access to information under this section shall not arise until after each transaction or event subject to RSA 91-A has taken place. Such information shall be provided to the legislative budget assistant in a mutually agreeable and compatible format at the end of each business day. The legislative budget assistant shall be subject to the provisions of ~~[RSA 21-I:13-a, II]~~ **RSA 21-G:37, I-III**. This paragraph shall not be construed as granting the legislative budget assistant access to any information or any information system relative to the internal functions of the office of the governor or any executive agency, department, board, commission, or institution through the integrated financial system.

3 State Procurement Study Committee Extended. Amend 2014, 221:4, V to read as follows:

V. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, ~~[2014]~~ **2015**.

4 Repeal. RSA 21-I:13-a, II, relative to certain requests for financial information available to the public, is repealed.

5 Effective Date:

I. Section 3 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2016.

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 138-FN, relative to claims arising from clinical services provided to the department of corrections. Ought to Pass, Vote 4-1. Senator Carson 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 161, relative to the wellness and primary prevention council. Re-refer to committee, Vote 3-0. Senator Carson for the committee.

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

Sen. Carson moved Ought to Pass.

Sen. Watters offered a floor amendment.

Sen. Watters, Dist. 4

March 10, 2015

2015-0797s

01/06

Floor Amendment to SB 161

Amend RSA 126-M:3, I as inserted by section 3 of the bill by inserting after subparagraph (l) the following new subparagraph:

(m) A representative of the National Alliance on Mental Illness New Hampshire, appointed by the alliance.

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

II. The term of each member in subparagraphs (b)~~], (c), (e), (f),~~ **through** (g), ~~and (h)]~~ shall be coterminous with their term of office. The terms of the remaining members shall be for 3 years. Vacancies shall be filled for the remainder of the term in the same manner and from the same group as the original appointment.

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

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

SB 165, establishing the social innovation financing trust fund. Re-refer to committee, Vote 3-0. Senator Carson for the committee.

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

Sen. Morse is in opposition to the motion of Re-refer to Committee on SB 165.

SB 191-FN, relative to use of the state's procurement card services. Ought to Pass with Amendment, Vote 2-1. Senator Carson for the committee.

Senate Executive Departments and Administration

March 4, 2015

2015-0733s

05/10

Amendment to SB 191-FN

Amend RSA 9-D:3, II as inserted by section 4 of the bill by replacing it with the following:

II. The fund established under paragraph I may be maintained at such a level as to cover the necessary costs of the administration and management of the credit, payment, or procurement card programs handled by the department of administrative services, to cover other amounts which may be payable under paragraph III and to allow the accumulation of a working capital reserve which is no greater than \$25,000. The department of administrative services is authorized to establish one or more positions to administer and manage the procurement card program. No position shall be staffed unless and until sufficient funds exist in the fund established under paragraph I to cover the necessary costs of the administration and management of the program, including the funding of such positions.

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 210-FN, relative to regulation of septic system evaluators. Re-refer to committee, Vote 3-0. Senator Carson for the committee.

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

SB 250, relative to the jurisdiction and voting procedures of the executive branch ethics committee. 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. Adopted, bill ordered to Third Reading.

SB 259-FN-L, relative to permits for water events. Ought to Pass with Amendment, Vote 3-2. Senator Carson for the committee.

Senate Executive Departments and Administration

March 4, 2015

2015-0738s

03/09

Amendment to SB 259-FN-LOCAL

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

AN ACT relative to place of assembly licenses.

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

1 Places of Assembly; Definitions. Amend RSA 155:17, II to read as follows:

II. "Licensing agency" shall mean the chief of the fire department, the firewards or engineers, if any, otherwise the selectmen of the town or the commissioners of village district as the case may be, ***or in the case of assemblies occurring on state waters, or ice formed on state waters, the commissioner of the department of safety or designee.***

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

2015-0738s

AMENDED ANALYSIS

This bill designates the commissioner of the department of safety as the licensing agency for places of assembly on state waters.

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

Sen. Forrester offered a floor amendment.

Sen. Forrester, Dist. 2

March 11, 2015

2015-0839s

03/09

Floor Amendment to SB 259-FN-LOCAL

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

2 Places of Assembly; License Required. Amend RSA 155:18 to read as follows:

155:18 License Required. No person shall own or operate a place of assembly within this state unless licensed so to do by the licensing agency of the city, town, or village district where said place of assembly is located, ***or in the case of assemblies occurring on state waters, or ice formed on state waters, the commissioner of the department of safety or designee,*** in accordance with the regulations herein promulgated. In the application of this act to existing places of assembly the licensing agency may modify such of its provisions as would require structural changes if in his ***or her*** opinion adequate safety may be obtained otherwise and provided that a permanent record is kept of such modifications and the reasons therefor.

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

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

SPECIAL ORDER

Without objection SB 8-FN-L in Finance was Special-Ordered to after lunch.

SB 27-FN, relative to the department of corrections industries inventory account. Re-refer to committee, Vote 6-0. Senator Little for the committee.

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

SB 32, relative to state agency budgetary reporting requirements. Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance
March 4, 2015
2015-0716s
10/06

Amendment to SB 32

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

1 Monthly Statements; Quarterly Report by Administrative Services. Amend RSA 9:11 to read as follows:

9:11 Monthly Statements.

I. Once each month the director, division of accounting services shall make a report to each state agency showing in detail the total amount expended during the previous month and the accumulated amount expended to date from July 1. The report shall also show the total encumbrances outstanding and the balance available for the remainder of the fiscal year. Whenever it appears that a department is spending at a rate which will deplete its appropriation before June 30 the director, division of accounting services shall immediately report the fact to the governor who shall thereupon investigate and may, if necessary, order the department head to reduce expenditures in proportion to the balance available and the remaining time in the fiscal year. When such an order has been made by the governor the director, division of accounting services shall establish a limit of expenditures for the department and shall not allow any expenditure by said department in excess of said limit unless and until said order has been modified by the governor. Provided, however, that the provisions of this section shall not apply to appropriations made for land, permanent improvements, and other capital projects.

II.(a) The entities specified in subparagraph (b) shall prepare and submit to the department of administrative services, in a format and on a timeframe the department of administrative services prescribes, a report describing the status of the agency's general fund, highway fund, and fish and game fund expenditures and anticipated lapse amounts for the current fiscal year. Each report shall include a comparison of actual expenditures to projected expenditures, and an explanation for any substantial variance. The department of administrative services shall review the reports for accuracy and completeness, and present a combined report to the fiscal committee of the general court for the quarters ending September 30, December 31, March 31, and June 30, respectively.

(b) The following entities shall prepare reports in accordance with the terms of subparagraph (a):

- (1) The department of administrative services.*
- (2) The department of corrections.*
- (3) The department of environmental services.*
- (4) The fish and game department.*
- (5) The department of health and human services.*
- (6) The judicial branch.*
- (7) The department of justice.*
- (8) The department of resources and economic development.*
- (9) The department of revenue administration.*

(10) The department of safety.

(11) The department of state.

(12) The department of transportation.

(13) The treasury department.

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

2015-0716s

AMENDED ANALYSIS

This bill requires the department of administrative services to submit quarterly financial reports to the fiscal committee of the general court based on information received from certain state agencies.

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. Forrester.

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 151-FN, requiring inclusion of home educated pupils in the definition of average daily membership in attendance. Ought to Pass, Vote 6-0. Senator Hosmer for the committee.

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

SB 154, authorizing the department of safety to set fees for motorcycle rider education programs. Ought to Pass, Vote 6-0. Senator Hosmer for the committee.

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

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

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

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

Yeas: 20 - Nays: 4

Adopted, bill ordered to Third Reading.

SB 160, relative to duplicate vessel registration certificates. Ought to Pass, Vote 6-0. Senator Little for the committee.

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

SB 181, relative to registration fees for hunter education programs of the fish and game department. Ought to Pass, Vote 4-2. Senator Little for the committee.

Recess. Out of recess.

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

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

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

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

Yeas: 13 - Nays: 11

Adopted, bill ordered to Third Reading.

SB 258-FN, changing the timing of determination of weighted case units for the purpose of calculating the judicial branch budget request and judicial salaries. Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

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

SB 261-FN, establishing a state minimum wage. Inexpedient to Legislate, Vote 4-2. Senator Reagan for the committee.

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

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

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.

Recess. Out of recess.

FINANCE

SB 8-FN-L, relative to appropriations for nursing homes. Ought to Pass with Amendment, Vote 6-0. Senator Forrester for the committee.

Senate Finance

March 3, 2015

2015-0700s

01/09

Amendment to SB 8-FN-LOCAL

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

1 Health and Human Services; Nursing Home Appropriations. Amend 2013, 143:1, accounting unit 05-95-48-481510-5942 by replacing the organizational notes immediately following such accounting unit with the following:

ORGANIZATION NOTES

*The appropriation contained in classes 504, 505, 506, and 529 may only be transferred between and among said classes. The appropriations shall not lapse or be used for any other purpose. The appropriations shall not be considered for budget reductions required pursuant to sections 10 and 14 of this act or any other budget reduction, including executive orders required of the department of health and human services. Any balance remaining at the end of each fiscal year shall be paid as additional rates based upon the rate setting methodology in effect at that time in a special rate adjustment.

2 Health and Human Services; Nursing Home Appropriations. Pursuant to the organization note contained in 2013, 143:1, accounting unit 05-95-48-481510-5942, as amended in section 1 of this act, for any balance that remained at the end of fiscal year 2014, the department of health and human services shall pay the entire amount immediately upon passage of this act in a special rate adjustment. Upon payment of a special rate adjustment made pursuant to this act, the department shall report the total amount of surplus, by source of funds, the total amount paid, and the date payment was made to the fiscal committee of the general court.

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

Sens. Pierce and Watters are in favor of the Committee Amendment on SB 8-FN-L.

Sen. D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist. 20
March 11, 2015
2015-0843s
01/09

Floor Amendment to SB 8-FN-LOCAL

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

3 Appropriation for Nursing Home Payments. A sum necessary for nursing home payments for the fiscal year ending June 30, 2015 is hereby appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

2015-0843s

AMENDED ANALYSIS

This bill clarifies the use of the appropriations made in 2013, 143 (HB 1-A) relative to nursing homes.

This bill also makes an appropriation to the department of health and human services for payments for nursing homes.

The question is on the adoption of the Floor Amendment.

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

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

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

Yeas: 9 - Nays: 15

Failed.

Sen. Carson presiding.

President Morse presiding.

Sen. Watters offered a floor amendment.

Sen. Watters, Dist. 4
March 11, 2015
2015-0841s
09/04

Floor Amendment to SB 8-FN-LOCAL

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

AN ACT relative to appropriations for nursing homes and repealing a requirement for a reduction in department of health and human services general fund appropriations.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Repeal. 2013, 143:10, relative to department of health and services reduction in appropriation, is repealed.

2015-0841s

AMENDED ANALYSIS

This bill clarifies the use of the appropriations made in 2013, 143 (HB 1-A) relative to nursing homes.

The bill also repeals a requirement for a reduction in department of health and human services general fund appropriations for the biennium ending June 30, 2015.

The question is on the adoption of the Floor Amendment.

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

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.

MOTION OF RECONSIDERATION

Sen. Bradley, having voted on the prevailing side, moved to reconsider floor amendment 0843s, the floor amendment having previously failed. Adopted.

The question is on the adoption of the Floor Amendment.

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

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

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

Yeas: 10 - Nays: 14

Failed.

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

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

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

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

Yeas: 16 - Nays: 8

Adopted, bill ordered to Third Reading.

HEALTH AND HUMAN SERVICES

SB 22, relative to certain changes in the law governing the therapeutic use of cannabis. Ought to Pass with Amendment, Vote 4-1. Senator Fuller Clark for the committee.

Health and Human Services

March 2, 2015

2015-0640s

01/09

Amendment to SB 22

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

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2 by inserting after paragraph XIV the following new paragraph:

XV. A laboratory which conducts testing of cannabis required under rules for alternative treatment centers adopted under this chapter, and the employees thereof, shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or search, for acting pursuant to this chapter and department rules to possess cannabis on the premises of the laboratory for the purposes of testing, and, in the case of a laboratory employee, denied any right or privilege for working for such a laboratory.

2 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards; Qualifying Patient. Amend RSA 126-X:4, I(c) to read as follows:

(c) A recent passport-sized photograph of the applicant's face, ***which shall be included as part of the initial application and every 5 years thereafter.***

3 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards; Designated Caregiver. Amend RSA 126-X:4, II(b) to read as follows:

(b) A recent passport-sized photograph of the applicant's face, ***which shall be included as part of the initial application and every 5 years thereafter.***

4 New Paragraph; Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4 by inserting after paragraph II-a the following new paragraph:

II-b. The provisions of paragraph II-a shall apply only to initial applications. Every year thereafter when applying for a new registry identification card, a designated caregiver shall include with the application an attestation on a form issued by the department stating that the applicant has not been convicted of a felony offense. This attestation shall be subject to the penalties set forth in RSA 641:3 for unsworn falsification and this shall be noted on the form issued by the department. In addition, a designated caregiver shall promptly inform the department if convicted of a felony offense subsequent to being issued a registry identification card.

5 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, IV(d) to read as follows:

(d) A designation that the person is either a “qualifying patient” or a “designated caregiver.” ~~[If the person is a designated caregiver, the identification card shall include the random 10-digit identification number for each qualifying patient for whom he or she is providing care.]~~

6 Use of Cannabis for Therapeutic Purposes; Affirmative Defense. Amend RSA 126-X:5, I(a) and (b) to read as follows:

(a) The actor is a qualifying patient who has been issued a valid registry identification card, was in possession of cannabis in a quantity and location permitted pursuant to this chapter, and was engaged in the therapeutic use of cannabis; ~~[or]~~

(b) The actor is a designated caregiver who has been issued a valid registry identification card was in possession of a cannabis in a quantity and location permitted pursuant to this chapter, and was engaged in the therapeutic use of cannabis on behalf of a qualifying patient ; **or**

(c) The actor is an employee of a laboratory conducting testing required for alternative treatment centers pursuant to rules adopted under this chapter.

7 New Subparagraph; Use of Cannabis for Therapeutic Purposes; Rules. Amend RSA 126-X:6, III(a) by inserting after subparagraph (15) the following new subparagraph:

(16) Laboratory testing of cannabis cultivated and/or processed by an alternative treatment center. Such testing shall only be conducted by a laboratory licensed by the department under RSA 151.

8 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers; Requirements. Amend RSA 126-X:8, II to read as follows:

II. An alternative treatment center shall not be located in a residential district or within ~~[1,000 feet of the property line of a]~~ pre-existing ~~[public or private elementary or secondary school or]~~ designated drug free school zones.

9 Facility Licensure. Amend RSA 151:2, I(c) to read as follows:

(c) Laboratories performing tests or analyses of human samples, ~~[or]~~ collection stations operated by laboratories, ***or laboratories performing testing on therapeutic cannabis pursuant to RSA 126-X:6, III(a)(16).***

10 Repeal. RSA 126-X:4, IV(e), relative to certain information for registry identification cards, is repealed.

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

2015-0640s

AMENDED ANALYSIS

This bill clarifies certain procedures in the law governing therapeutic use of cannabis.

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

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

Sen. Morse is in opposition to the motion of Ought to Pass with Amendment on SB 22.

SB 23, allowing certain advanced practice registered nurses to authorize involuntary commitment and voluntary admission to state institutions. Ought to Pass, Vote 5-0. Senator Kelly for the committee.

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

SB 108-FN, relative to health care associated infections. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Health and Human Services

March 2, 2015

2015-0635s

01/09

Amendment to SB 108-FN

Amend RSA 151:33, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Hospitals shall also initially identify, track, and report process measures including:

(1) Adherence rates of central line insertion practices; *and*

(2) Surgical antimicrobial prophylaxis; [~~and~~

~~[(3) Coverage rates of influenza vaccination for health care personnel and patients/residents.]~~

Amend RSA 151:33, II-a as inserted by section 1 of the bill by replacing it with the following:

II-a. Any ambulatory surgical facility licensed pursuant to this chapter shall maintain a program capable of identifying and tracing infections for the purpose of reporting under this section. Such program shall have the capacity to identify the following elements:

(a) Surgical wound infections.

(b) Surgical antimicrobial prophylaxis.

~~[(c) Coverage rates of influenza vaccination for health care personnel.]~~

Amend RSA 151:33, II-b and II-c as inserted by section 1 of the bill by replacing them with the following:

II-b. Any end-stage renal dialysis center licensed pursuant to this chapter shall maintain a program capable of identifying and tracking infections for the purpose of reporting under this section. Such program shall have the capacity to identify the following elements:

(a) Positive blood culture.

(b) Vascular access site infection.

(c) Intravenous antimicrobial start time.

Amend RSA 151:33, IV and V as inserted by section 1 of the bill by replacing it with the following:

IV. The commissioner of the department shall adopt rules, pursuant to RSA 541-A, for hospital, ***end-stage renal dialysis center, nursing and residential care facility, assisted living residence***, and ambulatory surgical facility identification, tracking, and reporting of infections which shall be consistent with the recommendations of recognized centers of expertise in the identification and prevention of infections including, but not limited to the National Health Care Safety Network and the Healthcare Infection Control Practices Advisory Committee of the Centers for Disease Control and Prevention or its successor, the Joint Commission on the Accreditation of Healthcare Organizations, the Centers for Medicare and Medicaid Services, the Hospital Quality Alliance, the National Quality Forum, and the New Hampshire health care quality assurance commission under RSA 151-G.

V. Each hospital, ***end-stage renal dialysis center, nursing and residential care facility, assisted living residence***, and ambulatory surgical facility shall regularly report to the department hospital, ***end-stage renal dialysis center, nursing and residential care facility, assisted living residence***, and ambulatory surgical facility acquired infections and the infection data it has collected. Such reporting shall be done in the manner directed by the department in accordance with rules adopted pursuant to RSA 541-A. The commissioner shall establish data collection and analytical methodologies that meet accepted standards for validity and reliability. In no case shall the frequency of reporting be required to be more frequently than once every 3 months, and reports shall be submitted not more than 60 days after the close of the reporting period.

Amend RSA 151:34, I and II(a) as inserted by section 1 of the bill by replacing it with the following:

I. The department shall establish a statewide database of all reported infection information for the purpose of monitoring quality improvement and infection control activities in hospitals, ***end-stage renal dialysis centers, nursing and other residential care facilities, assisted living residences***, and ambulatory surgical facilities. The database shall be organized so that consumers, hospitals, ***end-stage renal dialysis centers, nursing and other residential care facilities, assisted living residences***, ambulatory surgical facilities, health care professionals, purchasers, and payers may compare individual hospital, ***end-stage renal dialysis center, nursing and other residential care facility, assisted living residence***, and ambulatory surgical facility experience with that of other individual hospitals, ***end-stage renal dialysis centers, nursing and other residential care facilities, assisted living residences***, and ambulatory surgical facilities as well as regional and statewide averages and, where available, national data.

II.(a) Subject to subparagraph (c), on or before August 1 of each year, provided that the data collection and analytical methodologies meet accepted standards for validity and reliability, the commissioner shall report on the department's web site infection rates both exclusive and inclusive of adjustments for potential differences in risk factors for each reporting hospital, ***end-stage renal dialysis center, nursing and other residential care facility, assisted living facility***, and ambulatory surgical facility, an analysis of trends in the prevention and control of infection rates in hospitals, ***end-stage renal dialysis centers, nursing and other residential care facilities, assisted living residences***, and ambulatory surgical facilities across the state, regional and, if available, national comparisons for the purpose of comparing individual hospital, ***end-stage renal dialysis center, nursing and other residential care facility, assisted living facility***, and ambulatory surgical facility performance, and a narrative describing lessons for safety and quality improvement that can be learned from leadership hospitals and programs.

Amend RSA 151:34, IV as inserted by section 1 of the bill by replacing it with the following:

IV. In addition to the department's reporting responsibilities under this section, the department shall beginning in 2012 make a biennial report to the oversight committee on health and human services [~~and the house and senate ways and means committees~~] on or before August 1, regarding the health care associated infections program costs, the amount of federal funding received for the program, and the amount of fees paid by hospitals, ***end-stage renal dialysis centers***, and ambulatory surgical centers to support the program.

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

2015-0635s

AMENDED ANALYSIS

This bill makes certain changes to the law governing the reporting of health care associated infections.

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 109-FN, relative to receivership of nursing homes and other residential health care facilities. Re-refer to committee, Vote 4-1. Senator Sanborn for the committee.

Sen. Sanborn moved to Lay on the Table SB 109-FN. Adopted.

SB 127-FN, relative to special conservatorships for Medicaid. Re-refer to committee, Vote 5-0. Senator Sanborn for the committee.

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

SB 133-FN, relative to certain health care data. Ought to Pass with Amendment, Vote 5-0. Senator Fuller Clark for the committee.

Health and Human Services

March 2, 2015

2015-0641s

01/09

Amendment to SB 133-FN

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

AN ACT relative to certain health care data and relative to certain workers' compensation medical claim data collected by the insurance department.

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

2 New Section; Advisory Organizations; Required Activity. Amend RSA 412 by inserting after section 37 the following new section:

412:37-a Advisory Organizations; Required Activity. The commissioner shall collaborate with the National Council on Compensation Insurance to include workers compensation medical claims data in the New Hampshire comprehensive health information system as defined under RSA 420-G:11-a, by December 2016

3 New Paragraph; Development of a Comprehensive Health Care Information System. Amend RSA 420-G:11-a by inserting after paragraph II the following new paragraph:

III. The department shall make available to the public a public use data set for purposes of facilitating transparency in health care costs.

2015-0641s

AMENDED ANALYSIS

This bill requires certain encrypted health care information collected by the insurance department to be available to the public upon request to the department of health and human services under certain circumstances.

This bill also requires the insurance commissioner to collaborate with the National Council on Compensation Insurance to include workers' compensation data in the New Hampshire comprehensive health information system by December 2016.

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 135-FN, relative to lead poisoning in children. Ought to Pass with Amendment, Vote 4-0. Senator Kelly for the committee.

Health and Human Services

March 4, 2015

2015-0715s

01/09

Amendment to SB 135-FN

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

1 Lead Paint Poisoning Prevention; Report Required. Amend RSA 130-A:3 to read as follows:

130-A:3 Laboratory Reporting.

I. Any laboratory performing blood lead analysis on adults or children residing in New Hampshire shall report, in accordance with rules adopted under RSA 130-A:10, test results of such analysis.

II. Using the data provided under paragraph I, the department shall annually determine the percentage of children 6 years of age or younger, who are being screened with blood lead level tests in accordance with the department's childhood lead poisoning screening and management guidelines and shall make an annual report, commencing on November 1, 2015, to the president of the senate, the speaker of the house of representatives, the chairpersons of the senate and house committees having jurisdiction over health and human services issues, the senate clerk, the house clerk, and the state library.

2 New Section; Capillary Blood Tests. Amend RSA 130-A by inserting after section 3 the following new section:

130-A:3-a Capillary Blood Test Screening. Any health care provider or organization conducting capillary blood tests, including, but not limited to community action programs, shall inform the department of such fact and shall provide a fact sheet prepared by the department to the parent or guardian of any child whose test indicates any presence of lead. Such fact sheet shall, at a minimum, describe the health effects of childhood lead poisoning, the advisability of obtaining a venous blood test, and the benefits of identifying and addressing lead hazards. It shall include a statement that, in the case of rental properties, it is advisable to inform

the property owner of the capillary blood test result and venous blood test result, that measures to identify and address lead hazards shall not be conducted without the property owner's knowledge and opportunity to take such measures, and that a property owner cannot evict a tenant based on the presence in the dwelling or dwelling unit of a child whose capillary blood test or venous blood test indicates a blood lead level.

3 New Sections; Lead Paint Poisoning Prevention; Health Care Providers. Amend RSA 130-A by inserting after section 5 the following new sections:

130-A:5-a Health Care Providers; Not Liable. All health care providers who provide primary medical care shall ensure that parents and guardians of children 6 years of age or younger are advised of the availability and advisability of screening and testing their children for lead in accordance with this chapter. A health care provider shall not be liable for not performing a screening or confirmation test for blood lead level when a parent or guardian has been informed of the availability and advisability of screening and has refused to consent or has failed to follow through in response to a referral for a screening or confirmation test.

130-A:5-b Child Screenings. If by 2017 fewer than 85 percent of one-year olds and 2-year olds in the following categories of children are receiving blood lead level tests, the department shall adopt rules, pursuant to RSA 541-A, to require that all health care providers who provide primary medical care to young children shall ensure that their patients in such categories are screened and educated according to the department's childhood lead poisoning screening and management guidelines:

I. Children who live in high-risk communities designated by the department.

II. Children who are in Medicaid.

III. Children who are receiving benefits under the Women, Infants, and Children Program (WIC).

IV. Children who are enrolled in Head Start.

4 Lead Paint Poisoning Prevention; Property Owner Notification. Amend RSA 130-A:6-a, I and II to read as follows:

I. The department shall ~~[make reasonable efforts to]~~ notify in writing the owner ***or registered agent of an owner*** of a dwelling or dwelling unit where the child resides if ***a venous blood test*** lead ~~[levels]~~ ***level*** of ~~[6-] 5~~ to 9.9 micrograms per deciliter ~~[are]~~ ***is*** found in the child's blood. Such notice to the property owner shall specify that it is neither a finding that a lead exposure hazard exists in the property nor is it an order for lead hazard reduction. ***Such notice shall include information about the health hazards of lead poisoning, standards for identifying and eliminating lead hazards, and the federal Renovation, Repair, and Painting program.***

II. Eviction of a tenant based on the presence in the dwelling or dwelling unit of a child with a ***venous blood test*** blood level of ~~[6] 5~~ to 9.9 micrograms per deciliter, ***or a lower blood lead level in cases in which the department provided notice pursuant to paragraph I*** shall be unlawful. There shall be a rebuttable presumption that any eviction action, instituted by the owner within 6 months of receipt of the notice sent by the department pursuant to paragraph I, ***or the child's parent or guardian***, is based on the child's elevated blood lead level; provided that this shall not be construed to alter any cause for eviction under RSA 540:2. If a court finds that an eviction is based on the child's elevated blood lead level, it shall deny the eviction and award damages to the tenant pursuant to RSA 540:14, II. However, if an owner in response to the notice from the department ***or the child's parent or guardian*** discovers a lead exposure hazard in the dwelling or dwelling unit, the owner may proceed with relocation of the tenants, provided that the owner meets the requirements of RSA 130-A:8-a, I or II.

5 New Section; Lead Paint Poisoning Prevention; Parent Notification. Amend RSA 130-A by inserting after section 6-a the following new section:

130-A:6-b Parent Notification. The department shall send materials to the parents of any child with a blood lead level of 5 micrograms per deciliter or higher. Such materials shall inform parents who are tenants to work with the property owner and advise against engaging in renovation, repair, or painting activities themselves. Such materials shall inform parents who own and occupy the house in which the child resides of resources for identifying and eliminating lead hazards, including the Renovation, Repair and Painting program.

6 Lead Paint Poisoning Prevention; Civil Suits. Amend RSA 130-A:18 to read as follows:

130-A:18 Civil Suits. ***Owners of pre-1978 rental housing and childcare facilities shall take reasonable care to prevent exposure to, and the creation of, lead hazards.*** Notwithstanding any provision of law

to the contrary, the mere presence of a lead base substance shall not constitute negligence on the part of an owner of any dwelling. To establish negligence on the part of an owner, the plaintiff in a civil suit shall demonstrate actual injury caused by the lead base substance. ***Evidence of actions taken or not taken by the owner of a pre-1978 rental property or childcare facility in compliance with applicable public health laws and regulations concerning lead may be admissible evidence of reasonable care or negligence. Remedial actions taken by a property owner after a lead exposure has occurred shall not be admissible evidence for purposes of establishing liability. Evidence of a tenant's disturbance of painted surfaces containing lead paint also shall be admissible evidence.*** In addition, the mere presence of a lead base substance in a dwelling shall not by itself violate any warranty of habitability.

7 New Subdivision; Childhood Lead Poisoning Prevention and Screening Commission. Amend RSA 130-A by inserting after section 18 the following new subdivision:

Childhood Lead Poisoning Prevention and Screening Commission

130-A:19 Childhood Lead Poisoning Prevention and Screening Commission Established.

I. There is established a childhood lead poisoning prevention and screening commission to assess and recommend measures for preventing childhood lead poisoning and improving screening rates among New Hampshire children ages 6 years old and younger.

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

- (a) One member of the senate, appointed by the senate president.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) The commissioner of the department of health and human services, or designee.
- (d) The executive director of the New Hampshire housing finance authority, or designee.
- (e) Two municipal public health officials with knowledge and experience in childhood lead poisoning prevention, one appointed by the New Hampshire Municipal Association, and one appointed by the governor.
- (f) A landlord owning 10 or fewer rental units, with experience owning and renting pre-1978 rental housing, appointed by the speaker of the house of representatives.
- (g) A landlord owning more than 10 and fewer than 50 rental units, with experience owning and renting pre-1978 rental housing, appointed by the senate president.
- (h) A landlord owning more than 50 rental units, with experience owning and renting pre-1978 rental housing, appointed by the Granite State Managers Association.
- (i) A representative of the New Hampshire Property Owners Association, appointed by the association.
- (j) An owner of a licensed child care facility located in a pre-1978 building, appointed by the governor.
- (k) A representative of the New Hampshire Building Officials Association, appointed by the association.
- (l) A representative of the New Hampshire Pediatric Society, appointed by the society.
- (m) A representative of New Hampshire Kids Count, appointed by the director of the organization.
- (n) A representative of Housing Action New Hampshire, appointed by the director of the organization.
- (o) A pediatric physician licensed under RSA 329 and another pediatric health care provider, appointed by the board of medicine.
- (p) Three public members, one appointed by the governor, one appointed by the senate president, and one appointed by the speaker of the house of representatives.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the commissioner of the department of health and human services. The first meeting of the commission shall be held within 45 days of the effective date of this section. Ten members of the commission shall constitute a quorum. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The chairperson is authorized to establish a subcommittee addressing childhood lead prevention strategies and a subcommittee relative to improving screening rates, and to appoint from among the commission membership the chairpersons of such subcommittees.

V. In addressing childhood lead prevention strategies, the commission shall consider the advisability of adopting an essential maintenance practices program uniquely suited to New Hampshire to prevent lead poisoning in pre-1978 rental housing and pre-1978 buildings containing child care, and the elements of such a program. The commission shall assess:

- (a) Essential maintenance practices programs in other jurisdictions.
- (b) Coordination of an essential maintenance practices program with existing public health laws and regulations concerning lead, to maximize efficiency.
- (c) Incentives and other mechanisms to encourage compliance with essential maintenance practices, including but not limited to, issues concerning limitations on liability for compliance and liability for non-compliance.
- (d) Other matters deemed relevant to the commission's determination.

VI. The commission shall explore and examine options for assisting property owners in the abatement of lead-based paint hazards.

VII. The commission shall assess existing screening rates in relation to the department's childhood lead poisoning screening and management guidelines, and assess the actions necessary to achieve screening rates consistent with such guidelines.

VIII. The commission shall assess the feasibility and benefits of requiring the department to provide notice to landlords and parents pursuant to RSA 130-A:6-a and RSA 130-A:6-b when a child has been found to have a blood lead level less than 5 micrograms per deciliter.

IX. The commission shall make an annual report of its activities, together with recommendations for legislation commencing on December 1 2016 to the president of the senate, the speaker of the house of representatives, the governor, and the state library.

8 Repeal. RSA 130-A:19, relative to the childhood lead poisoning prevention and screening commission, is repealed.

9 Effective Date.

I. RSA 130-A:19 as inserted by section 7 of this act shall take effect upon its passage.

II. Section 8 of this act shall take effect November 1, 2018.

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

2015-0715s

AMENDED ANALYSIS

This bill:

I. Changes the notice requirements for blood lead levels found in a child's blood.

II. Establishes the childhood poisoning prevention and lead screening commission to assess existing screening rates in relation to the department of health and human services' screening guidelines.

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. Feltes.

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Sanborn, Kelly, Daniels, Avar, 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 the Committee on Finance (Rule 4-5).

SB 185-FN, extending the New Hampshire health protection program. Inexpedient to Legislate, Vote 3-2.

Senator Sanborn for the committee.

Sen. Bradley moved to Lay on the Table SB 185-FN. Adopted.

Sen. Sanborn is in opposition to the motion to Table on SB 185-FN.

SB 212-FN, relative to the membership and duties of the juvenile justice advisory board and the Sununu Youth Services Center. Ought to Pass, Vote 5-0. Senator Carson for the committee.

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

Sen. Carson moved to Lay on the Table SB 212-FN. Adopted.

Recess. Out of recess.

SB 214-FN, relative to the transfer of skilled nursing facility beds from the Franklin Regional Hospital. Ought to Pass with Amendment, Vote 3-2. Senator Avarad for the committee.

Health and Human Services

March 2, 2015

2015-0634s

01/09

Amendment to SB 214-FN

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

AN ACT relative to the prospective repeal of the certificate of need law.

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

1 Prospective Repeal of the Certificate of Need Law. Amend 2013, 144:180, VIII to read as follows:

VIII. [~~Sections 84 and~~] **Section** 140 of this act shall take effect June 30, 2016.

2 New Paragraph; Prospective Repeal of the Certificate of Need Law: Effective Date. Amend 2013, 144:180 by inserting after paragraph XV the following new paragraph:

XV-a. Section 84 of this act shall take effect July 1, 2015.

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

2015-0634s

AMENDED ANALYSIS

This bill makes the prospective repeal of the certificate of need law effective July 1, 2015. Current law repeals the law on June 30, 2016.

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: Sanborn, Daniels, Avarad, Carson, Reagan.

The following Senators voted No: Woodburn, Forrester, Bradley, Watters, Pierce, Cataldo, Hosmer, Little, Kelly, Lasky, Feltes, Boutin, Soucy, Birdsell, D'Allesandro, Fuller Clark, Prescott, Stiles, Morse.

Yeas: 5 - Nays: 19

Failed.

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

SB 226-FN, requiring certain notice from pharmacy benefit managers. Re-refer to committee, Vote 3-0. Senator Carson for the committee.

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

JUDICIARY

SB 40-FN, including a viable fetus in the definition of "another" for the purposes of certain criminal offenses. Ought to Pass with Amendment, Vote 3-2. Senator Pierce for the committee.

Senate Judiciary
March 3, 2015
2015-0703s
01/06

Amendment to SB 40-FN

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

AN ACT relative to the penalties for negligent homicide and manslaughter causing a miscarriage or stillbirth and relative to miscarriage or stillbirth in second degree murder cases.

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

1 Homicide; Manslaughter. Amend RSA 630:2 to read as follows:

630:2 Manslaughter.

I. A person is guilty of manslaughter when he **or she** causes the death of another:

(a) Under the influence of extreme mental or emotional disturbance caused by extreme provocation but which would otherwise constitute murder; or

(b) Recklessly.

II.(a) Manslaughter shall be punishable by imprisonment for a term of not more than 30 years.

(b) Manslaughter which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), shall be punishable by imprisonment for a term of not more than 60 years.

III. In addition to any other penalty imposed, if the death of another person resulted from the driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person indefinitely.

2 Homicide; Negligent Homicide. Amend RSA 630:3 to read as follows:

630:3 Negligent Homicide.

I. A person is guilty of a class B felony when he **or she** causes the death of another negligently. **A person convicted of class B felony negligent homicide which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), shall be punished by imprisonment for a term of not more than 14 years.**

II. A person is guilty of a class A felony when in consequence of being under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA 265-A:1, II, he or she causes the death of another. **A person convicted of class A felony negligent homicide which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), shall be punished by imprisonment for a term of not more than 25 years.**

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. In cases where the person is convicted under paragraph II, the court shall revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device as described in RSA 265-A:36, which shall remain in place for a period not to exceed 5 years.

3 Homicide; Second Degree Murder. Amend RSA 630:1-b to read as follows:

630:1-b Second Degree Murder.

I. A person is guilty of murder in the second degree if:

(a) He **or she** knowingly causes the death of another; or

(b) He **or she** causes such death recklessly under circumstances manifesting an extreme indifference to the value of human life. Such recklessness and indifference are presumed if the actor causes the death by the use of a deadly weapon in the commission of, or in an attempt to commit, or in immediate flight after committing or attempting to commit any class A felony.

II. Murder in the second degree shall be punishable by imprisonment for life or for such term as the court may order.

III. In cases where a person is convicted of murder in the second degree which causes a miscarriage or stillbirth, as defined in RSA 631:1, II(a) and (b), the judge shall explicitly state for the record that he or she considered the miscarriage or stillbirth as a factor in pronouncing sentence and shall explain what effect, if any, the miscarriage or stillbirth had in determining the sentence imposed.

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

2015-0703s

AMENDED ANALYSIS

This bill adds an enhanced term of imprisonment for manslaughter or negligent homicide causing a miscarriage or stillbirth. The bill also requires that in second degree murder convictions, the judge shall state for the record that he or she considered the miscarriage or stillbirth as a factor in pronouncing sentence and shall explain what effect, if any, the miscarriage or stillbirth had in determining the sentence.

The question is on the adoption of the Committee Amendment.

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

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

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

Yeas: 11 - Nays: 13

Failed.

The question is on the motion of Ought to Pass.

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

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

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

Yeas: 13 - Nays: 11

Adopted, bill ordered to Third Reading.

SB 124-FN, relative to filing felonies first in the superior court. Ought to Pass with Amendment, Vote 5-0. Senator Lasky for the committee.

Senate Judiciary

March 4, 2015

2015-0736s

09/01

Amendment to SB 124-FN

Amend RSA 592-B:2 as inserted by section 2 of the bill by inserting after paragraph V the following new paragraph:

VI. Prior to the implementation of this chapter in counties other than Cheshire county and Strafford county, the supreme court shall issue a report on the implementation of this chapter to the senate president, the speaker of the house of representatives, and the chairpersons of the senate and house judiciary committees. Beginning January 1, 2017 and ending in January, 2020, the supreme court shall issue an annual report on the implementation of this chapter to the senate president, the speaker of the house, and the chairpersons of the senate and house judiciary committees.

Amend RSA 592-B:3, I as inserted by section 2 of the bill by replacing it with the following:

I. Criminal proceedings in superior court shall be commenced by the filing of a complaint by the attorney general, county attorney or the county attorney's designee, or by indictment by the grand jury. If a complaint is filed, the accused shall subsequently be indicted by a grand jury or waive grand jury indictment pursuant to RSA 601:2 for the case to proceed.

Amend the introductory paragraph of RSA 592-B:3, II as inserted by section 2 of the bill by replacing it with the following:

II. The complaint shall be addressed to the court and shall set forth by name or description the party accused and the offense charged. The description of an accused may include an identifiable ridge skin impression or a DNA profile. A complaint that contains only an identifiable ridge skin impression or DNA profile, and that alleges one or more of the following offenses shall, upon its filing, toll the applicable statute of limitations under RSA 625:8 for:

Amend RSA 592-B:4 as inserted by section 2 of the bill by replacing it with the following:

592-B:4 Warrants. A justice of the peace or justice of the superior or circuit court, upon such complaint or indictment, may issue a warrant for the arrest of the person so charged with an offense committed or triable in the county, directed to the sheriff of any county or his deputy or to any constable or police officer of any town in the county.

Amend RSA 592-B:6 as inserted by section 2 of the bill by replacing it with the following:

592-B:6 Discovery.

I. Prior to indictment, the accused shall have the same rights to discovery and deposition as the accused has subsequent to indictment, provided that all judicial proceedings with respect thereto shall be within the jurisdiction of the superior court, and notice of petition and hearing shall be given to the county attorney, or to the attorney general if the attorney general shall have entered the case.

II. For incarcerated defendants, the state shall provide or make available to defense counsel copies of all discovery in its possession, no more than 10 calendar days after the arraignment of the defendant, unless otherwise ordered by the court. For non-incarcerated defendants, the state shall provide or make available to defense counsel copies of all discovery in its possession, no more than 20 calendar days after the arraignment of the defendant, unless otherwise ordered by the court. The state may request an extension of the discovery deadlines for complex case types.

III. The state shall have a continuing obligation to provide discovery to defendants as it becomes available.

Amend RSA 592-B:7, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) A complaint has been filed in superior court;

Amend RSA 592-B:7, II as inserted by section 2 of the bill by replacing it with the following:

II. Upon review of the motion, the court shall determine whether a hearing is necessary to assist the court in its determination of probable cause. If a hearing is scheduled, it shall be held as soon as the court docket permits, but in any event within 10 days of the filing of the motion if the defendant is incarcerated and within 20 days of the filing of the motion if the defendant is not incarcerated.

Amend RSA 592-B:7 as inserted by section 2 of the bill by inserting after paragraph II the following new paragraphs:

III. If an arrest is supported by an affidavit that was filed under seal, and the affidavit remains under seal at the time of the request for a probable cause hearing, a hearing shall be scheduled.

IV. If a hearing is held, the state shall bear the burden of proving there is probable cause to believe that a felony has been committed and that the person charged has committed it. At the hearing, the defendant may cross-examine witnesses and present evidence.

Amend RSA 601:2 as inserted by section 13 of the bill by replacing it with the following:

601:2 Waiving Indictment. Any person who has been [~~bound over or~~] committed by a justice [~~or district or municipal court under the provisions of RSA 592-A:4 or 6~~] for trial in the superior court upon a complaint charging a crime not punishable by death, and who desires to waive indictment, [~~may apply in writing to the superior court for prompt arraignment upon such complaint~~] **shall notify the court.** Upon [~~the filing of such~~]

an application;] ***such notification, the attorney general or*** the county attorney may, with the approval of the court, proceed against the defendant by complaint, and in such case [he] ***the defendant*** shall be held to answer and the court shall have as full jurisdiction of the complaint as if an indictment had been found. The arraignment of the defendant shall be at such time as the court may designate. Every person when so committed [or bound over] upon such a complaint shall be notified by the court of his right to apply for waiver of indictment and prompt arraignment as aforesaid.

Amend the bill by inserting after section 13 the following and renumbering the original sections 14-17 to read as 15-18, respectively:

14 Arrests in Criminal Cases; Place and Time of Detention. Amend RSA 594:20-a to read as follows:

594:20-a Place and Time of Detention.

I. When a person is arrested with or without a warrant he or she may be committed to a county correctional facility, to a police station or other place provided for the detention of offenders, or otherwise detained in custody; provided, however, that he or she shall be taken before a [district] ***circuit court, or a superior court in the case of felony complaints and misdemeanors and violation level charges that are directly related to those felonies,*** without unreasonable delay, but not exceeding 24 hours, Saturdays, Sundays, and holidays excepted, to answer for the offense.

II. Notwithstanding the provisions of paragraph I, defendants detained under RSA 173-B shall have timely access to a bail hearing by telephonic means or otherwise as determined by the [district] ***circuit court or the superior court in the case of felony complaints and misdemeanors and violation level charges that are directly related to those felonies.***

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 205-FN, relative to the governor's office and the legislature under the electioneering law. Ought to Pass with Amendment, Vote 3-2. Senator Carson for the committee.

Senate Judiciary
March 3, 2015
2015-0702s
01/06

Amendment to SB 205-FN

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

1 Right-to-Know; Definitions; "Public Agency." Amend RSA 91-A:1-a, V to read as follows:

V. "Public agency" means any agency, authority, department, or office of the state, ***including the office of the governor,*** or of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision.

2 Electioneering by Public Employees. Amend RSA 659:44-a to read as follows:

659:44-a Electioneering by Public Employees. No [public employee] ***person employed by a public employer,*** as defined in RSA 273-A:1, [HX] ***X, or employed by the New Hampshire general court or the office of the governor*** shall electioneer while in the performance of his or her official duties or use government property, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering. For the purposes of this section, "electioneer" means to act in any way specifically designed to influence the vote of a voter on any question or office. Any person who violates this section shall be guilty of a misdemeanor.

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

2015-0702s

AMENDED ANALYSIS

This bill adds certain offices to the definition of "public agency" under the right-to-know law.

This bill also adds the governors' office and the legislature to the electioneering law which prohibits electioneering while in the performance of official duties.

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

Sen. Pierce offered a floor amendment.

Sen. Pierce, Dist. 5

March 12, 2015

2015-0851s

01/09

Floor Amendment to SB 205-FN

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

1 Right-to-Know; Definitions; "Public Agency." Amend RSA 91-A:1-a, V to read as follows:

V. "Public agency" means any agency, authority, department, or office of the state, ***including the offices of the governor, the president of the senate, the speaker of the house of representatives, the majority leader of the senate, the majority leader of the house of representatives, the minority leader of the senate, the minority leader of the house of representatives,*** or of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision.

2 Right-to-Know; Definitions; Governmental Records. Amend RSA 91-A:1-a, III to read as follows:

III. "Governmental records" means any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function. Without limiting the foregoing, the term "governmental records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body. The term "governmental records" shall also include the term "public records." ***For the purposes of this section, "governmental records" shall also include all legislative services requests or amendments created by the office of legislative services, or any documents or analyses created by the office of the legislative budget assistant on behalf of a member or employee of the New Hampshire general court.***

3 Electioneering by Public Employees. Amend RSA 659:44-a to read as follows:

659:44-a Electioneering by Public Employees. No ~~[public employee]~~ ***person employed by a public employer***, as defined in RSA 273-A:1, ~~[EX] X~~, ***or employed by the New Hampshire general court or the office of the governor*** shall electioneer while in the performance of his or her official duties or use government property, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering. For the purposes of this section, "electioneer" means to act in any way specifically designed to influence the vote of a voter on any question or office. Any person who violates this section shall be guilty of a misdemeanor.

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

2015-0851s

AMENDED ANALYSIS

This bill:

I. Adds certain offices to the definition of "public agency" under the right-to-know law.

II. Adds the governor's office and the legislature to the electioneering law which prohibits electioneering while in the performance of official duties.

III. Adds legislative services requests and amendments created by the office of legislative services and documents and analyses created by the office of the legislative budget assistant to the definition of "governmental records."

Recess. Out of recess.

Recess. Out of recess.

Sen. Pierce withdrew floor amendment 0851s.

Sen. Bradley moved to Lay on the Table SB 205-FN. Adopted.

PUBLIC AND MUNICIPAL AFFAIRS

SB 30-FN-L, relative to municipal economic development and revitalization districts. Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Public and Municipal Affairs

March 4, 2015

2015-0730s

06/10

Amendment to SB 30-FN-LOCAL

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

AN ACT establishing a commission to study the feasibility and financing of a development district for the Balsams resort.

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

1 New Section; Feasibility and Financing of Development District for the Balsams; Commission Established.
Amend RSA 162-K by inserting after section 15 the following new section:

162-K:16 Commission to Study the Feasibility and Financing of a Development District for the Balsams.

I. There is established a commission to study the feasibility and financing of a development district for the Balsams resort.

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

(a) Two members of the senate, appointed by the president of the senate, one of whom shall be a member of the senate finance committee and one of whom shall be a member of the capital budget committee.

(b) Two members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the house finance committee and one of whom shall be a member of the public works and highways committee.

(c) The state treasurer, or designee.

(d) The commissioner of the department of resources and economic development, or designee.

(e) One representative of the hospitality industry, appointed by the governor.

(f) One representative of Ski NH, appointed by the governor.

(g) One representative of the New Hampshire Association of Realtors, appointed by that association.

(h) One representative of the New Hampshire Bankers Association, appointed by that association.

(i) One representative of the New Hampshire Business Finance Authority, appointed by that organization.

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

IV. The commission shall study the feasibility and financing options for establishing a development district for the Balsams.

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

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

6 Repeal. RSA 162-K:16, relative to commission to study the feasibility and financing of a development district for the Balsams resort, is repealed.

7 Effective Date.

I. Section 6 of this act shall take effect November 2, 2015.

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

2015-0730s

AMENDED ANALYSIS

This bill establishes a commission to study the feasibility and financing options for establishment of a development district for the Balsams.

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 58, relative to the United States flag worn as a patch. Ought to Pass, Vote 4-1. Senator Stiles for the committee. Sen. Stiles moved to Lay on the Table SB 58. Adopted.

INTRODUCTION OF GUEST

Sen. Forrester introduced Lyn England, Chair of the Danbury Select Board.

SB 77-L, authorizing the creation of a special purpose village district within the town of Danbury. Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Public and Municipal Affairs

March 4, 2015

2015-0739s

08/10

Amendment to SB 77-LOCAL

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. "Project property" means those contiguous parcels of real property located on Ragged Mountain Road, New Canada Road, Plowman Road and Deckman Road in the town of Danbury, consisting of those parcels described as of April 1, 2014, on Danbury Tax Map 415 as Lot 18 and Tax Map 416 as Lots 42, 51, 60, 60.03, 60.04, 60.06, 60.07, 60.08, 61, 61.01, 61.02, 62, 63, 64, 64.01, 64.02, 64.03, and 72.

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

I. There is hereby established within the town of Danbury the Ragged Mountain water and sewer district for the purpose of designing, engineering, planning, constructing, owning, operating, maintaining, repairing, and replacing a district-wide water supply, sanitary sewer and wastewater treatment system and for no other purpose. Such district shall be comprised of the project property. The village district shall be a body corporate and politic and shall have all the powers in relation to the objects for which it was established that towns have or may have in relation to like objects and all that are necessary for the accomplishment of its purposes. Nothing in this Act shall be construed to exempt the village district, including its water supply, sanitary sewer, and wastewater treatment facilities, or the project property from the lawful site plan, subdivision, and zoning regulations of the town of Danbury or from the requirements of any development agreement with the town relating to the project property.

Amend paragraph IV of section 3 of the bill by replacing it with the following:

IV. All operating costs, including professional fees, incurred by the village district before the transition date shall be levied and assessed by the village district against the property within the village district in the same manner as property taxes are levied and assessed pursuant to RSA 76, except to the extent, that any such costs are recovered through charges to residents of the village district for water and sewer service as authorized by law. Payment of tax revenue from the town of Danbury to the village district shall be governed by RSA 52:16. The town of Danbury shall remit all revenue to the village district from taxes collected under RSA 52:16 and shall have no obligation to distribute any tax revenue to the village district beyond that so collected. The village district shall bear any incremental costs the town incurs for assessing, billing, collecting, holding, or distributing taxes for or to the village district.

Amend section 3 of the bill by inserting after paragraph IV the following new paragraph and renumbering the original paragraphs V – X to read as VI - XI:

V. Upon the sale by the town of Danbury of property within the village district pursuant to RSA 80, the proceeds shall be applied first to accrued taxes, interest, costs and penalties due to the town, county, school district, and state prior to any distribution of such proceeds to the village district.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Taxation of Village District Property. Notwithstanding RSA 72:23, until 3 years after the transition date all land, buildings, and structures owned by the village district within the town of Danbury shall be subject to taxation under RSA 76 to the same extent as such property otherwise would be subject to taxation if not owned by a village district.

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 92, establishing a committee to study public access to political campaign information. Ought to Pass, Vote 4-0. Senator Lasky for the committee.

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

SB 126-FN, prohibiting the placement of political signs in public rights-of-way. Inexpedient to Legislate, Vote 4-1. Senator Boutin for the committee.

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

SB 146, relative to accessory dwelling units. Ought to Pass with Amendment, Vote 4-0. Senator Boutin for the committee.

Public and Municipal Affairs

March 4, 2015

2015-0740s

08/10

Amendment to SB 146

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

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

Accessory Dwelling Units

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

674:68 Accessory Dwelling Units.

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

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

III. Adequate provisions for water supply and sewage disposal shall be made for an accessory dwelling unit, but separate systems shall not be required for the principal and accessory dwelling units.

IV. A municipality may restrict the appearance and location of a detached accessory dwelling unit only if other detached accessory structures are also so restricted.

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

VI. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 800 square feet of living space or 40 percent of the living space of the principal dwelling unit, whichever is smaller.

VII. A municipality may not limit occupancy of either the principal or the accessory dwelling unit based on familial relations with the occupants of the other unit.

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

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

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

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

~~(m)]~~ Impact fees.

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

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

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

IV. As used in this section[;],

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

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

5 Effective Date. This act shall take effect June 1, 2016.

The question is on the adoption of the Committee Amendment.

A division vote was requested.

Yeas: 13 - Nays: 9

Adopted.

Sens. Prescott and Stiles are in opposition to the Committee Amendment on SB 146.

Sen. Boutin offered a floor amendment.

Sen. Boutin, Dist. 16

March 11, 2015

2015-0832s

03/08

Floor Amendment to SB 146

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

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

Accessory Dwelling Units

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

674:68 Accessory Dwelling Units.

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

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

III. Adequate provisions for water supply and sewage disposal shall be made for an accessory dwelling unit, but separate systems shall not be required for the principal and accessory dwelling units.

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

V. A municipality may establish standards for accessory dwelling units for the purpose of maintaining the aesthetic continuity with the principal dwelling unit as a single-family dwelling. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than 40 percent of the living space of the principal dwelling unit.

VI. A municipality may not limit occupancy of either the principal or the accessory dwelling unit based on familial relations with the occupants of the other unit.

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

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

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

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

~~(m)]~~ Impact fees.

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

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

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

IV. As used in this section[;],

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

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

5 Effective Date. This act shall take effect June 1, 2016.

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

Sens. Hosmer, Prescott, and Stiles are in opposition to the Floor Amendment on SB 146.

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

Sens. Forrester, Hosmer, Morse, Prescott, Sanborn, and Stiles are in opposition to the motion of Ought to Pass with Amendment on SB 146.

SB 198-FN-L, allowing all voters to vote by absentee ballot. Re-refer to committee, Vote 5-0. Senator Kelly for the committee.

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

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill was special ordered to the present time.

TRANSPORTATION

SB 262-FN, relative to the form of drivers' licenses and identification cards. Inexpedient to Legislate, Vote 5-0. Senator Daniels for the committee.

This bill requires that drivers' licenses and non-driver identification cards comply with Public Law 109-13 (Real ID) unless noncompliance is requested by the applicant. Testimony indicated this legislation violates our citizens' privacy when there is not an imminent mandate in place to implement "Real ID" standards. Furthermore, NH's legislative authority could be transferred to the Federal government as a result of complying with the Real ID Act.

Recess. Out of recess.

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

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

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.

PUBLIC AND MUNICIPAL AFFAIRS

SB 207-FN, eliminating the requirement that moderators photograph voters without identification. Inexpedient to Legislate, Vote 3-2. Senator Birdsell for the committee.

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

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

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.

WAYS AND MEANS

SB 34-FN-L, establishing a voluntary tax disclosure program and a tax amnesty program in the department of revenue administration. Ought to Pass with Amendment, Vote 5-0. Senator Sanborn for the committee.

Senate Ways and Means

March 3, 2015

2015-0679s

10/09

Amendment to SB 34-FN-LOCAL

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

1 New Paragraph; Department of Revenue Administration; Duties of the Commissioner; Voluntary Disclosure Program. Amend RSA 21-J:3 by inserting after paragraph XXX the following new paragraph:

XXXI. Establish a voluntary disclosure program for taxes administered by the department wherein a person or entity voluntarily self-discloses a tax liability to the department and the department waives applicable penalties and settles and compromises the taxes and interest due through a voluntary disclosure agreement.

A person or entity is not eligible to participate in the voluntary disclosure program if the department has contacted or informed the person or entity, an affiliate of the entity, or a member of a unitary business, of which the entity is a member, that the department is inquiring into the person, entity, or unitary business' liability for tax or whether the person, entity, or unitary business is subject to tax or tax collection responsibilities in this state. A person or entity is not eligible to participate in the voluntary disclosure program regarding a specific tax administered by the department if the person, entity, or unitary business, of which the person or entity is a member, has filed a return in a previous taxable period for the specific tax, except for good cause shown. A provider, operator, or retailer who collected, but failed to remit, the tax to the state shall not be eligible for the voluntary disclosure program.

2 New Paragraph; Rulemaking; Commissioner of Revenue Administration. Amend RSA 21-J:13 by inserting after paragraph XIII the following new paragraph:

XIV. The implementation and administration of a voluntary disclosure program established under RSA 21-J:3, XXXI.

3 Tax Amnesty; Department of Revenue Administration; Appropriations.

I. Notwithstanding the provisions of any other law, with respect to taxes administered and collected by the department of revenue administration, an amnesty from the assessment or payment of all penalties and interest for the tax period shall apply with respect to unpaid taxes reported and paid in full during the period from September 1, 2015, through and including October 15, 2015, regardless of whether previously assessed. This amnesty shall only apply to taxes due but unpaid on or before October 15, 2015.

II. From the revenue collected pursuant to the tax amnesty program established in paragraph I, the following sums, under a warrant of the governor, are hereby appropriated:

(a) The first \$50,000 of the revenue collected shall be appropriated to the commissioner of revenue administration for the use in administration and marketing of the tax amnesty program.

(b) The next \$500,000 of the revenue collected shall be appropriated to the commissioner of revenue administration for use in establishing the taxpayer e-file program.

(c) For the remaining revenues collected up to \$15,000,000, such sum is hereby appropriated to the commissioner of transportation for deposit in the highway and bridge betterment account and allocation under RSA 235:23-a, III.

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

2015-0679s

AMENDED ANALYSIS

This bill establishes a voluntary disclosure program for persons or entities to self-disclose a tax liability to the department of revenue administration in order to waive penalties and settle and compromise the tax and interest due. This bill also establishes a temporary tax amnesty program and makes appropriations of certain revenues collected under the amnesty 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. Forrester is in opposition to the motion of Ought to Pass with Amendment on SB 34-FN-L.

Sen. Bradley moved to Lay on the Table SB 34-FN-L. Adopted.

SB 89, relative to the revenue of cigar bars. Re-refer to committee, Vote 5-0. Senator D'Allesandro for the committee.

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

SB 113-FN-A-L, relative to video lottery and table gaming. Ought to Pass with Amendment, Vote 3-2. Senator D'Allesandro for the committee.

Senate Ways and Means

March 4, 2015

2015-0723s

08/09

Amendment to SB 113-FN-A-LOCAL

Amend RSA 284-B:14, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission shall award one category 1 gaming license and one category 2 gaming license, as defined in paragraphs II and III of this section, for 2 separate gaming locations.

Amend RSA 284-B:14, V as inserted by section 1 of the bill by replacing it with the following:

V. No gaming licenses shall be issued in addition to the 2 authorized by this section until both gaming licenses authorized by this chapter are issued and a performance audit has been recommended by the joint legislative performance audit and oversight committee and the recommendations have been accepted by the legislature. Thereafter, the commission shall not be given the authority to issue any additional licenses unless the issuance of such licenses is approved by a majority vote of both houses of the general court.

Amend the introductory paragraph of RSA 284-B:32, IV(a)(8) as inserted by section 1 of the bill by replacing it with the following:

(8) Data center space for a central computer system:

Amend RSA 284-B:33, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Ensuring that each slot machine and fully automated electronic gaming table directly provides or communicates all required activities and financial details to the central computer system.

Amend RSA 284-B:43, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The communications protocol and technical standards applicable to the central computer system.

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

Recess. Out of recess.

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

A roll call was requested by Sen. Reagan, seconded by Sen. D'Allesandro.

The following Senators voted Yes: Woodburn, Watters, Cataldo, Hosmer, Avard, Lasky, Carson, Boutin, Soucy, Birdsell, D'Allesandro, Stiles, Morse.

The following Senators voted No: Forrester, Bradley, Pierce, Little, Sanborn, Kelly, Daniels, Feltes, Reagan, Fuller Clark, Prescott.

Yeas: 13 - Nays: 11

Adopted, bill ordered to Third Reading.

Sen. Pierce is excused for the day.

SPECIAL ORDER

Without objection, the following bill was special ordered to the present time.

SB 232-FN-A, exempting certain leases from the real estate transfer tax. Ought to Pass, Vote 4-1. Senator D'Allesandro for the committee.

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

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

The following Senators voted Yes: Woodburn, Forrester, Bradley, Watters, 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: 23 - Nays: 0

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

Sen. Pierce is excused.

SB 121-FN-L, relative to definitions used for purposes of current use taxation. Re-refer to committee, Vote 5-0. Senator Feltes for the committee.

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

SB 134-FN, relative to the escheat of United States savings bonds. Ought to Pass, Vote 4-1. Senator D'Allesandro for the committee.

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

SB 213-FN-A-L, relative to the disposition of meals and rooms tax revenues to towns and cities. Ought to Pass with Amendment, Vote 3-2. Senator Feltes for the committee.

Senate Ways and Means

March 2, 2015

2015-0625s

10/05

Amendment to SB 213-FN-A-LOCAL

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

AN ACT establishing a committee to study the formula for distribution of meals and rooms tax revenues.

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

1 Committee Established. There is established a committee to study the formula for distribution of meals and rooms tax revenues.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the formula for distribution of meals and rooms tax revenues. The committee shall invite stakeholders and solicit input and advice from persons and entities the committee deems relevant to its study.

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

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

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

2015-0625s

AMENDED ANALYSIS

This bill establishes a committee to study the formula for distribution of meals and rooms tax revenues.

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 220-FN-A, establishing a tax amnesty program and making an appropriation therefor. Inexpedient to Legislate, Vote 5-0. Senator D'Allesandro for the committee.

Sen. Bradley moved to Lay on the Table SB 220-FN-A. Adopted.

SB 239-FN, relative to application of the Internal Revenue Code to provisions of the business profits tax. Re-refer to committee, Vote 5-0. Senator Sanborn for the committee.

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

JUDICIARY

SB 72, relative to confidentiality of police personnel files. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

The bill deals with the Laurie Lists which indicate police officers who may have exculpatory files which must be reviewed by the court in pending cases. The bill as amended provides for due process for officers and establishes a committee to delve into this complicated issue.

Senate Judiciary

March 3, 2015

2015-0709s

09/10

Amendment to SB 72

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

AN ACT relative to confidentiality of police personnel files and establishing a committee to study the use of police personnel files as they relate to the Laurie List.

Amend RSA 105:13-b, II as inserted by section 1 of the bill by replacing it with the following:

II. Prior to the disclosure of a police officer's personnel file to the defendant, the prosecuting official shall notify the police officer of the information the prosecuting official intends to disclose and the court shall allow the police officer a reasonable period of time to request a prehearing evidentiary proceeding before the court adjudicating the criminal matter. The court shall grant a prehearing evidentiary proceeding upon the police officer's request.

Amend RSA 105:13-b, IV as inserted by section 1 of the bill by replacing it with the following:

IV. No personnel file of a police officer who is serving as a witness or prosecutor in a criminal case shall be opened for the purposes of obtaining or reviewing non-exculpatory evidence in that criminal case, unless the judge makes a specific ruling that probable cause exists to believe that the file contains evidence relevant to that criminal case. If the judge rules that probable cause exists, the judge shall order the police department employing the officer to deliver the file to the judge. Prior to the disclosure of a police officer's personnel file to the court, the prosecuting official shall notify the police officer of the information the prosecuting official intends to disclose and the court shall allow the police officer a reasonable period of time to request a prehearing evidentiary proceeding before the court adjudicating the criminal matter. The court shall grant a prehearing evidentiary proceeding upon the police officer's request. The determination as to whether the file is relevant will be a confidential proceeding under seal until a determination is made that the information is exculpatory. If the court find that the file does not contain exculpatory information, the court shall order that the file is not subject to any disclosure. Only those portions of the file which the judge determines to be relevant in the case shall be released to be used as evidence in accordance with all applicable rules regarding evidence in criminal cases. The remainder of the file shall be treated as confidential and shall be returned to the police department employing the officer.

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

2 Committee Established.

I. There is established a committee to study the use of police personnel files as they relate to the Laurie List.

II.(a) The members of the committee shall be as follows:

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

(2) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. The committee shall study the use of police personnel files as they relate to the Laurie List. The committee's study shall include, but not be limited to, what the appropriate procedure and criteria should be for being placed on or removed from the Laurie List. The committee shall study any other issue that the committee deems relevant to its objective. The committee may solicit the advice or testimony of any organization or individual with information or expertise relevant to its study.

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

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

3 Effective Date.

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

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

2015-0709s

AMENDED ANALYSIS

This bill establishes a procedure for disclosure of exculpatory information in police personnel files when a police officer is serving as a witness or prosecutor in a criminal case.

The bill also establishes a committee to study the use of police personnel files as they relate to the Laurie List. Sen. Bradley moved to Lay on the Table SB 72. Adopted.

MOTION TO REMOVE FROM THE TABLE

Sen. Bradley moved to remove SB 84 from the table. Adopted.

SB 84, relative to the definition of “telemedicine.” Ought to Pass, Vote 2-0. Senator Sanborn for the committee.

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

MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Sen. Feltes: SB 260-FN.

ANNOUNCEMENTS

(The Chair recognized Sen. Woodburn.)

SENATOR WOODBURN: Thank you, Mister President. Special privilege. We have two Senators here having a birthday, and I just wanted to wish them a great and happy birthday. And they are Senator Bette Lasky, and Senator Martha Fuller Clark.

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

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

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

SB 32, relative to state agency budgetary reporting requirements.

SB 40-FN, relative to the penalties for negligent homicide and manslaughter causing a miscarriage or still-birth and relative to miscarriage or stillbirth in second degree murder cases.

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

SB 52, establishing a commission to study the issue of residential tenancies in foreclosed properties.

SB 55, allowing private employers to establish a policy granting a veterans' preference in employment decisions.

SB 75, relative to unfair trade practices targeting veterans.

SB 77-L, authorizing the creation of a special purpose village district within the town of Danbury.

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

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

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

SB 108-FN, relative to health care associated infections.

SB 113-FN-A-L, relative to video lottery and table gaming.

SB 117-FN-L, relative to energy security and diversity.

SB 119, relative to the regulation of consumer guaranty contracts and debt cancellation or debt suspension agreements by the insurance department.

SB 124-FN, relative to filing felonies first in the superior court.

SB 133-FN, relative to certain health care data and relative to certain workers' compensation medical claim data collected by the insurance department.

SB 134-FN, relative to the escheat of United States savings bonds.

SB 146, relative to accessory dwelling units.

SB 151-FN, requiring inclusion of home educated pupils in the definition of average daily membership in attendance.

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

SB 160, relative to duplicate vessel registration certificates.

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

SB 163, relative to wholesale hospital-to-hospital laboratory and testing services.

SB 181, relative to registration fees for hunter education programs of the fish and game department.

SB 200-FN, relative to newborn screening for Krabbe Leukodystrophy.

SB 219-FN, relative to breastfeeding.

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

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

SB 259-FN-L, relative to place of assembly licenses.

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.